SHALL THE TERRITORIES BE AFRICANIZED?

SPEECH

OF

HON. JAMES HARLAN, OF IOWA.

Delivered in the Senate of the United States, January 4, 1860.

The Senate having under consideration the motion of Mr. BRIGHT, to print the annual message of the President of the United States and the accompanying documents—

Mr. HARLAN said:

Mr. PRESIDENT: I was about to remark, when I gave way for these personal explanations, that the members of the two great political parties of the country may now begin to understand each other. When the President says, in the message now under consideration, that

> "The right has been established of every citizen to take his property of any kind, including slaves, into the common Territories belonging equally to all the States of the Confederacy, and to have it protected there under the Federal Constitution;" that "neither Congress, nor a Territorial Legislature, nor any human power, has any authority to annul or impair this vested right"—

He speaks the opinion of every Democratic member of the Senate, with the exception of one or two, and, I think, the avowed opinion of nearly every Democratic member of the other branch of Congress, including a majority of the Democratic members from the State of Illinois. Now, sir, if we admit this proposition to be true, the corollary must necessarily follow, that if this property introduced into the Territories under the provisions of the Constitution of the United States is found to be insecure, it will become the duty of Congress to provide the means for its legal protection. The conclusion, admitting the premises, is irresistible. When a member of the Senate of the United States walks up to that tribunal, and with his hand uplifted swears in the presence of God and his countrymen to support the Constitution of the United States, he cannot be construed to mean a mere acquiescence in its provisions. He swears to support the Constitution in his official capacity as a Senator, as a legislator from whose brain must emanate the laws necessary for the protection of the rights guarantied by it. Hence, if the alleged right to hold slaves in the Territories be conceded to be a constitutional right, he who swears, in his official capacity as a legislator, to support the Constitution, must enact the laws necessary for its protection. The Republicans deny the premises, and are not therefore bound by the conclusion. The reason assigned on the other side of this Chamber for this exposition of the constitutional rights of slaveholders, is much broader in its application than has yet been stated.

It is said that the citizens of each State have a common right to go into and enjoy the common territory belonging to the Republic, because it was purchased by the common blood and treasure of the nation; that it would be flagrant injustice to the slaveholder to tax his purse and his blood in procuring it, and then to exclude him from its occupancy, by denying him the right to enter it with his slaves. But this reasoning is as applicable to the States as to the Territories. In the State I have the honor in part to represent on this floor, in California, Oregon, Minnesota, Wisconsin, and Illinois, from which slavery has been excluded, not only by act of Congress, but by the provisions of the State Constitutions, there is a large quantity of public land. If, then, the introduction of slaves into the Territories can be demanded by the slaveholder because of its purchase from the common treasure, he may, for the same reason, demand its admission into all the States containing public domain. This argument addresses itself rather to the Convention which framed the Constitution than to the Congress engaged in administering it, only so far as it may be used to throw light on the intention of its authors, in explaining any ambiguous provision. It would not be reasonable to suppose that the framers of the Constitution intended to confer on Congress power to enact laws that would inflict injustice on the people of any of the States. But they were framing a paramount law for the States, as well as the national domain outside of the States. Hence, if this paramount law recognises the right of the slaveholder to slaves as property, and guaranties the protection of such property outside of the States authorizing its existence, by implication merely, founded on the reason stated, it must protect it wherever the facts exist on which the reason is founded.

But, sir, the proposition to exclude slavery from the Territories is complained of as a badge of odium; it is said to reflect disparagingly on

the people of the slave States. It has been denominated, on the floor of the Senate, "a stigma" on them and their institutions. Well, sir, this stigma—this moral disparagement—is no more marked as an act of Congress excluding slaves from the public domain, than as an act of each of a majority of the States of the Union, excluding slaves from every place subject to their jurisdiction. A majority of the States have thus repudiated slavery by their Constitutions and their laws. Honorable Senators, a few days since, denounced that provision of the Republican platform that denominates slavery and polygamy the twin relics of a barbarous age, and intimated their inability to associate with its defenders on terms of a common brotherhood, in consequence of the implied reflection on the moral character of those who own slaves. We were distinctly informed that the only certain mode of securing a return of this kindly intercourse, was the abandonment of our platform, and the dissolution of the Republican party. But, sir, there is a much more distinct reflection on slavery contained in the Constitutions and laws of eighteen of the sovereign States of the Confederation, in some of whom any act by which a human being could be held as a slave is declared to be a felony, and is punishable by imprisonment in the penitentiary. Can harmony and brotherly feeling, in this Chamber, and throughout the country, return while these odious Constitutions and laws exist? If the declaration, in a political platform, that slavery is a relic of a barbarous age, occasions the modest demand from the other side of the Chamber that the party shall be dissolved, under the pains and penalties of the loss of the kindly feeling and friendship of slaveholders, and those who represent slave States, what shall be said of the States who would punish slaveholding as a felony, if attempted within their jurisdiction? Can this brotherly feeling be expected until these States abrogate their Constitutions and repeal these odious laws—that is, cease to be free States, and become slave States?

But, sir, this demand that slaveholding shall be approved by the people of the free States as morally right, and slave property placed on a platform of perfect equality with every other species of property, is still broader in its application. The people of the free States may cross the Atlantic to any people on earth with whom we are on terms of peace and amity, and purchase property of every kind that may be legally sold, according to their laws, and that may be legally held in these States, and return with it with perfect impunity. Citizens of Iowa have sent to Europe for horses and cattle and sheep and swine and domestic fowls, for the purpose of improving the character of the stock at home; and when thus abroad, they claim the protection of the stars and the stripes of this Republic, and if molested or insulted, would justly demand that the entire military and naval power of the nation should be called into requisition to avenge the insult or to redress the wrong. But how is it when a citizen of a slave State goes across the same Atlantic to a country where commerce in slaves is perfectly legitimate, and attempts to import a cargo of this kind of stock to States of this Confederation in which slaves are held as property? If arrested, and delivered to the authorities of the United States, instead of securing the protection of his own Government, he is declared to be a pirate, an enemy of the race, and will be hung by the neck until he is dead. You claim that your slave property shall be placed on a platform of perfect equality, under the laws of the United States, with every other species of property—that there shall be no discrimination against it, no odious distinctions against your institutions. Will you not, then, be compelled to repeal the laws that make it "piracy" to trade in slaves abroad? To this conclusion, as it seems to me, the Democratic party is legitimately drifting.

The Republicans deny the premises. They deny that slave property does or can exist outside of the States tolerating it. They deny that we are required in the free States to contemplate the people residing in any State, black or white, as property. We treat all your inhabitants as people. I deny that members of Congress are required, as legislators, to treat those whom you denominate slaves as property. I deny that the *Constitution* treats of them as *property*. It grants you a representation for them, as "persons;" it requires their return when they escape to other States, as "persons owing service under the laws of a State;" it authorizes Congress to inhibit their immigration, after the year 1808, as "persons," and not as property. Hence, as a Senator, I will legislate for them, and about them, in the light only in which the Constitution describes them. In the enactment of a law creating a Government for a new Territory, I will regard all of its people, resident and prospective, as "persons," and provide for the protection of all their rights of person.

This leads me to the consideration of the power of Congress to legislate for the Territories.

The possession of this power is now admitted by the President, in the message under consideration, and by every Democratic Senator on this floor, as far as I am able to learn, with the exception of two. In the other branch of Congress, there appears to be equal unanimity. The honorable Senator from Ohio, [Mr. PUGH]—one of the two exceptions—if I understood him correctly on yesterday, denies the existence of this right on constitutional grounds, as well as that of expediency. Before joining issue on the question of expediency, it might be well to ascertain how far we differ from each other, that we may not spend our strength in fighting a shadow.

How far, then, do the Republicans propose to legislate for the people of a Territory? Only so far forth as may be necessary for the protection of their natural rights from invasion from abroad or subversion from within. The distinction between a despotism and a constitutional Government is only this: in the former, the will of the governing power is supreme, and may arbitrarily dispose of the lives, liberty, property, conscience, and character, of the people; in the latter, the Government is restrained from the invasion of the natural rights of man by what is usually styled a Constitution. This is equally true of a republic or of a monarchy. It has never been claimed in this country that a legislative body does possess, or ought to possess, unlimited

legislative power over the lives, and liberty, and property, and consciences, and character, of the people. In this country, the people reserve these private rights; they never surrender them to civil society. They have maintained, from the beginning, that every just Government among men exists solely for their protection. Hence, they have uniformly adopted in each State a Constitution—a fundamental law; a law that is higher than the statute laws; a law that is intended to control the action of the Legislature, the Judiciary, and the Executive; a law that all these combined cannot set aside; a law that defines the scope of legitimate legislative power; that permits the Legislature to enact all laws which, in their judgment, are necessary for the protection of the natural rights of men, and no more.

The Republicans propose the same in relation to the Territories; that in the Territories there shall be a fundamental law, a declaration of rights, such as was enacted by the Congress of the United States in the year 1787, in providing for the government of the territory of the United States northwest of the Ohio river. To this act of the old Congress it might be well for members of the Senate to refer. An examination will demonstrate that it is in fact "a Constitution" for the people of that Territory. It contains every essential provision now contained in the Constitution of the State of Ohio. It contains every fundamental characteristic of the Constitutions of each and all the individual States. It indicates who shall make the laws. It indicates who shall adjudicate and apply them, and by whom those laws shall be enforced. It contains, also, a bill of rights for the restriction of legislative power, which may not be violated by courts, Governors, or Legislatures. The Republicans propose to establish this kind of government for the new Territories; to establish for each a *constitutional republic*, recognising the doctrine of the fathers, that the people of the Territories, as well as of the States, possess certain inalienable rights, that they need not surrender to the local Government, that the local Government cannot rightfully take from them; that among these may be reckoned the right to life, the right to liberty, the right to freedom of conscience, the right to protection of character and property.

The constitutional right of Congress to pass an organic act for the establishment of a Territorial Government, no one will deny; no one will pretend that this organic act does not become the fundamental law of the Territory, its Constitution, which cannot be trampled under foot by its Legislature, Courts, or Executive.

But if Congress has the unquestioned power to establish a constitutional Government for a Territory, to create a temporary Constitution, defining the powers of its respective departments, how much power should be conferred on its local Legislature? The Republicans respond, "grant the Territorial Legislature all the power necessary to provide for the protection of the *natural rights of men*, and no power to legally violate them." Provide, in the enactment of the fundamental law, that any Territorial law violating the well-settled and clearly-defined natural rights of men, shall be void. This is no new doctrine; it is but a continuation of the Territorial policy adopted at the beginning of the Government, and continued throughout its whole history until within a few years, as was amply demonstrated, in a masterly manner, on yesterday, by the honorable Senator from Wisconsin, [Mr. DOOLITTLE.] The wisdom of the policy has also been demonstrated by the peace and quiet, and the security of life and property, that has been uniformly observed in all of these Territories, by the rapid increase of population, the development of their natural resources, and speedy admission into the Union. So conclusive to my mind is the argument drawn from the history of the action of the National Government on this subject, embracing all its departments, extending over a period of nearly seventy years, and the history of the Territories themselves on the question of the constitutionality and also of the eminent propriety of this policy, that I was surprised to hear a gentleman of the legal acumen of the honorable Senator from Ohio [Mr. PUGH] attempt to refute it by the flimsy allegation that the ordinance of 1787 was a contract entered into by the old States previous to the adoption of the Constitution, which, under its provisions, the new Government was bound to execute; and, consequently, that the exclusion of slavery from Territories northwest of the Ohio river, by subsequent acts of Congress, cannot be regarded as a legislative interpretation of the constitutional power of Congress to apply the same restriction to other Territories.

Was this ordinance, in fact, a contract between the old States of the Confederation? The ordinance commences with this language:

"Be it ordained by the United States in Congress assembled."

Not by the State of Virginia and the State of North Carolina and the State of New York, &c., each of whom would have been competent, at that time, to enter into a compact with the other, but by the Congress:

"It is hereby ordained and declared, by the authority aforesaid"—

That is, by the authority of Congress—

"That the following articles shall be considered as articles of compact"—

Between whom?

"Between the original States and the people and the States in the said Territory, and forever remain unalterable, unless by common consent."

It was not a compact entered into between the individual States of the Confederation, but a mere act of the old Congress. Congress attempted, in its legislative capacity, to enter into a compact between the people of the whole country on the one side, and on the other a people yet unborn—the people of five States thence afterwards to be organized. It was a compact made by a party existing with a party that did not exist. And this legislative declaration is supposed to be irrepealable and binding on the individual States, that never, in their individual capacity, became a party to it! I admit that it was in the nature of a compact—it was in the nature of an agreement. It ought to have been binding in honor on all the parties that acquiesced in it, just as the Missouri compromise was in the nature of a contract. It was an agreement made by the Congress of the Uni

ted States, and acquiesced in, for a long term of years, by the people of each and all the States, and it ought, as an honorable understanding, to have been maintained. But it was not legally binding or irrepealable.

Mr. PUGH. Will the Senator permit me to interrupt him?

Mr. HARLAN. I will yield merely for a statement, but not for any extended remarks.

Mr. PUGH. I do not wish to make any extended statement. I was not referring to that portion of the ordinance, although I see no difficulty in a contract of that character. What I meant to say was this: Under the old Confederation, the States were equally represented, and voted by States. The Articles of Confederation did not authorize the ordinance of 1787; but, as Mr. Madison declared in the *Federalist*, the States ceded the land to the Congress as their trustee, and in that old Congress they were all equally represented as a congress of ambassadors, and they made this as their agreement. I do not care what particular language it commences with. It was the act of a body of ambassadors representing the States, voting equally, not like this Congress.

Mr. HARLAN. Well, Mr. President, this makes the case stronger. If the representatives of the States in that Congress had no power under the Confederation to enter into an agreement of this kind, it would be void from the beginning.

Mr. PUGH. It was void as an act of legislation.

Mr. HARLAN. Then if void from the beginning as an act of legislation, how could it have been regarded as binding on a subsequent Government?

Mr. PUGH. It was binding as a compact.

Mr. HARLAN. Merely as an honorable arrangement, not as a legal agreement, and this vitiates the whole speech of the honorable Senator from Ohio, in my estimation.

Mr. PUGH. Will the Senator answer me what other obligation a treaty has than an honorable obligation? You cannot enforce it by any action.

Mr. HARLAN. A treaty is usually entered into between two parties, each of whom is capable of making a contract, and each of whom is authorized to make a contract. In this case, according to the admission of the honorable Senator, the parties assuming to make the contract had no authority. They were the agents of the people of the States, that had exhausted all their power before they reached this act. In the case of a treaty, each nation is competent to make a bargain for itself, and may enforce it. In this case, then, it is insisted, on the part of honorable Senators, that a compact perfectly void, *ab initio*, must afterwards be regarded as binding on a subsequent Government; and that, consequently, the legislation of Congress excluding Slavery from the Territories of the Northwest was perfectly legitimate and constitutional, although the acts of the same Congress and of the same Government excluding slavery from the Territories west of the Mississippi would be unconstitutional.

Mr. PUGH. The Senator, if he will permit me, evidently misunderstands me again. I presume that is not his object. I say it was invalid as an act of legislation. To give no other reason, the Articles of Confederation required the vote of nine States; the ordinance never received the vote of nine States. It was not an act of legislation; and, although invalid as an act of legislation, yet, the public lands being ceded to the States, a majority of the States, acting for all, made this division of the trust property. It might be void as a law, but valid as in the nature of a contract—just as valid as a treaty.

Mr. TRUMBULL. Under the Articles of Confederation, a majority was sufficient to pass the ordinance of 1787; they did not require nine States.

Mr. PUGH. It did require nine for the ordinance; not for every act, but for such an act as that.

Mr. TRUMBULL. It did not for the ordinance; the Senator can show no authority for that statement.

Mr. HARLAN. As I regard this disagreement as to fact immaterial to my argument, I shall not delay now to investigate it;* but I will merely restate that this does not purport to be a contract entered into by individual States of this Confederacy with each other, but a compact entered into by the Congress of the United States with the future States of the Northwest and the people thereof; communities that did not legally exist at the time; that merely had a prospective being, and consequently had no power morally or in law to make a contract. Then, if the Senator is right, when he says that this act was perfectly void as a law, and as it does not purport to be an agreement between the old States with each other, it strengthens the position I have taken.

The power of Congress to provide for the people of the Territories constitutional Governments, protecting them in the enjoyment of all their natural rights, having been sustained by the uniform action of Presidents, Congress, and the Judiciary, with but one opposing opinion rendered by a divided court, under the influence of great political excitement then prevailing at the Capitol, it may now be regarded as conclusively settled. We are thus free to contemplate without prejudice the legitimate effects that would flow from the adoption of the policy of the Republican or of the Democratic party, and to decide into whose hands we shall intrust the reins of government. The decision of this question will determine by what race of men the unoccupied territories shall be peopled.

The policy of the Republican party invites the Anglo-Saxon, the Celt, the Gaul, and others of Caucasian blood, by its proposed pre-emption and homestead laws, to enter and occupy them;

* "The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless *nine* States assent to the same; nor shall a question on any *other* point, except for adjourning from day to day, be determined, unless by the votes of a *majority* of the United States in Congress assembled."—*See 9th article of "Articles of Confederation and Perpetual Union between the States,"* HICKEY'S CONSTITUTION, p. 488.

and by the exclusion of slavery it will practically exclude the negro and kindred races.

In 1850 there were 3,638,808 colored people in the United States; the number is now probably about 4,800,000; of the first number, 3,204,313 were slaves, amounting now probably to 4,250,000. These have no power to emigrate, and would be practically excluded by the enactment, as a part of the organic law of each Territory, that "neither slavery nor involuntary servitude shall ever exist therein, except as a punishment of crime, whereof the party shall have been duly convicted according to law." Of the free colored persons, very few have the inclination or pecuniary ability to emigrate.

That this simple provision, so eminently just, and in strict accordance with the spirit of the Constitution and our free institutions, as understood by the fathers of the Republic and their descendants for nearly three-quarters of a century, would prove a practical barrier to the emigration of negroes to the new Territories, has been demonstrated by experience. To the nine new States in the Southwest, from which slavery was not excluded by Congress in enacting their organic laws, and which have been admitted into the Union since the adoption of the Constitution, the emigration of negroes has been very large. I find, by an examination of the census report for 1850, that in the State of Alabama, at that time, forty-five per cent. of the whole population was of the African race; in Arkansas, twenty-three per cent.; in Florida, forty-six per cent.; in Kentucky, twenty-three per cent.; in Louisiana, fifty-one per cent.; in Mississippi, fifty-one per cent.; in Missouri, thirteen per cent.; in Tennessee, twenty-five per cent.; in Texas, twenty-eight per cent.

The emigration of negroes to the new States of the Northwest, from which slavery had been excluded, was very small. In 1850, the negro population, compared with the whole population, amounted, in California, to one per cent.; in Illinois, six tenths of one per cent.; in Indiana, one and one tenth per cent.; in Iowa, one tenth of one per cent.; in Michigan, six tenths of one per cent.; in Ohio, one and two tenths per cent.; in Wisconsin, two tenths of one per cent.; in Minnesota, six tenths of one per cent.; and in Oregon, one and a half per cent.

Nor has the exclusion of slavery from these Territories stimulated an excessive emigration of free negroes. In 1850, there were, in the nine new slave States previously named, forty-one thousand six hundred and forty-five free colored persons, and in the nine new free States named, containing double the white population of the former, but forty-six thousand seven hundred and thirty-six; in all the slave States, containing a white population of about six millions, there were two hundred and thirty-eight thousand one hundred and eighty-six free negroes; and in all of the free States, with more than thirteen million white people, there were but one hundred and ninety-six thousand two hundred and sixty-two free negroes. It is manifest, therefore, that the adoption of the policy of the Republican party would people our vast public domain with the white race, without inflicting an act of injustice, or casting the least opprobrium on the castes of mankind usually denominated by the Democracy the inferior races.

On the other hand, the direct and immediate effect of continuing the policy of the Democratic party, as defined by the President in his message, and sustained by every Democratic member of the Senate and House, and the Democratic members of the Supreme Court, would be to fill the virgin Territories with negroes, wherever negro labor can be made profitable. And although it is manifest that negroes cannot, or will not, emigrate from their old homes to new countries, in large numbers, the Democratic party, by its policy, proposes to secure their rapid occupancy of all that part of the continent where the climate is supposed to be congenial to the negro temperament, and where negro labor can be made profitable, by an appeal to the cupidity of slaveholders, who, it is expected, will be prompted by interest to compel their slaves to migrate from worn-out lands to a fruitful and virgin soil. Hence, their repeal of the Missouri compromise, which excluded slavery from the Territories north of 36° 30′ north latitude; hence, their refusal to pass GROW'S pre-emption bill, and the homestead bill; and hence the enunciation of this new Democratic dogma, "that Congress has no power to pass laws excluding slavery from the Territories."

It is insisted, however, that this whole question must be decided by climate. That, in a southern climate, the white man cannot endure labor; that negro labor must be employed, or the country must be abandoned, and the civilized world lose its great staples, rice, tobacco, indigo, sugar, and cotton. If true, this is a grave consideration; if free negroes *will not work* in a warm climate, and white men *cannot* work in a warm climate, and these staples *cannot* be dispensed with by civilized society, this is an end of the controversy.

On this point, I invite attention to the instruction of history. How did the historian find men originally located in regard to color? I will read from a few authorities deemed standard works. M. De Verey says:

"Do we not, in fact, behold the tawny Hungarian dwelling for ages under the same parallel and in the same country with the whitest nations of Europe; and the red Peruvian, the brown Malay, the nearly white Abyssinian, in the very zones which the blackest people in the universe inhabit? The natives of Van Diemen's Land are black, while Europeans of the corresponding northern latitude are white, and the Malabars, in the most burning climate, are no browner than the Siberians."—Page 1115, *Elliotson's Human Physiology.*

Dr. Morton says:

"The tribes which wander along the burning plains of the equinoctial region of America have no darker skins than the mountaineers of the temperate zone. While the Guyacas, under the line, are characterized by a fair complexion, the Charruas, who are almost black, inhabit the fiftieth degree of south latitude; and the yet blacker Californians are twenty-five degrees north of the equator."—Page 1116, *ibid.*

In Dr. Pritchard's Researches, volume I, it is said:

"With respect to the Polynesian tribes, the fairest nations are, in most instances, those situated nearest the equator. * * * We shall find," with respect to the Australian tribes, "that the complexion does not become regularly lighter as we recede from the inter-tropical clime; for the people of Van Diemen's Land, who are the most distant from the equator, are black." (Page 489.)—*See Bostock's Physiology*, page 799.

Humboldt says:

"We found the people of the Rio Negro swarthier than those of the lower Oronoco; and yet the banks of the first of these rivers enjoy a much cooler climate than the more northern regions. In the forests of Guiana are several tribes of a whitish complexion; yet these tribes have never mingled with Europeans, and are surrounded with other tribes of a dark-brown hue. The Indians of the torrid zone, who inhabit the most elevated plains of the Cordilleras of the Andes, and those who are under the forty-fifth degree of south latitude, have as coppery a complexion as those who, under a burning climate, cultivate bananas in the narrowest and deep valleys of the equinoctial regions."—*Political Essay on New Spain. See page 1115, Elliotson's Human Physiology.*

Nott and Gliddon say:

"It is true that most of the black races are found in Africa; but, on the other hand, many equally black are met with in the temperate climates of India, Australia, and Oceanica, though differing in every attribute except color."—*Types of Mankind, Nott and Gliddon*, page 63.

From these few citations, it becomes manifest that color is not controlled by climate, and that men of every hue may be found in every latitude. On this point, authorities are not discordant. But, sir, while this is admitted to be true in relation to the mere color, it is claimed that climate determines the location of race, and that each race, probably, had a distinct origin, and was adapted to the peculiarities of the climate in which it was originally found; and, of course, that the history of the origin of the human family contained in the Bible is all a fiction. I have no doubt that the views on this subject, which are now entertained by so many in the South, can be traced back to a learned paper written at a recent period by Professor Agassiz, and incorporated in the work last cited, which seems to have been written and published very opportunely to sustain that change in public opinion announced by the honorable Senators from Virginia the other day as having transpired, within a few years past, in Virginia and the South. This learned naturalist insists that the various races and nations of men were originally found, by the historian, located in strict conformity to the "flora and fauna" of every country, or that each race and nation was, in fact, a part of the fauna of the country where it existed. A general fauna, he says, exists, extending over all Europe, embracing the whole people, and a local fauna peculiar to each nation. But, in North and South America, he says, we find a general fauna embracing the whole country south of the northern terminus of forests bordering on the plains of ice and snow inhabited by the Esquimaux, and that this whole region was found, by the early navigators, in possession of but one type of the human family. Nott and Gliddon adopt this theory for the purpose of overturning the opinion so long entertained by the Christian world, that Eve was "the mother of all living." They say:

"The whole continent of America, with its mountain ranges and table lands, its valleys and low plains, its woods and prairies, exhibiting every variety of climate which could influence the nature of man, is inhabited by one great family, that presents a prevailing type."—*Nott and Gliddon*, page 69.

But this theory, so readily adopted by Southern political casuists for another purpose, overturns the dogma that the negro alone can labor and flourish in the Southern States and within the American tropics. The Indians have lived for unknown centuries within the tropics, and throughout the temperate zones of both continents. One race has occupied the whole country until driven out by Europeans.

Here is Professor Agassiz's classification of the fauna of Europe, America, and Africa:

"*European Realm.*—Cuvier's portrait of a European, Bear, Stag, Antelope, Goat, Sheep, Aucrochs, (Bos Urus.)

"*American Realm.*—Indian Chief, Bear, Stag, Antelope, Goat, Sheep, Bison, (Bos Americanus.)

"*African Realm.*—Mozambique Negro, Chimpanzee, Elephant, Rhinoceros, Hippopotamus, War-Hog, Giraffe."

The argument drawn from this classification is, that *white people* will flourish in any climate inhabited by bears, stags, antelopes, goats, sheep, &c.; that the Indian tribes will flourish where the same general fauna is produced, and that the negro will be healthy and vigorous in any country that produces the chimpanzee, elephant, rhinoceros, hippopotamus, war-hog, and giraffe. Not one of the last named, if we except species of the monkey race, is found in America. If this argument, founded on the fauna of a country, proves anything, it is that the European is naturally capable of inhabiting any part of the continent, as the general fauna of Europe and America are substantially the same throughout, and that the negro is not fitted for the American realm, north or south, as the fauna of Africa and America are totally distinct.

But if the white race, as laborers, are not excluded by an unrevealed law of God, written in the productions of nature, it is maintained by Democratic statesmen, especially in the North, that they are excluded by Southern malaria and fevers. An examination of a large number of authorities on this subject, although not harmonious, convinces me that negroes are less liable to febrile affections, and especially to attacks of yellow fever, than white people.

Many learned writers take a directly opposite view, and account for the apparent immunity of negroes on the principle of acclimation; but the authorities certainly predominate on that side of the question, and as far as my argument is concerned, I shall regard it as settled, that the negro is less liable to the yellow and other fevers than the white race. But authorities are equally harmonious in asserting that the negro is more liable to other diseases, among which I mention the "elephant leg" and the "yaws;" and by an examination of the census report of 1850 it will be seen that, on an average, the negroes of the slave States do not live longer than the white population; hence, if they are less liable to certain causes of death, they must be more liable to others. And it is also true, that learned authorities are almost unanimous in asserting that females are less liable to the same diseases than males. La Roche on Yellow Fever, at page 54, says:

"It is a fact well known to medical observers, that among individuals of the female sex, the sanguine temperament, and robust and plethoric constitution—which, as we have seen, are the most prone to yellow fever—are less frequently encountered than among males."

As authority, he cites Dr. Rush and Dr. Caldwell:

"Valentin, (p. 90,) and Archer, (v. 61,) who saw the disease in Norfolk; Drysdale, (i, 38,) who describes it as it occurred in Baltimore, in 1794; Cartwright, (ix, 16,) Merrill, (ix, 246,) Perlee, (i, 10,) Hogg, (i, 413,) who encountered it at Natchez; Townsend, (p. 252,) Alexander Hosack, (p. 9,) Waring, (p. 60,) S. Brown, (p. 83,) Simons, (pp. 7, 14,) and others, who have communicated the results of their observations made in New York, Savannah, Boston, New Orleans, and Charleston.

"In Europe, the fever has, in general, manifested the same predilection for the male sex as regards the extent of its prevalence, and more frequently in respect to the severity and fatality of the attack. On this subject, the writings of Berthe, (p. 354,) Arejula, (pp. 182, 438,) Sir J. Fellowes, pp. 120, 121,) Caisergues, (p. 190,) Short, (quoted by Fellowes, (p. 303,) Gonzales, (p. 316,) Pariset, (p. 12,) Louis, (p. 261,) Gillkrest, (ii, 279,) Palloni, (p. 9,) Pariset, (report, p. 454,) Bally, (p. 301,) Rochoux, (p. 121,) and the Report of the Academy of Barcelona, (pp. 23, 49,) are sufficiently explicit to justify the above conclusion."

From this array of authorities, it will be seen how impossible it is to draw safe conclusions in relation to the capacity of *different races* of men to endure a climate, or to encounter diseases of an epidemic character, with impunity.

It is claimed, however, that the color of the negro peculiarly adapts him to support a warm climate. This statement contradicts science, our daily observation, and the instincts of the African, who does not seek the open sunshine in a warm country. In Pritchard's Natural History of Man, page 552, in describing some of the black races of Africa, the author says:

"The name of Shangalla belongs to the indigenous hordes who inhabit the Kwolla, or the deep, woody valleys which surround on almost every side the highlands of Abyssinia. They are negroes of a jet black color and strongly characterized features. * * * 'During the fair half of the year,' says Mr. Bruce, 'when the Shangalla live under the shade of trees, they bend the branches downwards, and cover them with the skins of beasts. Every tree is then a house, under which dwell a multitude of black inhabitants till the tropical rains begin.'"

In our own country, when left free to follow his own instincts, the negro forsakes the sunshine in the open field, and seeks in-door employment.

It is not true that the color of the negro peculiarly adapts him to endure the heat of a tropical sun; the capacity of enduring great extremes of heat and cold is a common attribute of humanity; if any one race possess this power in a higher degree than another, it is the Caucasian, usually called the white race. This supposed superiority is accounted for on the ground of its multifarious origin. It is said by Nott and Gliddon to be not of one origin, but "an amalgamation of an infinite number of primitive stock, of different instincts, temperaments, and mental and physical character. Egyptians, Jews, Arabs, Teutons, Celts, Sclavonians, Pelasgians, Romans, Iberians, &c., &c., are all mingled in blood." The negro is not his superior in capacity to endure; science, instinct, history, and experience, all combine in refutation of this Democratic dogma.

We have also the overwhelming evidence of the existence of five or six million white people, now residing in the slave States, who own no slaves; who are supported by their own labor. Hundreds of thousands of white men in the extreme South, often denominated "poor whites," are compelled by necessity to work or starve.

We have the direct testimony of the honorable Senator from South Carolina, [Mr. CHESNUT,] who on yesterday held himself up to the view of the Senate, and demanded that we should now "behold a laborer from the South," declaring that the "laborers" of the white race in South Carolina were the honored and the highly esteemed; and that those who labored not were discarded by society. This testimony is direct; it is from a high source, and ought to be conclusive on the question of the ability of white men to labor in the Southern States. But every one who has ever been in a Southern State has had, in addition, the evidence of his own senses.

If white men are capable of laboring and living and multiplying and replenishing the earth in a Southern climate, why should those who are not willing to work in the field and shop, on terms of equality with negro slaves, be compelled to seek homes in the extreme North where the winters, extending over six or seven months of the twelve, must exhaust the entire proceeds of the husbandman's summer's toil from year to year in shielding himself and family from their inclemency? Why should that more genial country, styled "the sunny South," the country of the melon and the orange, where perpetual verdure reigns, and the earth is lavish of her productions, be given as a home for slaves? You tell us that negroes are an inferior race; that they are far below the white race in capacity; that they can never become fit for citizens of the States or Union; that they cannot be intrusted with a participation in public affairs, or to engage in the public defence; that they can never become members of society; that the highest position of which they are capable is that of menials. Then, why stimulate their multiplication and coerced emigration to the most desirable part of the continent, to the exclusion of millions of our own blood? Why practically exclude the superior by the inferior race? Why not adopt the Republican policy, persistently urged on the attention of Congress, of withholding the public lands from all except actual settlers, and of giving a home to the head of every family, for settlement and occupancy, and thus place the masses of the people above want? Why not people the continent with the most vigorous, the most energetic, the most enterprising, the most intellectual and powerful people to be found on the earth, since this result can be secured without inflicting the slightest injustice or injury on any human creature that breathes, by administering exact and equal justice to all mankind? For there is no truth in the allegation, that to restrict slavery to the States of the Union now tolerating it, would retard their development, and result in the destruction or injury of either the black or white race in preventing multiplication and expansion. The area of the slave States was estimated in 1850 at over eight hundred and fifty thousand square miles, and contained a population of but about eleven persons on an average for each square mile of surface; south of 36° 30′ the average population was less than ten. At the same period, the population of England was estimated at three hundred and twenty; of Great Britain and Ireland, two hundred and twenty-five; of Switzerland, one hundred and sixty; of Belgium, three hundred and eighty-eight to the square mile. In China, according to the best information I have been able to procure, it is evident that the present population of many of its provinces amounts to at least twelve millions for each fifty thousand square miles. Their country is old, and has been worn for centuries; it is not believed to be equal in fertility to the average of the Southern States. It is evident, therefore, that the slave States, as now bounded, are capable of supporting two hundred million people. Hence, it is not reasonable to conclude that either the white man or the negro will, in any reasonable period, be oppressed in the slave

States for want of room. But lest this might occur, and to relieve the slave States from the terrible necessity, as is alleged, of executing the barbarous and cruel laws which some of them have enacted for the re-enslavement of negroes now feee, the Republicans will urge the adoption of the proposition introduced by my friend, the honorable Senator from Wisconsin, [Mr. Doolittle,] to procure for the negro a home and an abiding place, outside of the United States, within the tropics, where it is claimed that he may flourish and prosper. Let him there, as in the colony of Liberia, demonstrate to the world his capacity for self-government. Let him there build up for himself a country, and embellish a home, free from the prejudice and injustice of a race that has dominated over him for centuries, and extend over him the temporary protection of the stars and stripes of the Union.

The fancied temporary interests of the few, who might desire to import slaves into the Territories, should not be suffered to divert the National Legislature from that line of policy demanded by justice and the permanent interests of the nation, of the white race, and of the whole human family.

But if the nation should return to the Territorial policy abandoned in 1850 and 1854, and apply it to all the Territories of the Republic, which in its results would throw them open to the free enjoyment of every citizen of the United States, residing East, West, North, and South, and exclude none except those whom you say are not citizens, and cannot become citizens—an enslaved nation of aliens—more than four millions strong, whom you of the South retain, in chains, in your midst, you declare your purpose to "dissolve the Union." You declare that the Union cannot be maintained unless men are permitted to coerce the emigration of negro slaves to the Territories! Well, sir, this threat produces no terror; as far as my knowledge extends, nobody in the Northwest is frightened by it, although it originates in a high quarter. We understand that it is your interest to stay in the Union, and that you have not the power to dissolve it; that a dissolution of the Union would bring on you, in tenfold strength, every evil of which you complain.

With this impotent threat "to dissolve the Union" if a Republican should be elected President of the United States, you not only demand the disbanding of the Republican party, and, by a logical sequence, the repeal of all laws in the free States disparaging the institution of slavery, and prohibiting its existence within their jurisdiction, but you attempt to coerce our consciences and judgment, and require us to approve slavery as morally right—a humane and Christian institution. In this you will never succeed. The people of the free States will never approve slaveholding, when not required by imperious circumstances, as either just, humane, or Christian. The Senator from Virginia, [Mr. Mason,] in his expression of regret that the people of the free States, which he was pleased to denominate "servile States," could not have slaves, will find very few sympathizers. In this I speak the opinions of all parties in Iowa, and I think I may say in the whole North.

On this point, the Senator from Alabama [Mr. Clay] demanded to know if the people of the free States, entertaining these views, did not necessarily "hate slaveholders?" For one, I answer frankly: That depends on our conception of the motives that prompt a man to hold slaves. If one man holds another, however inferior, in bondage for selfish and sordid purposes of gain, I loathe his character in my inmost heart. If, on the other hand, he is held for the purpose, entertained in good faith, of bettering his condition and elevating his character, the owner will not be hated by anybody, in any place. But, in our estimate of these motives, you must not suppose us either idiotic or ignorant of your laws and usages, and the actual condition of slave society. Neither vehement threats of a dissolution of the Union, nor any other mode of coercion, will be likely to change our opinions of either the morality or expediency of slaveholding. The laws of the human mind cannot be changed; perception, memory, conscience, and judgment, will continue. Conscience may be stupefied for a time, but it will again rally and assert its right to control the conduct of men. The people of the whole North, almost without a solitary exception, believe that slavery is in itself wrong, and may be maintained temporarily only, in consequence of the necessities that may surround the parties which sustain this relation to an inferior race. Whenever these necessities cease, they maintain that it will be the duty of each to dissolve the relation. Nobody in the North, however, maintains that this can ever be effected, only by the action of the people of the States where the relation exists. The Republicans maintain that Congress has no power whatever over this subject within their limits.

You admonish us, however, that if a gentleman who entertains the doctrines originally maintained by Washington, Jefferson, and the other illustrious men who lived during the earlier period of the Republic, from which, as was admitted on yesterday by the honorable Senator from Virginia, [Mr. Mason,] the Democracy has swerved, should be elected President of the United States, in accordance with the Constitution and the laws, you will destroy the Government. When analyzed, could a proposition be more insulting to freemen? We must surrender our own reasoning faculties, and our consciences and judgments, and follow your behests! We must change, because you have changed! We must repudiate, because you have discarded, the opinions of the fathers! When we approach the polls, we must represent your opinions, and not our own, by our votes! That is, we must cease to be freemen, and become your political slaves! If your political opponents will destroy their platform and dissolve their organization; if the free States will destroy their Constitutions and repeal their laws on the subject of slavery; if a majority of the freemen of the country will stultify their own judgments, and trample under foot their consciences; give up freedom of speech and of the press, and cease to exercise the rights of freemen at the polls, you will graciously permit the Union to be continued! Well, sir, this mode of preserving the Union would cost us too much. We have the hearts and heads and hands and will to preserve it in a cheaper manner, let the criris come when it may.

SPECIAL MESSAGE

OF

GOVERNOR SAMUEL J. KIRKWOOD,

IN REPLY TO A

RESOLUTION OF INQUIRY,

PASSED BY THE

HOUSE OF REPRESENTATIVES,

MARCH 2D, 1860, IN RELATION TO THE REQUISITION OF THE GOV. OF VIRGINIA, FOR ONE BARCLAY COPPIC.

DES MOINES, IOWA.
JOHN TEESDALE, STATE PRINTER.
1860.