

REPORT

OF THE

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COMMITTEE ON FEDERAL RELATIONS.

MADE IN SENATE DECEMBER 28, 1850.

Ordered to be printed by the Senate.

IOWA CITY:

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E. L. Linn

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The committee on Federal Relations, to whom was referred so much of the message of His Excellency the Governor, as relates to the subject of *slavery*; as also Senate File No. 16, "Preamble and Resolution in reference to the compromise measures passed by the Congress of the United States," have had the same under their consideration, and beg leave to submit the following

REPORT.

To the mind of every citizen the subjects submitted to your committee are invested with an importance scarcely equalled by any other that could be presented for consideration. Your committee need not refer to the deep and universal interest felt throughout our country during the past protracted session of Congress. As the result of certain important negotiations and treaties the United States had become possessed of a large Territory;—a portion of the people of that Territory were applying for admission into the Union as independent States;—others were seeking the establishment of territorial governments; one of the States in the south was claiming a portion of this same Territory; the northern portion of our confederacy was demanding one peculiar provision in relation to the governments, State and Territorial, to be formed from said Territory, as likewise the abolition of the slave trade in the District of Columbia: the south was demanding other and different peculiar provisions in said governments so to be formed; as also more effective provisions for carrying out the provisions of the constitution relative to "fugitives from labor;" and thus at one and at the same time was this vexed question of *slavery* connected with a variety of measures, important in themselves, all of

which were to be settled, if possible, so as to give peace and quiet to an excited public mind, and place the government in its wonted safety and prosperity. We say, we need not refer to these things. They are part of the history of the country—a part too full of interest to the present and equally so to the future.

As to the propriety of all the provisions contained in the different measures so passed by Congress we do not know that it is necessary for us to speak. Your committee regard the measures passed upon as legitimate subjects for legislation by the National Assembly. While some of your committee might not coincide with all the provisions contained in these different enactments; yet having been passed by the constitutional tribunal—by statesmen whose ability all acknowledge, and whose sincere devotion to the Union and our common country, their many previous acts so clearly demonstrate—and from the further consideration that having just passed a season of unexampled excitement and agitation, the public mind naturally enough seeks to avoid like scenes, your committee deem it inappropriate to here enter into their discussion. Indeed your committee do not know that these matters are within the province of the duties assigned to them. A question vastly more important—one that more intimately concerns our position as a State and the good of our common country would seem to demand more appropriately our attention, and come within the sphere of our duties.

In that portion of the message of His Excellency the Governor, referred to us, we find the following language, to-wit: "But whatever differences of opinion may be entertained in regard to this law, it is now our duty to support it so long as it remains the law of the land." From this it will be observed, that in the opinion of the executive, there is but one of the series of compromise measures (so called) upon which there is any doubt as to the action of the people, so far as the northern or free states are concerned. In the south while much is said and written against these measures, yet we know their complaint is founded upon causes entirely different from those existing north. This measure referred to by the executive is the "act to amend and supplementary to the act entitled an act respecting fugitives from justice, and persons escaping from the service of their masters, approved Feb. 2, 1793."

That it was the duty of Congress in the general consideration that was being given to this vexed and important question of slavery—to

regard the voice of the south in this particular, while they were complying with some of the demands of the north, we think is clear. In view of what had been the action of some of the free states, it was to be expected that the south, in the general attempt to settle controversies, should demand more efficient process and proceedings to enforce the "claim" of their citizens when made for fugitives. In the minds of those who are willing to carry out in good faith the provisions of our national constitution, this demand would reasonably meet with no objection—and as to all others there was a necessity for close, careful and effective legislation.

Before referring to the duty of the citizen under this and all other laws passed by the constitutional tribunal, your committee beg leave to refer somewhat more at length to what they regard to be the duty and constitutional power of Congress—and this they will do generally and not with reference to the specific provisions of this bill. This duty and power your committee regard to be well settled by numerous decisions by the highest judicial tribunals of the states; as also by the supreme and inferior courts of the United States in which the "judicial power" of the government "is invested by the constitution." We only refer to a few adjudications to establish this.

In the celebrated case of *Prigg vs. Commonwealth of Pennsylvania*, 16, Peters 539, we find the following:

FIRST—"A claim to a fugitive slave is a controversy in a case, "arising under the constitution of the United States," under the express delegation of judicial power given by that instrument, Congress may call that power then into activity, for the very purpose of giving effect to the right; and if so, then it may prescribe the mode and extent to which it shall be applied, and how and under what circumstances, the proceeding shall afford a complete protection and guarantee of the right."

SECOND—"The natural if not the necessary conclusion is, that the national government, in the absence of all positive provisions to the contrary is bound through its own proper departments, legislative, executive or judiciary, as the case may require, to carry into effect all the rights and duties imposed upon it by the constitution."

THIRD—"It cannot well be doubted that the constitution requires the delivery of the fugitive "or the claim of the master; and the natural inference certainly is that the national government is clothed with the appropriate authority and functions to enforce it. The funda-

mental principle to all cases of this sort would seem to be, that where the end is required the means are given; and where the duty is enjoined, the ability to perform it is contemplated to exist on the part of the functionaries to whom it is intrusted."

Other authorities might be referred to, establishing the same position, but this we deem sufficient.

Having said this much as to the duty and power of Congress to legislate on this subject, we now come to the duty of the citizen in relation thereto.

The great distinguishing feature between a well regulated, prosperous and permanent government, and that which affords no safety to the citizen and no protection to property, is that in the one case the citizen abides by the law, and seeks its repeal or modification, if obnoxious, by proper constitutional and legitimate means; and in the other he sets the law at defiance—acts from his *own* convictions of right, irrespective of the controlling obligation imposed upon him the moment he becomes a citizen of the government. To say that each man shall be allowed to prescribe his own rule of conduct, in violation of law, and in so doing shall be protected and justified, necessarily destroys all ideas of government, and as necessarily destroys the government that may be established. Government presupposes obedience to law. Not an obedience, it is true, that destroys freedom of speech and of the press—nor that obedience which would hush argument, or prevent the proper demand for the repeal or modification of law; but that obedience which disavows resistance *by force*, to the execution of the law, and which while deeming the law unjust and and impolitic, seeks only constitutional means for its change. To recognize any other rule, throws us into a wide field beset by danger on every side—presents anarchy and confusion instead of law and order—gives us the most cruel of despotisms instead of well regulated government.

Upon a proper view of this question and consequent proper action thereon, your committee hesitate not to say, depends the peace, the prosperity, the happiness and even perpetuity of our government. It is a question as they conceive between the supremacy of the law, the constitution and the government, and individual opinion and a consequent spirit of defiance to law and the constitutional tribunals of the land. This issue they regard as clearly presented in the issue now before the American people. And let this spirit of resistance

and the claim of right to be guided by each man's own rule of conduct—originate north or south—in free or slave states—your committee say unqualifiedly that it should meet with unreserved condemnation from all good citizens—fraught as it is with untold evils to our Union and its institutions.

Under these circumstances, your committee will not believe that any citizen of Iowa can hesitate in his action, but are bound to believe that he will always be found on the side of safety to his country and in opposition to that doctrine which leads to its destruction. As citizens of a young but prosperous State—situated aloof from those portions of our Union in which great excitement has prevailed and still prevails, our voice should be heard on the side of law, order, the constitution and the Union, and we fondly hope that such voice will not be without its influence. By every motive that binds us to our country—by every feeling that can prompt the American heart—by all the love that we owe to that government, which, commanding the admiration of the world, shields and protects our life and liberty and ensures our happiness—we should feel bound not to evade the requirements of that government or "nullify" its commands. So doing we uphold the supremacy of the law—quell that spirit of forcible resistance which, encouraged, destroys all that we love best in our country, and ensure, as we fondly hope, the perpetuity of that government, upon the existence of which depends not only our own welfare, but even the fate of the citizen, and the civil liberty of all the nations of earth.

In conclusion your committee would recommend the adoption of the following preamble and resolutions:

WHEREAS, The Congress of the United States at its last session adopted a series of acts, known as the compromise measures; and whereas there has been manifested throughout portions of the north and south, a disposition to set a portion of said acts at defiance and thereby declare open resistance to the power of the government and its laws:

And whereas, in view of our duty to the government, and for the purpose of showing to all portions of the Union our firm and unyielding devotion to its cause and its institutions, we deem it proper to make some public demonstration of our views and feelings. Therefore,

1. *Resolved*, That in the opinion of this General Assembly, "the con-

stitution of the United States is a compact, a fundamental treaty"—and that in order to our continued prosperity and happiness, that constitution and the laws of the land must be respected and obeyed.

2. *Resolved*, That we will give no countenance or aid to those, north or south, who would set up "their own rule of conduct" in opposition to and as being higher than the constitution—and while we would give the largest latitude to thought, speech and action, yet such an avowal we regard as meriting unmixed condemnation—its inevitable tendency being hazardous to that Union which we hereby declare ourselves bound to maintain by any and all means in our power.

3. *Resolved*, That whatever may be the opinions of individuals as to the policy or details of said compromise measures, yet it is the duty of every good citizen to conform to their requisitions and carry them out in good faith—seeking their modification or repeal, if such should be necessary, in the manner contemplated by the constitution and laws.

4. *Resolved*, That the constitution should be our guide, "and in questions of doubt we should look for its interpretation to the judicial decisions of the tribunal which was established to expound it, and to the usages of the government, sanctioned by the acquiescence of the country"—that "all its provisions are equally binding"—that it is the will of the people expressed in the most solemn form,"—that no pretence of utility, no honest conviction even of what might be *expedient* can justify "the assumption of any power not granted" or the violation of its provisions and that we deem it our first duty not to "evade its requirements or nullify its commands."

5. *Resolved*, That the Secretary of State is hereby directed to forward a copy of these resolutions to the Governors of each State and Territory, and to each of our Senators and Representatives in Congress.

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