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They "Stoop to Conquer"

Benjamin Franklin Wade

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THEY "STOOP TO CONQUER;" OR, THE ENGLISH SWINDLE.

S P E E C H
OF
SENATOR WADE, OF OHIO.

Delivered in the Senate of the United States, April 27, 1858.

Mr. PRESIDENT: It is not my purpose at this time, after the general question has been so elaborately discussed, to detain the Senate at any length by anything that I may have to say at this period of the debate. But, sir, we have now before us, as we are told, a new proposition altogether. We are told that it is in the nature of a new bill, having but very little connection with anything that has preceded it. I must confess that I am astonished at the nature of the proposition which the gentlemen composing the committee of conference have brought in for our consideration. Untrammelled as the committee seem to have been by anything that has been done—so they say—and being about to initiate a new proposition altogether, the fact that their minds should have fastened upon such a thing as this, is well calculated, I think, to surprise anybody. If justice, right, and equal regard to the institutions of the South and of the North, were to be considered by that committee, it appears to me that an unsophisticated man might, in five minutes, have brought in a proposition against which there would have been no dissenting voice in either branch of your Legislature.

We had been divided here upon questions with regard to the will and wishes of the people of Kansas as to the Constitution under which they should live. It was contended on the one side that

the people, acting through the forms of law, had framed a Constitution which ought to be obligatory. On the other hand, that Constitution was assailed here by the Opposition, upon the ground that it was an utter perversion of the will of the majority of the people of Kansas; that it was got up by trickery and by fraud, and that the majority of the people ought not to be governed by it. Thus we were at issue upon this thing called the Lecompton Constitution. A portion of the people had called a Convention, which framed this instrument, and called it a Constitution. The people had previously met and framed another Constitution, which they called their Constitution, and which they said embodied the will of the great mass of the people of Kansas. I allude to the Topeka Constitution.

Now, sir, when this committee were about to pass by all the propositions that had gone before, and to substitute a new bill, how easy it would have been for them to say, in perfect justice and fairness to all, "we will not take the first Constitution made at Topeka, because it is denied on the other side to be the will of the people; we will not take the Lecompton Constitution, because it is alleged to be fraudulent, and not to embody the will of the people; but we will throw both aside, and we will provide, under every safeguard that can secure an honest and fair election, for submitting this complicated and vexatious question again

to the people, and they shall be at liberty to frame their Constitution." For that purpose the committee might have selected any precedent they wished—they might have taken the enabling act for Minnesota, or any similar one, and they would have found no objection to it. We should all have voted for a proposition of that kind, just to all parties; we should have permitted the people to come up now fairly to the work of framing a Constitution; we should have said to them, "make it republican in form; submit it to our consideration; and if we find it to be such, we will admit you with it."

Why did it not occur to this committee that that was the way to settle the controversy, if a settlement of it was indeed desired? The proposition which they have made, while it seems to me in a certain aspect to be humiliating to the South, is unjust, if not an open insult, to the North. It is humiliating to the South because it is a total and entire abandonment of the principle on which many of them staked their determination not to exist in the Union at all; for they said, "let us have the Lecompton Constitution, or we will go out of the Union ourselves." That proposition they have surrendered; they have given it up; they do not pretend that they can stand by it, unless it is in some sort submitted and thrown back to the people to pass upon. So far it is right; so far it is just; and I was glad to see the committee yield thus far to the reasons and arguments which had been addressed to them, showing that their Lecompton concern was fraudulent; that it did not embody the will of the people; that it was a fraud; and that their legal position was fraught with tyranny and danger in all subsequent time. That position has been repudiated and abandoned by them. We hear no more of the omnipotence of Conventions assembled to frame Constitutions. We hear no more of their being armed with supreme power to put upon the necks of a people just such a Constitution as they please, without the people having power to get rid of it. That was the position we heard rung in our

ears from Southern gentlemen day after day, but a little while ago. Now they have thrown this absurd position to the winds, and I thank God for it. They seem to admit that the people, after all, must have the right, in some shape, to pass upon the institutions under which they are to live. So far, it is a great improvement on the Lecompton concern. But if the people are to pass upon the Lecompton Constitution, why not let them do it directly? Will any man be deceived by the verbiage in which this proposition is couched? Have you not left the people to pass upon it? If so, why not submit it in such a plain and fair manner that the people can all understand it?

Sir, this proposition reads upon its face as though it was a premium for votes. Are the people to vote directly upon the Constitution under which they live? Not by any means; but they are to vote upon a grant of land; they are to vote whether they will accept a gift from the Government of five or six million acres of land; and if they decide to take the land, that decision is to drag after it the Lecompton Constitution, that they have repudiated over and over again. Was ever any such thing as this concocted by a statesman, for the action of the people? Is a land grant the principal thing in framing a State Constitution? Sir, it seems to be a bid of land for liberty, a bribe held out. "Will you, people of Kansas, surrender your liberties for land?" That is the question; it cannot be disguised. I impugn directly the motives of no man, but I state what the effect of this action will be. How will it appear to the world, say what you will about it? If the people will vote themselves so much land, then they surrender themselves to a slave Constitution, which you and I know they have repudiated over and over again. It is not competent for me to state the motives which have prompted to such action as this; but you vote for the incident, and the principal is to follow. How absurd and inconsequential! Why, Mr. President, if I should make just such a proposition as that, to obtain your

vote upon a private bill, and it should come out to the world that I had done it, I presume every just-minded Senator here would vote promptly to expel me from the body, as unworthy of a seat in it. The offer is: "So much land if you vote for this Constitution; if you vote against it, you shall have neither land nor anything else."

Mr. President, I recollect well that in the course of some observations which I made not long ago, you, sir, [Mr. BIGGS in the chair,] put the question to me: Suppose a slave Constitution were presented to Congress, would I vote for it? I recollect well the answer I made to you, and your apparent surprise at the absurdity of the answer. Yet I find the President of this body to-day assuming my position, and voting for the same proposition, only reversing its application. I would not vote for the admission of a slave Constitution; nor will you vote for a free one. I do not complain of you; I cannot complain of you, because I occupy about the same ground that you will do an hour hence, when the vote is taken, except that practically our positions are reversed in the application of them. You come from a slave State, and I from a free State. The country will understand the positions we all occupy on this subject, and I do not care how soon they are understood by all.

Mr. President, it has been sought to break the force of the objections to this scheme by saying that there was uncertainty about the people of Kansas accepting the grant proposed in your original bill. This is a strange apology, and it comes at a strange and an unfortunate time. Sir, do you not know that the subject was mooted in the Committee on Territories, and it was said that no kind of objection could arise from any such thing; that we had a right to modify the ordinance, and make what grant of land we pleased to the Territory; and if they rejected the Constitution on account of our not giving them as much as they thought they were entitled to, they would not be a State; but if they accepted the Constitution by or-

ganizing under it, subject to the provision we had made, that was an end of it? How happens it now that you make this whole controversy turn, as it were, on the uncertainty whether the people will accept a donation such as you have made to every other State? Why in the name of Heaven is it now paraded here as the main reason why you have reversed your action?

Mr. GREEN. The Committee on Territories never did say that it was the right of the committee or of Congress to dictate the terms upon which the State should be admitted. They have always claimed that; but on the question of contract on the subject of lands, it was matter of agreement. The formation and adoption of a Constitution, the committee held, was a question with which the Senate and House of Representatives had nothing to do; and that has been the point all the time. I think, therefore, the Senator does injustice to the committee when he says that they thought the subject of the grant of lands was a proper matter for the consideration of the Convention of the Territory. Not so; it is a matter of agreement, proposition, acceptance; but the Constitution is a different thing; that is a finality already.

Mr. WADE. I do not deny that. That is just exactly what we did agree. We agreed that it was a proposed compact, and that if the proposition on our part should be accepted by the organization of a State Government under it, it would be very well, and their action under it would show their agreement to our proposed contract. That is what we agreed to in committee, and it is a sound principle of law; and the idea of repudiating it is not twenty-four hours old. That is how we agreed; and yet the Senator from Virginia rises here, and, to apologize for this misshapen production of the committee of conference, makes it all to turn on the uncertainty of whether the people of Kansas would accept this proposition. I might ask that Senator, or any other who has had anything to do with this subject, if that matter labored in your mind, how in the name of Heaven

did you suffer your Lecompton bill to be debated here day after day, week after week, and I do not know but I might say month after month, without suggesting the great difficulty which must interrupt the whole proceedings, and lead you to surrender all you had done, and set up a scheme entirely new? You did not apprehend any such thing, as you went on with your Lecompton bill. The Senator from Virginia never suggested then that there was any trouble about the land grants that were provided for in that bill. You voted it through this body. It ran as smooth as oil. No man said there was any difficulty about that, nor could it be said; because so far as the ordinance was concerned, and the land grant was involved, the bill stood on exactly the same principles as every other Territorial bill, and granted no more, no less. Why, then, seek to cover up this enormity under so plain a proposition as that? Sir, the people will understand it, whether gentlemen here will understand it or not. It is in the nature of a bribe. It is not expected that the unsophisticated people, through the whole wilderness of Kansas, will be able, like lawyers, to scan closely, and understand critically, the import of this grant. I will not say that the fact that it was known they would not understand it, constituted the reason why a question so simple as the adoption or the rejection of the Lecompton Constitution is made to turn on the fact whether the people will accept a donation of lands; but it looks very much like it. It would be out of order for me to say it was so intended; but that will be its effect.

Well, sir, that is the nature of the proposition. I have said it is humiliating to the high-minded South, because it is a total surrender of the position upon which they planted themselves, and swore in their councils they would stake their institutions. You have given it up; you have surrendered Lecompton, in this miserable way to be sure, into the hands of the people of Kansas, to reject it if they please, and as I trust in God they will. Therein, sir, you lie in the dust. Southern chivalry is here in these

Halls, begging men to vote for a miserable proposition, well calculated to mislead the people. I am sorry for it. I have respected their highmindedness. I have always hoped heretofore that they were above consenting to arrangements that could not stand out in open day. I do not say that anything sinister is intended in this proposition, but I know it is well calculated in itself to deceive the people, and therefore I pronounce it humiliating to the South. I say, further, it is unjust, if not an open insult, to the North. Why? I can tell you nothing new, after the proposition has been so ably handled by the honorable Senator from Kentucky and the honorable Senator from Vermont, who have preceded me. They have made it too palpably plain for me to stand here long in elaborating this point. Here stands out before the whole world the most glaring injustice, the most palpable wrong; and no man dare face me down here, and say that you place Slavery and Liberty upon equal foundations by this measure. You talk of the equality of the States. Why, sir, you are trampling the free States into the dust, and offering bribes to Slavery. It will not do. Whether we understand it or not, God knows the people of the United States, the honest people, will understand it.

I have said, and I still say, that this proposition is flagrantly unjust to the North, and, I think, an open insult. Well might the Senator from Kentucky ask, what would the South think of a proposition like this on the other side? I have too good an opinion of you to believe that you would bear it as meekly as we shall. I believe that you would conduct yourselves, in reference to such a nefarious proposition, in a manner more fraught with honor to your section than I fear we shall. I wish to God we had men as fearless to stand up for the right, as you have to stand up for the wrong. I honor you for the manner in which you stand up to what you say you regard as your rights. Well might the Senator from Kentucky ask, what would you think of such a proposition, if the case were reversed? There is not a Southern

man who will not die in his tracks before he would surrender to a proposition so insulting to the South as this manifestly is to the North. I know you would not, and I give you all honor for it, because in that, if in nothing else, God knows I sympathize with you; you are right in it.

The proposition now offered to the people of Kansas is this: "You shall have six million acres of land, and immediate admission into the Union, if you will take Slavery; but if you prefer a free State, you shall be excluded; you shall be treated as outside barbarians, unworthy to be members of this Union for an indefinite length of time to come." It is undeniable; it stands out gross, palpable, upon the face of your record, and cannot be disguised. It required a good deal of assurance, a good deal of effrontery, to bring in a proposition like this; but you knew the material to which you were addressing it too well to fear the consequences. You say by this proposition, if Congress adopts it, "Come in, ye people of Kansas; here are millions of acres of land; here is immediate admission if you prefer Slavery; but if, on the other hand, you prefer Liberty, you are unworthy of admission, you are not numerous enough to be admitted." One slaveholder, for the purpose of the admission of a Territory as a State, is worth more than twenty free men. That is the naked proposition which you have brought here for the consideration of Northern men, and I perceive that you will have Northern men who will go with you even for this. You will have them, and you knew you would; because you knew you could not make a proposition, however fatal to the rights, however fatal to the honor of the North, without finding here men who would stoop to it. When I contrast the high chivalric honor of the South in this particular with the North, I sometimes wish to change places with them. Here is a proposition offering a premium to Slavery, and immediate admission without inquiry as to the numbers, if the people of Kansas will come here as a slave State; but if they decide on the side of Freedom, they are to be indefinitely postponed until a census shall

be taken at the will of a craven and besotted Executive. That is the proposition offered to the high-minded people of that section from which I come. They will spurn it, though I perceive that some of their Representatives are about to take it.

Now, what are to be the consequences of the passage of this proposition? I must judge from what has preceded it. I do not know but that I may be uncharitable in my supposition; but when I look at your candle-box frauds, at your Cincinnati Directory frauds, all adopted by your Executive, and the agents who commit the frauds applauded and foisted into high offices of power and respectability, how can I repose confidence in you? When I see the just arrangement which had been made by that just man, the lover of equality and justice to all parties and to all sections, the Senator from Kentucky, stricken out, and another man added to the board to supervise the election—a man who was no more wanted there than a fifth wheel to a coach, for you had a full board before—I ask this committee, and I wish them to answer me now, why did you place the district attorney of the Territory on that board of commissioners? I repeat the question, why did you do it? Was it not right before? A corrupt Executive was allowed to appoint two. Was it wrong that the people should appoint two more? Why give your Executive the appointment of a majority of the board, and full power over the people, to trample them in the dust? Answer me that, if you can! I pause, but I pause in vain, for a reply. What shall I say, then? Sir, it savors too much of the candle-box and of the Cincinnati Directory. Is it intended, at all hazards, against the vote of the people, and in defiance of their wishes, to forge a majority, to make a false return to the President that you have outvoted the Free-State men, and that Lecompton is adopted? Was that the anchor you had thrown to the windward, in giving a complete majority to your own party in that board, and not trusting the people on equal terms with the Executive?

Sir, I have no fears of the people of Kansas if you give them any chance, even if you will be honest in counting their votes; but here the matter is left to the President of the United States, who censured his Governor because he had refused to yield to an outrageous, notorious, palpable, undisputed fraud, and ultimately compelled him to resign. I say, when such things are done, what may we not suspect? I can hardly realize that I am in the Senate of the United States, when propositions calculated to blind the people, propositions calculated to hold out false colors, are presented in this way. In this scheme, you have evidently followed, as far as you could, the bill presented by the Senator from Kentucky; but you have amended that most just clause of his, upon which the honesty of the whole transaction turned, in order that you might still keep in the hands of those who have proved themselves to be unworthy of such a trust, the power to decide against the people, as they have done heretofore, the fate of the new State.

Now, sir, I am not so much of an enemy to the people of the South as they suppose. I think they will never gain anything by such a proposition as this. It is not because I suppose they will, that I manifest this zeal against it; but because, like the Senator from Kentucky, I know that the safety, the permanency, the true glory of our institutions, must be built upon the solid foundations of eternal right and justice; and this trickery, these frauds, although they may serve the purpose of a party for a day, are fraught with danger to the whole community, and will finally result in disastrous consequences, even to those for whose benefit they seem to be perpetrated.

Mr. President, I have now said all that I intended to say, and much more, because when I see a proposition that appears to be unfair, and, I will say, that appears to be dishonest, I cannot retain exactly that equanimity that perhaps I ought. It may be all fair and all right, but I must announce the impressions that I deliberately have on that

subject. I think it is palpably wrong—wrong to the high-minded people of the South, who, I am sure, when they understand it, will trample it beneath their feet as an unclean thing—unjust, palpably unjust, to the North, whom it places on a footing of inequality. Sir, if I did seek the destruction of the institutions of the South, I could devise no way more facile than that you have yourselves marked out; for, being in the minority, whenever you shall have divested yourselves of that character which we have conceded to you—that you are high-minded, honorable men—you will have lost the great stake in the Government that would ever enable you, as long as you practiced on these principles, to enjoy your full share in the councils of this nation, and even more. As I said, I do not know but that this proposition may be right; but its appearance is absolutely and deliberately wrong.

Now, Mr. President, I regret that such a proposition should have been brought in here. Why would you not let Lecompton die, if you had not the force to put it through? I would infinitely prefer, for the honor of the nation, both North and South, that you had the force in both branches to put your Lecompton Constitution through here, rather than have been compelled to resort to this indirection, in order to accomplish the same result; because its effect in demoralizing the nation, perverse and iniquitous as I think it was, would have been infinitely less than by this monster of a proposition.

But I have said that it was no part of my purpose to detain the Senate. I have very feebly expressed the feelings that I entertain in regard to this proposition. I do not believe you can seduce the noble-minded people of Kansas, who have withstood all your persecutions so long, to succumb to such a scheme as this. You have exercised the whole powers of your Government; you have invoked your armies, and let them loose upon the defenceless people there; you have inflicted upon them hardships, and pursued them with a relentless persecution that I have never known before, and

hardly ever read of in history ; and yet they stand unconquered and unconquerable. It only remains to determine whether appliances to their cupidity, arts of deception, can work out a fall for a people who have so nobly withstood all your force. I know well you cannot force them to it. Their intelligence is great, and I think they will be capable of seeing through this nefarious net, which is calculated to lower them, to degrade them, to a condition of servitude. I do not believe you will effect it. I have a better opinion of those noble spirits. I think the controversy will result in your most ignominious defeat before the people of Kansas. The only danger I apprehend is from the arrangement of this scheme by which you put the whole

power of controlling the election into the hands of a corrupt Executive. The people are against you in overwhelming numbers. The only doubt is, whether the executive officers will count their votes aright. I am willing to venture that people, with all the skill in weaving nets for their destruction that you can devise, provided at last you leave them to be counted according to their numbers, and make fair, and not John Calhoun, returns.

Mr. President, I have no fears for the result of this measure. The noble-hearted, brave, and liberty-loving people of Kansas will spurn the infamous proposition, as the Saviour of the world did one in all respects similar in principle, and emanating from a like source.

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