

ments, judicial or otherwise, is to be the interpreter of the extent of its own powers, in the last resort, in a conflict between it and the States, then the Federal Government is the embodiment of a despotism, more powerful, more full, more supreme, more sacred, more hedged in by law, than any despotism ever was that existed since history was first written.

Now, I do not wish to express views at all offensive to any one in any way. But I am greatly strengthened, in what I have always held upon this doctrine of States' rights, by a consideration to which I will now advert. What has been the history and practice of this Government since theories prevailed? What direction have the courts taken? What direction has Congress taken? From the foundation of the Government to this present moment, with a few exceptions, the States' rights theory has given the direction, the course, the impulse, to the whole Government. The Virginia and Kentucky Resolutions of 1778 and 1789 became, as it were, a sort of public law in the country, that practically ruled all parties. Men differed upon tariffs, and upon other subordinate questions. But upon the great, original question of the powers of the Government, I maintain that the great stress of public opinion, and the practice of the Government, I might say almost uninterrupted, with the single exception of General Jackson, has been that the States' rights theory, the disintegration theory, the theory that was opposed to centralization, was the proper method upon which to administer this Government, and is by that without fear of successful contradiction.

Now, I suppose that General Jackson will be a great thorn in the path of States' rights men here, and I state here, that but for the authority of the name of Jackson, there would not be in the whole of your history, the smallest peg upon which to hang this consolidation theory. General Jackson is responsible for the whole of that; I say that freely, for there can be no doubt in the world. But in order to obviate beforehand the force of the argument that I know will be based upon General Jackson's position, I desire to read from General Jackson's farewell address, preceded by some few of the many beautiful words that Mr. Parton uses in his remarkable book. He says in reference to General Jackson and his theory of coercion:

"His proclamation, his message, and all his proceedings thereon bore a two-fold aspect—one of relief and justice in reducing the revenue to the wants of the Government in the economical administration of its affairs; the other of firm and mild authority in enforcing the laws against offenders."

How little he relied upon force to maintain the Union will appear from the following extract from his farewell address to the American people:

"If such a struggle (civil war) is once begun, and the citizens of one section of the country arrayed in arms against those of another in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end to the hopes of freedom. The victory of the injured would not cure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin. But the Constitution cannot be maintained, nor the Union preserved in opposition to public feeling, by the mere exertion of the coercive powers confided to the General Government; the foundations must be laid in the affections of the people, in the security it gives to life, liberty, character and property in every quarter of the country; and in the fraternal attachment which the citizens of the several States bear to one another, as members of one political family mutually contributing to promote the happiness of each other."

I interpose that between myself and any argument which may be raised by my friends upon the other side upon the authority of the great name of Jackson.

But after all, Mr. President, the great difficulty that I have in endorsing the proposition to put this new article into the bill of rights is that, in itself, the theory of consolidation is necessarily accompanied with what I regard as the great demon of our destiny, that is, the theory of coercion by the Federal Government of the States which created the Federal Government. Now, such a principle is in the mere statement of it a solecism. Confessedly the States as sovereign created the Federal Government. Whatever may be the powers of the Federal Government the States created it. I believe nobody from 1787 to this day has ever had the temerity to say that the rights of the people of these States arose in any other way than that they as States preceded the Constitution, formed it, and were the originators and creators of it. That has been consistently maintained upon both floors of Congress, by men holding every possible variety of political opinion. And there is but one man now known to history who has ever maintained the contrary; and he is Abraham Lincoln, who, in one of his messages, did say, I believe, that the Constitution of the United States created the States. He is the exception to the rule. The other doctrine has been universally held by all men of every party.

Now, sir, if the States created the Federal Government, and endowed it with certain powers, can it be said that the Federal Government has the right, by any just rule or reason, to bind and force the States into its construction of its powers? Was that ever designed? Does any man suppose that those who were sent from this State to Philadelphia to strengthen in some particulars the articles of confederation in order to promote the common convenience and welfare of the States,