

was not now occasion for the use of Federal troops in the city of Baltimore; that should the troops be sent, in compliance with the resolutions, you would at once request their withdrawal, and that you desired to convey your opinion thus expressed officially to me through your Adjutant-General.

The power of the President of the United States to use the United States Army to maintain peace and order in any state grows out of section 4, article 4, of the Constitution, which reads as follows:

“Section 4. The United States shall guarantee to every state in this Union a republican form of Government, and shall protect each of them against invasion; and on application of the Legislature (or of the Executive when the Legislature cannot be convened) against domestic violence.”

In pursuance of the authority thus conferred, legislation was enacted early in the history of the Government, which is now embodied in section 5297 of the Revised Statutes of the United States, which reads as follows:

“In case of an insurrection in any state against the government thereof, it shall be lawful for the President, on application of the Legislature of such State, or of the Executive, when the legislature cannot be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary.”

Occasion has recently arisen for the construction of section 5297, and it is contained in a telegram sent by my direction, by Secretary Root, to the Governor of Colorado, who had asked for troops to suppress local disturbances. Secretary Root said:

“The President has no lawful authority to comply with the request contained in this despatch. His authority in such cases is regulated by title 69 of the United States Revised Statutes. The circumstances detailed in your despatch indicate that if any of the