

confidently assumed, can be persuaded or forced to do, except under the pressure of "military necessity." The one gives to the President the exercise of a discretion, in certain named and ascertained cases. The other gives him absolute power in all cases. The one endows him with a necessary executive function. The other makes him supreme over all law, by granting him the exclusive control of its application. If the President cannot only invoke the military power at his discretion, in cases of invasion, insurrection and resistance to the laws, but can create invasion, insurrection and resistance, by merely proclaiming that they exist, whether, in fact, they do so, or not; there is not a moment of his term, at which he cannot constitutionally compass the absolute subjugation of the people, through the mere official assertion of a falsehood. Assume for a moment, for the sake of the argument, that the attitude of the United States, is not, in fact or law, a case authorizing the President to call out the militia, under the act of 1795, is it to be pretended that he makes it such a case simply by calling it such, in a proclamation? Is it to be gravely argued, under a constitutional government, that the nation is bound to acquiesce in it as a fact, against the public knowledge to the contrary, and must accept the war, indorse the bloodshed, pour out the treasure, and submit to the usurpation, with no other remedy than articles of impeachment, or the chances of the next Presidential election?

The commonest intelligence—the most superficial acquaintance with the scheme and spirit of republican institutions—revolts at conclusions so monstrous. And yet precisely such must be the conclusions, to which any man must yield who supposes the Supreme Court to have decided, as has been pretended. That high tribunal never meant to decide, and never did decide, a principle so wholly irrational and despotic. It is a disrespect to its character to put such a question even in dispute. The way in which the States and the people may and ought to deal with such a usurpation is a matter apart, but that it does not cease to be a usurpation, because of the insertion of a form of words in a Proclamation, is a matter which the Committee will not disparage the manliness and sense of the House by discussing further. Indeed, in his letter of May 4th, 1861, to the U. S. Minister at Paris, which has appeared during the preparation of this report, the Secretary of State does not hesitate to throw aside all the masks and pretenses of the Proclamation, and to admit