

rule to keep power, as long as power can be kept, and through any means by which they can retain it—is to reason from an analogy which does not exist, upon principles which are manifestly false, to a conclusion which is subversive of our institutions. This Government was not intended to be kept together, by any means, through the exercise of any powers, or by the application of any principles, except those of its own constitutional providing. To attempt to preserve it, in name, at the expense of the Constitution, is to destroy it, in theory and fact. Once let “necessity,” of any sort, be recognized as above the Constitution, and our system is any thing and every thing which it may be found necessary to make it. As “necessity” has no law, so it has no limit. The same logic by which it justifies the suspension of one constitutional provision, will justify, in like case, the overthrow of all. The same pretext which it invokes to suppress the functions of the Judiciary, may call for the suppression of Congress as well. It may demand a limited monarchy to-day, and by the same process of reasoning may legitimize an absolute monarchy, or a dictatorship, to-morrow. It already finds the liberty of citizens in its way—what is to prevent it from finding their lives equally so, a month hence? If it justifies imprisoning them, in violation of law and Constitution, it will equally justify their assassination. Concede that it has rightfully suppressed the authority of Maryland in Baltimore, and it may, at any time, as rightfully abolish the whole State Government. It is “the tyrant’s plea,” and constitutional freedom dies with its predominance.

If “military necessity” had been contemplated by those who framed the Constitution, as a justification for suspending or invading its guarantees, would they not have said so in terms? They provided, by special clause, for the suspension of the *Habeas Corpus*—would they have paused at the enumeration of a single case, in which the laws and the Constitution might be temporarily silenced, if they had intended that the Executive or Congress might stifle all the voices of constitutional liberty, at the sound of the trumpet? Why specify the limits of “military necessity,” in the one isolated case, if they meant it to cover all cases? Men who honestly reason to the conclusions of the Administration, upon the point in question, seem to labor under the delusion, that the framers of the Constitution were technical men of law and peace, who had never known war or its terrible exigencies, and did not cover its contingencies with their forecast, when they were laying the foundations of a mighty nation. They seem to forget that the men who sat in the Convention, were the men who had