

# THE STATE RIGHTS DEMOCRAT.

VOL. I.

ALBANY, LINN COUNTY, OREGON, SATURDAY, FEBRUARY 17, 1866.

NO. 28.

**STATE RIGHTS DEMOCRAT.**  
ISSUED EVERY SATURDAY.  
IN ALBANY, LINN COUNTY, OREGON.  
**JAS. O'MEARA,**  
PUBLISHER AND EDITOR.

The One Story Building on the Street running from the River by the Court House, next side Two Blocks South of the Main Business street.

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## WHAT IS THE UNION?

Under this caption a very able writer is giving a series of articles in the New York Metropolitan Record, to show what sort of a Government the framers of the Federal Constitution really intended to make. We copy his fourth letter, which our readers will find instructive and interesting. He says:

In the last number we saw how odious the idea of coercion was esteemed by the Federal Convention, and how frequent and emphatic was their refusal to incorporate the right into the system of government they were forming. Let us now see what the opinion of the States was upon this point at the time that they adopted the Constitution. It may well be conceived that they did not imagine any such right to be granted.

Thus, in the Massachusetts Convention, Mr. Symmes, fearing that the Government might in time usurp powers not delegated, and wishing strict restraints put upon it to prevent such usurpation, especially with regard to the point we are now considering, expressed himself as follows: "In short, we know that all governments have degenerated, and consequently have abused the powers reposed in them, and why should we imagine better of the proposed Congress than of the myriads of public bodies who have gone before them. I cannot at present conceive, Sir, we ought (I speak it with submission) to consider that what we now grant, from certain motives, well grounded at present, will be exacted of posterity as a prerogative when we are not alive to testify the true conditions of the grant—that the wisdom of this act will then be pleaded by those in power, and that the session we are now about to make will be actually clothed with the venerable habit of ancestral sanction." How would he have started, if at this moment a glimpse of the future had been granted him and he had seen public men of his own section, and of his own State, stigmatizing the work they were then engaged in perfecting, as "a league with death," "a covenant with hell!" He continues: "Therefore, Sir, I humbly presume we ought not to take advantage of our situation in point of time, so as to bind posterity to laws they may very possibly disapprove, nor expose them to a rebellion, which at that period will very probably end only in their farther subjugation." The Rev. Mr. Stillman, an ardent supporter of the Constitution, also expressed himself, in one of the most forcible speeches made before the Convention, very plainly on this point. Said he: "Should the General Government become so lost to all sense of honor and the freedom of the people, as to attempt to enslave them, they who are the descendants of a race of men who have deposed kings, would make an American Congress tremble, strip them of their honors, and reduce them to the lowest state of degradation." These are but two out of numerous similar examples of the estimation in which the idea of coercion of a State by the General Government was held by Massachusetts, but they are enough to prove that it was not at all admitted or favored by her.

In New York the idea met with still stronger reprobation. In her Convention, Alexander Hamilton, whose eloquence on points of this nature is of the greatest value, since he was so strong an opponent of everything like State Rights, and so strong an advocate for a strong Government, that wherever he is obliged to admit them, the law and the testimony must be positive indeed. Yet even he is compelled to deny that the Government has any such power in the following strong language: "It has been well observed," says he, "that to coerce a State is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazard a civil war? Suppose Massachusetts, or any other large State, should refuse, and Congress should attempt to compel them, would they not have influence to procure assistance, especially from those States who are in the same situation as themselves? What a picture does this idea present to our view? A complying State at war with a non-complying State—Congress marching the troops of one State into the bosom of another—this State collecting auxiliaries and forming perhaps a majority against its Federal head. Here is a nation at war with itself. Can any reasonable man be well disposed towards a Government which makes war and carnage the only means of supporting itself—a Government that can exist only by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a Government. But can we believe that one State will ever suffer itself to be used as an instrument of coercion? The thing is a dream—it is impossible. Again the same gentleman said, upon the same subject: "The people have an obvious and powerful protection in their State Governments. Should anything dangerous be attempted, these bodies of perpetual observation will be capable of forming and conducting plans of regular opposition. Can we suppose the people's love of liberty will not, under the incitement of their legislative leaders, be roused into resistance, and the madness of tyranny be extinguished at a blow?" These extracts are sufficient to show New York's position upon the question, for when Hamilton was forced to admit State Rights, no one else could with propriety or reason deny them.

The same conclusion is drawn by every other State, as is shown by the Bill of Rights and the amendments adopted by the Convention and incorporated into its ratification of the Constitution, as these were the sentiments and acts of the whole, and not only of individual members. They are too numerous to be particularized, but one is so pointed and forcible, that it can not be passed by with a general reference.

It is one of the opening clauses of the Bill of Rights, and is as follows: "We, the delegates of the people of the State of New York, do declare and make known that all power is originally vested in, and consequently derived from the people, and that Government is instituted by them for their common interest, protection and security. That the powers of Government may be reassumed by the people, whenever it shall become necessary to their happiness." This settles the question that New York, so far from admitting any right of coercion to the General Government, expressly provided upon entering the Union, that she might withdraw from it, or that "the powers of Government may be reassumed by the people, when it shall become necessary to their happiness."

Now, what says Pennsylvania on this question? As has been already stated the proceedings of the Convention of this State that have been preserved are only fragmentary, and give a view of only one side of the debate; but as this side was the prevailing one and in favor of the Constitution, it is sufficient to decide the point. Accordingly we find (Bill, Dec. v. 3, p. 235) that Mr. Wilson expressed his opinion of the Convention as follows: "The truth is, in our Government the supreme, absolute, uncontrollable power remains in the people. The consequence is, the people may change the Constitution whenever and however they please. This is a right of no positive institution can ever deprive them. These important truths, Sir, are far from being speculative; we at this moment speak and deliberate under their immediate and benign influence. To the operations of these truths we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world—a gentle, peaceful, a voluntary and a deliberate transition from one constitution of government to another. Thus Pennsylvania's stand is taken by the side of her sister States in favor of the right to "alter" or "abolish" the Government they were forming, should they ever think it necessary to do so, and consequently in opposition to any right of coercion being invested in the Federal head. Some object may here say, "this is all correct—the argument is good enough—the people undoubtedly have the right to change the Constitution, but only in the way prescribed by the Constitution. The arguments given refer only to that method." The answer to this is simple: the fact is not so. Suppose for a moment such councils had prevailed at the time of these Conventions, would the present system of government ever have been formed? Undoubtedly not; for at that time the Articles of Confederation were the organic law of the country, and so the Constitution is now, and they so provided expressly that no change should be made in them without the "unanimous consent of all the States." Now, it is well known that the present system was not formed by the unanimous consent of all the States, since one State refused even to send delegates to the Convention at Philadelphia, and remained out of the Union as an independent sovereignty for a long time after the Government had gone into operation. Thus the whole act was an extra-Constitutional one, and the arguments supporting it cannot refer to "Constitutional" methods of change. It is highly probable that had such councils as that of the supposed object prevailed at the time the Philadelphia Convention was proposed, the parties opposing it would have been imprisoned, and the present "best Government the world ever saw" had been crushed in the egg.

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In the Virginia Convention, Mr. Corbin, speaking of the troubles consequent upon States neglecting to furnish their quotas under the old Confederation, said, "What is to be done? Compel the delinquent States to pay requisitions to Congress? How are they to be compelled? By the instrumentality of such a scheme as was proposed to be introduced in the year 1784?" (Alluding to a motion made in that year to enable Congress to compel the delinquent by means of an armed force.) "Is this cruel mode of compulsion eligible? Is it consistent with the spirit of Republicanism? This savage mode which could be made use of under the Confederation, leads directly to civil war and destruction. How different is this from the genius of the proposed Constitution." Again, Colonel Henry Lee of Westmoreland, in answer to Patrick Henry, who opposed the adoption of the Constitution most vehemently because he thought it formed a consolidated, coercive Government, said, "But," said he, "the President will enslave you, Congress trample on your liberties, a few regiments will appear. The Chief Justice will be a tyrant." "It was inhuman to place an individual against a whole regiment. A few regiments will not avail. Were so mad an attempt made, the people would assemble in thousands, and drive thirty times the number of their few regiments. We would do with them as we have already done with the regiments of the king, which he so often tells us of." So, too, Mr. John Marshall conceived the question to be whether Democracy or Despotism be most eligible, and was sure both those who framed the system under their consideration, and those who supported it, intended the establishment and security of the former. He said, "We are threatened with the loss of our own liberties by the possible abuse of power, notwithstanding the maxim that those who give may take away. It is the people that give power and can take it back. What shall restrain them? The Government is not supported by force, but depending on our State that have been preserved are only fragmentary, and give a view of only one side of the debate; but as this side was the prevailing one and in favor of the Constitution, it is sufficient to decide the point. Accordingly we find (Bill, Dec. v. 3, p. 235) that Mr. Wilson expressed his opinion of the Convention as follows: "The truth is, in our Government the supreme, absolute, uncontrollable power remains in the people. The consequence is, the people may change the Constitution whenever and however they please. This is a right of no positive institution can ever deprive them. These important truths, Sir, are far from being speculative; we at this moment speak and deliberate under their immediate and benign influence. To the operations of these truths we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world—a gentle, peaceful, a voluntary and a deliberate transition from one constitution of government to another. Thus Pennsylvania's stand is taken by the side of her sister States in favor of the right to "alter" or "abolish" the Government they were forming, should they ever think it necessary to do so, and consequently in opposition to any right of coercion being invested in the Federal head. Some object may here say, "this is all correct—the argument is good enough—the people undoubtedly have the right to change the Constitution, but only in the way prescribed by the Constitution. The arguments given refer only to that method." The answer to this is simple: the fact is not so. Suppose for a moment such councils had prevailed at the time of these Conventions, would the present system of government ever have been formed? Undoubtedly not; for at that time the Articles of Confederation were the organic law of the country, and so the Constitution is now, and they so provided expressly that no change should be made in them without the "unanimous consent of all the States." Now, it is well known that the present system was not formed by the unanimous consent of all the States, since one State refused even to send delegates to the Convention at Philadelphia, and remained out of the Union as an independent sovereignty for a long time after the Government had gone into operation. Thus the whole act was an extra-Constitutional one, and the arguments supporting it cannot refer to "Constitutional" methods of change. It is highly probable that had such councils as that of the supposed object prevailed at the time the Philadelphia Convention was proposed, the parties opposing it would have been imprisoned, and the present "best Government the world ever saw" had been crushed in the egg.

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