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IN THE SENATE OF THE UNITED STATES.

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JANUARY 5, 1864.—Ordered to lie on the table and be printed.

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Mr. DAVIS submitted the following

RESOLUTIONS.

1. *Resolved*, That the government of the United States was established by the people of States which before had been separate, sovereign, and independent; and they formed their common national government by a written Constitution, and delegated to it so much of their sovereign political power as they adjudged to be necessary and proper to enable it to manage all their affairs with foreign nations and among the several States; and, both by its leading principle and an express provision, they reserved "to the States, respectively, or to the people," "all powers not delegated to the United States, nor prohibited by it to the States."

2. *Resolved*, That our system consists of a limited national government for the whole United States, of supreme authority as to all the powers with which the Constitution has invested it, and State governments for each State, formed by the people thereof, and holding the entire residuum of political sovereignty within their respective States—each government, within its sphere, being alike supreme; and as the governors, and all other civil and military officers of the States, as other individuals, may commit treason against the United States, "by levying war against them, or in adhering to their enemies, giving them aid and comfort," so the President of the United States, and the civil and military officers thereof, may commit treason against any State, whose government is in the performance of its duties under the federal Constitution, by levying war against it, or in adhering to its enemies, giving them aid and comfort, as resisting with an armed force the execution of its laws, or adhering to such armed force, giving it aid and comfort.

3. *Resolved*, That in all the States, and parts of States, where the laws of the United States and the States can be executed, the military authorities should not be brought into conflict with the civil power, but should be strictly held to be, as they rightfully are, in subordination to it.

4. *Resolved*, That all elections to civil offices, federal or State, should be in strict accordance with the Constitution and laws of the United States and of the States, respectively, and be understood by officers appointed by the proper authorities for that purpose; and where from the presence or apprehension of force, violence, or other cause, any election cannot be so conducted, it ought not to be held at all; and every election at which any military force may interfere by imposing additional oaths or qualifications for the electors, or regulations for conducting the said election, or by changing or modifying the oaths and qualifications of the electors, or regulations to

govern it, provided as by law, or to constrain, control, or direct the officers of such election in conducting it, should be held to be void and of no effect.

5. *Resolved*, That the experience of the world proves that there can be neither security nor liberty in any country without wise and just laws, firmly sustained and uniformly executed; that is the life, the spirit, the soul of the nation; and all neglect and departures from law, and particularly from constitutional law, by agents appointed to administer it, although sometimes attended with seeming advantage, are sure to produce always, sooner or later, much greater and more enduring mischief: wherefore, disregard of law by such agents is never tolerated by a wise and free people.

6. *Resolved*, That the powers of the government of the United States are derived wholly from, and limited by the Constitution, and by it are divided into legislative, executive, and judicial; and each class of those powers is vested in a separate department; that the President is the chief of the executive department, and has no legislative or judicial power whatever, and only such executive powers as are enumerated in the second and third sections of the second article of the Constitution, and such other powers as may be, from time to time, conferred upon him by Congress in virtue of this provision: "Congress shall have power to make *all laws* which shall be necessary and proper for carrying into execution the foregoing powers, and *all other powers* vested by this Constitution in the *government* of the United States, or any *department* or officer thereof."

7. *Resolved*, That the President cannot be divested of any powers with which he is directly invested by the Constitution, nor controlled or interfered with in their execution, but all powers conferred on him by law of Congress he holds in subordination to that department, which may supervise, modify, and correct his execution of them, or resume them, by repealing the laws intrusting their execution to him.

7. *Resolved*, That the power of the President to recognize the existence of a state of case amounting to "an invasion, or imminent danger of invasion, of the United States," or "insurrection in any State against the government thereof," or "obstruction to the execution of the laws of the United States by combinations too powerful to be suppressed by the ordinary course of judicial proceedings," and to call forth the military power to meet such conditions, is conferred on him by the laws of Congress; and the repeal of those laws would withdraw from the President all that power.

8. *Resolved*, That Congress is invested with the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States," "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water," "to raise and support armies," "to provide and maintain a navy," "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," "to provide for arming, organizing, and disciplining the militia, and governing such part of them as may be employed in the service of the United States," "to guarantee to every state in the Union a republican form of government, and to protect each of them against invasion;" and thus the entire *war* power and *quasi war power, external and internal*, of the government, is vested by the Constitution in Congress, and no part of it whatever in the President.

9. *Resolved*, That whenever there is an insurrection in the United States, Congress is vested with the power to *suppress* it, and with no other power whatever over the insurrection; and when it is suppressed, either by the arms of the United States, or by the submission of the insurgents to the Constitution, laws, and authorities thereof, thereupon the power of Congress over the whole subject is exhausted, and the insurgents are immediately re-

mitted to all the rights, privileges, liberties, and duties of citizens, subject to such forfeiture thereof as may have been declared by law, after it shall have been adjudged by the civil courts in the mode prescribed by the Constitution; and Congress, much less the President, has no power to impose upon them any other terms or conditions.

10. *Resolved*, That the whole power and duty of the President, in the existing insurrection, is to grant pardons to those engaged in it, and, as commander-in-chief of the army and navy, to direct their operations for its suppression; and as such, his powers are strictly military, and are not different or greater than would be those of the senior general in the service, if the Constitution had designated *him* to be the *commander-in-chief*: the power to devise a policy, or measures for its suppression, is legislative, to which the President is incompetent, whether as the first executive officer of the government, or commander-in-chief of the army and navy.

11. *Resolved*, That the *law of military necessity* is not established, but only tolerated, in the United States. It does not, nor cannot, in peace or war abrogate or suspend the Constitution in whole or in part. It cannot authorize arbitrary arrests and imprisonment, or in any way interfere with the person of the citizen, but only with his property. It does not appertain to the *President*, or to the *commander-in-chief*, unless he be in the actual command of a military force, and then only under particular circumstances. It results from a present and urgent need of an army or military corps, which is so pressing that it cannot await other modes, but must be supplied anywhere within its reach by its own power and action. It is not an *expediency*, but a *necessity* of a military body, and creates a law and confers a power, for the *occasion only*, on its commander, of whatever grade he may be, to supply that necessity by taking property with summary military force, without depriving the owner of his right to be compensated for it by the United States. Each case of military necessity makes its own law, adapted to its own peculiar circumstances, and expiring with that particular necessity. There is not, and cannot be, any uniform, permanent, or even continuing law of military necessity. The idea that a law always accidental, evanescent, and, in truth, so inconsiderable, should have the magic force to enable Abraham Lincoln to bound over the Constitution and all its limitations and restrictions, and clutch the vast powers which he claims under it, is a *gigantic* absurdity.

12. *Resolved*, That at the beginning of the war, under the panic of the defeat of Bull Run, the party in power professed to carry it on for the Constitution, and to put down the rebellion, and vindicate the laws and authority of the United States in the insurgent States, and when that was affected it was to cease. But more than a year ago another, and a paramount and unconstitutional one, the total subversion of slavery was inaugurated by them; and at length, to carry on the war in this augmented and perverted form, the annual expenditure, on the part of the United States, has swollen to one hundred thousand lives, a much larger amount of personal disability, and a thousand millions of money, and yet the wisest cannot see the end of the war: verily, the people north, and the people south, ought to revolt against their war-leaders, and take this great matter into their own hands; and elect members to a national convention of all the States, to terminate a war that is enriching hundreds of thousands of officers, plunderers, and spoilsmen in the loyal States, and threatens the masses of both sections with irretrievable bankruptcy and indefinite slaughter; and to restore their Union and common government upon the great principles of liberty and compromise, devised by Washington and his associates.

13. *Resolved*, That the present executive government of the United States has subverted, for the time, in large portions of the loyal States, the freedom

of speech, the freedom of the press, and free suffrage, the constitutions and laws of the States and of the United States, the civil courts and trial by jury ; it has ordered, *ad libitum*, arbitrary arrests by military officers, not only without warrant, but without any charge or imputation of crime or offence ; and has hurried the persons so arrested from home and vicinage to distant prisons, and kept them incarcerated there for an indefinite time ; some of whom it discharged without trial, and in utter ignorance of the cause of their arrest and imprisonment ; and others it caused to be brought before courts, created by itself, and to be tried and punished without law, in violation of the constitutional guarantee to the citizen of his right to keep and bear arms, and of his rights of property ; it has forcibly deprived as well the loyal as the disloyal of both ; it has usurped the power to suspend the writ of habeas corpus, and to proclaim martial law, and establish military tribunals in States and parts of States where there was no obstruction to the due administration of the laws of the United States and the States by the civil courts and authorities ; and ordered many citizens, who were not connected with the army or navy, to be dragged before its drum-head courts, and to be tried by them for new and strange offences, declared by itself, and by undefined and indefinable law, being but the arbitrary will of the court ; it has ordained at pleasure a military despotism in the loyal States, by means of courts-martial, provost marshals, and military forces, governed neither by law, principles, nor rules, from whose tyranny and oppressions no man can claim immunity ; all of which must be repudiated and swept away by the sovereign people.

14. *Resolved*, That a free press, free speech, and free elections are the great and peaceful forces by which the mal-administration of our government, whether in the legislative or executive departments, is prevented, reformed, and reversed, and its authors brought to public condemnation and punishment ; and these bulwarks of constitutional government and popular liberty are formidable to malversators, usurpers, and tyrants only, and they must be held by the people at all hazards.

15. *Resolved*, That as the Constitution and laws afford no means to exclude from the office of President a man appointed to it by military power, or who is declared to be chosen to it by reason of the suppression of the freedom of election, as by the exclusion of legal voters from the polls, or by any other means, the people of the United States would be incompetent to defend, and unworthy to have received the rich heritage of freedom bequeathed to them by their fathers, if they permit that great office so to be filled, or in any other mode than by their own free suffrages.

16. *Resolved*, That the scheme of the President to bring back the insurgent States is open to many and insuperable objections. The pardon and amnesty offered by him is upon the condition that those who accept it shall renounce their right to their slave property, and swear to support his unconstitutional proclamation, and unconstitutional acts of Congress, which attempted to take it from them. He must have intended to put this condition in a form so obnoxious as to secure its rejection by most of those to whom it was offered. He affects the position that ten of the insurgent States have forfeited or dissolved their State governments, and requires that they be reconstructed on a condition prescribed by himself, and this against the true principle which he and the legislative department of the government had previously recognized ; that all the acts of the insurgent States and people, tending to their secession, separation, and independence, were void, and when the inundation with which their insurrection covered over the authority of the Constitution and laws of the United States in them passed away, it would leave the constitutions, laws, property, and institutions of those States in every respect the same that they were previously, excepting only

the changes that were produced by the mere shock of arms, the principle *status ante bellum* being applicable. He ignores the constitutions of Tennessee and Arkansas, and others that have not been altered in any particular, but are the same that they were before their revolt; and he requires those States to repudiate their constitutions that governed them many years peacefully in the Union, and to form new ones. He has no right to take cognizance, in any way, of the governments and constitutions of those States or of any other States, to the extent that such a power is vested in the government of the United States; it is congressional, not presidential. He has no authority whatever to impose any conditions on the insurgents, and they are subject to none but what are prescribed by the Constitution and laws of the United States, to be determined by their courts. What right has the President to proclaim that one-tenth of as many of the voters of those States as voted at the last presidential election may pull down and revolutionize their State governments, and erect new ones for the other nine-tenths, which he will recognize and uphold with the armies and navies of the United States? His project is to continue the war upon slavery by his further usurpations of power, and to get together and buy up a desperate faction of mendicants and adventurers in the rebel States, give them possession of the polls by interposing the bayonet, as in Maryland, Delaware, and portions of Missouri and Kentucky, and to keep off loyal pro-slavery voters, and thus to form bastard constitutions to abolitionize those States.

17. *Resolved*, That the impending destiny of our country can no longer be blinked. The people of the loyal States are resolved into two great parties, the *destructives* and the *conservatives*. The first consists of Abraham Lincoln, his officeholders, contractors, and other followers; the second of all men who are for ejecting Lincoln and his party from office and power. The *professed objects* of the first are, to *preserve the Union*, and to *abolish slavery* in all the States; they have about ceased to make a *pretence* of supporting the Constitution and the laws. Their real objects are to perpetuate their party power, and to hold possession of the government to continue the aggrandizement of their leaders, great and small, by almost countless offices and employments, by myriads of plundering contracts, and by putting up to sale the largest amount of spoils that were ever offered to market by any government on earth. Their object is not to eradicate slavery, but only to abolish its form and the mastery; to subjugate wholly the rebel States, and utterly to revolutionize their political and social organization; to destroy or banish, and strip of their property, all the pro-slavery people, secessionists and anti-secessionists, loyal and disloyal, combatants and non-combatants, old men, women, and children, the decrepit, and the *non compos mentis*, all whom they cannot abolitionize, and to distribute the lands of the subjugated people among their followers, as was done by the Roman conquerors of their own countrymen; to proclaim a mock freedom to the slaves, but by military power to take possession of the freedmen, and work them for their own profit; to do all this, and also to enslave the white man, by trampling under foot the Constitution and laws of the United States and the States, by the power of a subsidized army, and lest it should falter by hundreds of thousands of negro janizaries, organized for that purpose by the Secretary of War and the Adjutant General. The first and paramount object of the conservatives is to preserve their own liberties by saving the Union, the Constitution and the laws from utter and final overthrow by the destructives, not themselves to be enslaved under the pretext of giving a fictitious freedom to the negro, and to restore and perpetuate the Union, and to bring back the people in revolt by renewed and sufficient guarantees of all their constitutional rights. There is no choice left to any man but to be a destructive or a conservative.