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SPEECH

OF

HON. G. B. ADRAIN, OF NEW JERSEY,

ON

THE NEUTRALITY LAWS;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JANUARY 7, 1858.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1858.

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THE NEUTRALITY LAWS.

The House having resolved itself into the Committee of the Whole on the state of the Union, and resumed the consideration of the President's annual message--

Mr. ADRAIN said:

Mr. CHAIRMAN: It is the interest and policy of this Government to cultivate the most friendly relations with all other Powers. Such has been the policy of our Government from its foundation down to the present period. It is a policy that has preserved our domestic peace; it is a policy which has preserved us from foreign war; a policy which has enabled our citizens to pursue their various avocations in peace; a policy which has given rise to a wide and extensive commerce, until our ships are now floating proudly upon every sea. It is a wise and a judicious policy; a policy adopted by the first President of this great and powerful nation; and it is for this Government to determine whether that policy shall be abandoned, or whether another policy shall be pursued which will interrupt our friendly and peaceful relations with foreign nations. How can those friendly relations be preserved unless our Government takes some effective and stringent measures for the purpose of putting a stop to these military expeditions that are forming in our midst to go out and prey upon the property and lives of those who are at peace with us? And the President of the United States, in his message, calls the attention of the House to this subject, and proposes that we shall give to it our most serious and deliberate consideration.

The neutrality laws which are upon our statute-books are not sufficient to put a stop to this marauding spirit, which is likely to bring us into difficulty with foreign Powers, and which inter-

rupts our peace and excites the hostility of foreign nations against us. As this is the case, I hope that when this matter is referred to the committee, our laws will be so changed and so modified as not to give fuller license to this marauding spirit, but to prevent and check it.

Now, sir, it is proposed by the distinguished gentleman from Mississippi that these neutrality laws should be abolished, or altered in such a way that they shall not infringe what he conceives to be the rights of American citizens. Now, sir, I am not in favor of having the rights of American citizens interfered with at all by the Government. But what are those rights? What right has any citizen of the United States to band together with others to form these military expeditions to go out to make war upon foreign Powers? I deny the right. Every American citizen has the right of leaving his country, of expatriating himself if he please, and of seeking and receiving protection in another country. But his right does not extend so far as to allow him to get up a military expedition for the purpose of making war upon those Powers that are at peace with us, when those military expeditions interfere with our great national interests.

These neutrality laws, Mr. Chairman, are founded upon the great law of nations. Laws have been passed from the period of Washington's administration to the present time, founded upon this great law. Now what is this law of nations? Although this law, by some nations, has been disregarded, yet it is a law which is founded upon morality, justice, and humanity. Every nation ought to do as much good to another in peace, and as little harm in war, as possible. I

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have here a standard book upon the law of nations, and I beg leave to call the attention of the House to a few remarks of the late Chancellor Kent, when treating upon this subject. He says:

"The faithful observance of this law is essential to national character, and to the happiness of mankind. According to the observation of Montesquieu, it is founded on the principle, that different nations ought to do each other as much good in peace, and as little harm in war, as possible, without injury to their true interests.

"We ought not, therefore, to separate the science of public law from that of ethics, nor encourage the dangerous suggestion, that Governments are not so strictly bound by the obligations of truth, justice, and humanity, in relation to other Powers, as they are in the management of their own local concerns. States, or bodies-politic, are to be considered as moral persons, having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life. The law of nations is a complex system, composed of various ingredients. It consists of general principles of right and justice, equally suitable to the government of individuals in a state of natural equality, and to the relation and conduct of nations; of a collection of usages and customs, the growth of civilization and commerce; and of a code of conventional or positive law. In the absence of these latter regulations, the intercourse and conduct of nations are to be governed by principles fairly to be deduced from the rights and duties of nations, and the nature of moral obligation; and we have the authority of the lawyers of antiquity, and of some of the first masters in the modern school of public law, for placing the moral obligation of nations and of individuals on similar grounds, and for considering individual and national morality as parts of one and the same science."

Here, sir, are the principles upon which the law of nations is based. They are correct principles, and I maintain that there is a moral obligation resting upon our nation, as well as a moral obligation resting upon every individual, to observe them. What right has any one to deprive another of his property or his life? If he does it, the law punishes him; and if he gives out an indication of his intention to commit a crime, the restraint of the law is put upon him, and he is bound over to keep the peace. If this is so, has not the Government an equal right to prevent its citizens from committing depredations upon others who are at peace with us? Have not they the moral obligation to prevent injury to their neighbors? Is not that just? Is it not morally right? And is it not humane?

Therefore I maintain that the neutrality laws of our country are founded upon the great law of nations, which commends itself to the judgment and conscience of every right-thinking man. This law of nations is of modern growth. The ancient Republics knew nothing about it; they knew nothing of right or wrong, and they paid no regard to the rights and property of others. We all know that the best fleets of Athens went out upon these piratical excursions to deprive others

of their property and their lives. It is for us—for this Government—for this great people, to determine whether we will go back to those ancient times and imitate these piratical excursions, or whether we will keep our citizens within the restraints of law and morality and justice.

I am in favor, Mr. Chairman, of putting a stop to this marauding spirit that is afloat in this country. It is a mischievous, dangerous spirit. It is a spirit that has done no good, but a great deal of harm. It is a spirit that has excited the bad passions of the youth of our country. It is a spirit that has led them to disobey the laws of our country, to disrespect our Government, to disregard the property and lives of others. It is a spirit, sir, which has interfered with the great transit routes between the two oceans; and the President tells us in his message that, in consequence of that interference, our citizens have sustained heavy losses. These are some of the effects of this marauding spirit; and yet the distinguished gentleman from Mississippi, [Mr. QUITMAN,] and other gentlemen here, would have us encourage that spirit instead of restraining it. If our neutrality laws, as they now exist, cannot restrain men in this country from doing what they ought not to do, from committing unlawful acts, in the name of common sense what will they do if the restraints of the existing laws are removed?

Mr. QUITMAN. I challenge the gentleman to refer to a single word that I have ever uttered approving of a marauding spirit, or approving of illegal transactions. And it is a very remarkable fact, Mr. Chairman, in regard to the relations existing between us and the Central American States, that the very State which could complain of marauding expeditions having been sent against it from this country—I refer to Nicaragua—is now upon terms of greater amity with the United States than another State against which such expeditions have never been directed—I refer to Paraguay. The President has informed us that we are upon terms of hostility with that State, against which no expeditions have ever been directed from the United States.

But, sir, I merely rose for the purpose of saying that I have never, here or elsewhere, in any speech, advocated, and that I do not now advocate, a marauding spirit or any violation of the law of nations. But the gentleman from New Jersey has not looked into the law of nations, if he deduces from it a support for the neutrality law of 1818, for that act is in almost every feature violative of the law of nations.

Mr. ADRAIN. It may be that I have not examined the subject with sufficient care, and I may

not be as well acquainted with it as the distinguished gentleman from Mississippi; but I am satisfied of one thing—that it is the bounden duty of Government not to annul the neutrality laws of the country, but, if anything, to increase them and make them more stringent. I do not wish, nor do I intend, to misrepresent the gentleman. Far from it. I was merely arguing from the position which he took in regard to the neutrality laws. I certainly understood him to disapprove of them; and the very fact of his moving to refer this subject to a special committee, was an evidence that he did not wish it to go to the Judiciary Committee; that he had some specific purpose, and that that purpose was to have a special committee raised to carry out his peculiar views.

Mr. Chairman, it has been proposed here, upon this floor—and I must say that it struck me with great astonishment—that we should send General Walker and his men back to Nicaragua. It is said that Commodore Paulding did an illegal act when he arrested General Walker, and sent him back to this country. It may be so. That act may have been illegal; the commodore may have gone beyond the line of his instructions. When we have all the facts and the law from the President, as I hope we will have in a few days, we will then fully understand whether he went beyond his instructions or not.

But suppose he did; suppose he had no right to bring General Walker back, under his instructions: are we to send Walker and his men back again, when the President says they went out on an unlawful predatory expedition, and that their acts were acts of murder and robbery? Why, sir, by so doing this Government would indorse those acts of robbery and murder. Are we prepared to do that? Will this Government do that? Because Commodore Paulding, in his zeal for the interests of his country, and his love and respect for our Government, has exceeded the letter of his instructions, are we to sanction or countenance proceedings which the President has condemned in his message?

Suppose, now, that we send Walker and his men back: I say that if this Government should take such a step, it would give the Nicaraguan Government direct cause for war, and it might actually lead to war. Suppose Walker and his men are sent down there in one of our national ships, under our national flag, and when about to land are met by an opposing force: what then? We have resolved to send them back, and that opposing force refuses to permit them to come back. To fulfill our pledge to Walker, we must carry him and his men through, and plant them

in the very position from which they were taken; and do not gentlemen see at once the consequences which would flow from that act?

I am not willing, Mr. Chairman, as a general rule, to allow either our civil or military officers to transcend their duty or go beyond the line of their instructions; but there may be circumstances in a particular case which will palliate if not justify their conduct in doing so. What did Commodore Paulding do? Why, he did the very thing that the Government wanted done. I do not mean to say that the Government wanted Commodore Paulding to lay his hand upon Walker and his men upon a foreign soil, but it wanted this expedition broken up; it wanted to stop the depredations of Walker and his men upon the rights and property of States with which we are at peace. I say, therefore, that Commodore Paulding did the very thing that the Government wanted done, so far as the results were concerned; and in doing that he did an act which will be approved, as I conceive, so far as those results are concerned, by the Government and by a large majority of the people of this country. I am not ready to condemn one of the bravest and most gallant commanders in our Navy for such an act. His motives were good. His intentions were right. He knew what the Government wanted, and he wished to accomplish it. It was accomplished. Walker and his men are back in this country; and I pray God that he may never get away from it again, but that such restraints may be put upon him as will make him obey the neutrality laws, as he pledged himself to do.

Mr. KEITT. I wish to ask the gentleman from New Jersey one question. He says that Commodore Paulding knew what the Government wanted.

Mr. ADRAIN. I beg the gentleman's pardon. That is not what I said. I said that Commodore Paulding knew what the Government wanted, as far as his instructions would indicate.

Mr. KEITT. How did he know what the Government wanted?

Mr. ADRAIN. He knew that the Government wanted a stop put to these marauding expeditions. That he knew.

Mr. KEITT. Did he know that the Government wanted him to arrest Walker and his men on the island of Punta Arenas, and bring them back to this country?

Mr. ADRAIN. No, sir. He did not know it; and he admits in his letter, like a brave, frank man, that he went beyond the line of his instructions. He assumed the whole responsibility himself. But, sir, he is not the first man who has

taken the responsibility of going beyond the line of his duty. We have the example of General Jackson, the brave and illustrious old hero, out of respect to whose memory this House has just passed a resolution for an adjournment until Monday next. Sir, that glorious old hero loved to assume responsibilities, and the country admired and rewarded him for it.

I feel, Mr. Chairman, much interest in the progress of free principles. I did not hear very distinctly the gentleman who last addressed the House, [Mr. THAYER;] but I have no doubt he made a very able speech from what I did hear. I am as much interested in the spread of free and liberal principles as that gentleman or any gentleman upon this floor, but it must be done in the right way. Gentlemen may entertain different views as to what is the right way; and according to the theory and genius of our institutions each man has the right to think and act for himself. Other gentlemen claim that privilege, and I trust I shall be allowed to exercise the same privilege for myself. Therefore, I say that if free and liberal principles are to go abroad, are to be disseminated—if free Governments are to be established in other countries where they do not exist now, it is not to be done by fire and sword, but by the peaceful example of our own free and enlightened Government. Our Government is a Government of peace. Our Government is a Government which endeavors to avoid entangling alliances with foreign Powers, and to give them no just cause of offense. We wish to adopt the great principles of morality and humanity towards other nations, so that they may see that we are a just and an honest people. If we are not, then our Government is not fit to be imitated. Therefore, I am against the spread of free principles—against the Americanization of Central America, in any other way than by peaceful emigration. That is the way which is proposed by the President of the United States, and it is the only legitimate way. It is the only way compatible with the neutrality laws of the Government, founded upon the great law of nations. I care not how many men may emigrate to Central America and settle there, if they please. The gentleman from Massachusetts, who has talked so much about emigration, if he pleases to emigrate there peacefully and quietly, may go; though, from the specimen of a speech which he gave us to-day, I should regret that we would not have another opportunity to hear further from him.

Mr. Chairman, it is a fortunate circumstance that this discussion has arisen in regard to the neutrality laws of this country. I had supposed,

at first, when this subject was introduced, that it was premature. I thought it would have been better to wait until the President had given us the necessary information upon the subject, in answer to the resolutions which the House has passed. But, I do not think that it is premature to discuss the neutrality laws, or to meet the great question of raising these military expeditions to go out from our midst and prey upon the lives and property of our neighbors; I am as desirous as the gentleman from Mississippi, or any other gentleman, to see that these questions should be met, and met soon; and that the voice of this Congress, and the voice of this nation should be heard upon this subject.

I regretted very much to hear the gentleman from New York, [Mr. HASKIN,] who spoke yesterday upon this subject, go, as it seemed to me he did, a little too far in stating the opinions of the northern Democracy in relation to Walker and his followers. That gentleman took the ground, as I understood him, of opposition to all such private enterprises. He was opposed to Walker and his men going out in the way they did; but he countenanced such expeditions upon the part of the Government; in other words, he was opposed to petit larceny, but was in favor of grand larceny. I hold in my hand his reported speech, which represents him as uttering these sentiments. Sir, if they are his sentiments, they are not the sentiments of the Democracy of the North. They are not the sentiments of the people of my district, or of my State. We are an honest people. We believe in morality and justice. We have been brought up to be honest. We do not believe in grand larceny any more than we do in petit larceny, and I know my colleagues will concur with me in the sentiments which I utter. We are opposed to individuals taking the lives or property of others, and we are opposed to the Government doing the same thing. I do not concur with the gentleman in recommending the Government to follow the example of England. England has not furnished us an example which, I think, we should follow. She has not adhered to the great law of nations. She has committed depredations upon the rights of others which have disgraced her in the eyes of all nations, and ought to disgrace her. I am not willing that this Government should copy the example of England, or any example which is not in accordance with the principles of right, justice, and humanity.

Mr. Chairman, I will not trouble the committee further. I have already extended my remarks further than I intended. I feel a deep interest in this subject. It is an interest which every

American citizen ought to feel, and it is an interest which is taken by the Government itself. The President of the United States, in his message, says:

“It is one of the first and highest duties of an independent State, in its relations with the members of the great family of nations, to restrain its people from acts of hostile aggression against their citizens or subjects. The most eminent writers on public law do not hesitate to denounce such hostile acts as robbery and murder.”

Those are the sentiments of the President. They are right sentiments, and I am willing to sus-

tain him in them. I believe that this House and the whole country will sustain him. And when this matter is reported back, as it will be, from the Committee on the Judiciary, I hope that we will have such laws passed as will define specifically the duties of American citizens, giving them the rights which justly belong to them, and depriving them of the power of committing the mischiefs which, the President in his message says, are great wrongs of robbery and murder.
