"Sources of Danger to the Republic"

St. Louis, Missouri. February 7, 1867

Background: During the Presidency of Andrew Johnson, Frederick Douglass became increasingly concerned about the power of the Executive branch of the US government. Not quite two years removed from the Civil War and death of Abraham Lincoln, Douglass believed many opportunities once available to remake the nation were disappearing rapidly through Presidential action, or inaction. This speech delivered to an overflow crowd in Turner's Hall takes aim at the balance of power in the government and how he believes that the executive branch overpowers the others. He offers suggestions for how to better balance the scales of government.

LADIES AND GENTLEMEN: I know of no greater misfortunes to individuals than an over confidence in their own perfections, and I know of fewer misfortunes that can happen to a nation greater than an over confidence in the perfection of its government. It is common on great occasions to hear men speak of our republican form of government as a model of surpassing excellence — the best government on earth — a masterpiece of statesmanship — and destined at some period not very remote to supersede all other forms of government among men; and when our patriotic orators would appear in some degree recondite as well as patriotic, they treat us to masterly disquisitions upon what they are pleased to term "the admirable mechanism of our Constitution." They discourse wisely of its checks and balances, and the judicious distribution of the various powers.

They point us also to the fact that there are growing antagonisms, forces bitter and unrelenting between the different branches of our government — the executive against the legislative, and the judicial in some instances against both. They point us also to the obvious want of gratitude on the part of the nation, its disposition to sacrifice its best friends and to make peace with its bitterest enemies; the fact that it has placed its only true allies under the political heels of the very men who with broad blades and bloody hands sought the destruction of the republic. They point us to the fact that loyal men by the score, by the hundred, have been deliberately and outrageously, and in open daylight, slaughtered by the known enemies of the country, and thus far that the murderers are at large: unquestioned by the law, unpunished by justice, unrebuked even by the public opinion of the localities where the crimes were committed. Under the whole heavens you cannot find any government besides our own that is as indifferent to the lives of its loyal subjects. They tell us, moreover, that the lives of republics have been short, stormy, and saddening to the hopes of the friends of freedom, and they tell us, too, that ours will prove no exception to this general rule.

Now, why have I referred to these unfavorable judgments of American institutions? Not, certainly, to indorse them; neither to combat them; but as offering a reason why the Americans should take a little less extravagant view of the excellencies of our institutions. We should scrutinize them a little more closely and weigh their value a little more impartially than we are accustomed to do. We ought to

examine our government, and I am here tonight, and I rejoice that in St. Louis that there is liberty enough, civilization enough, to tolerate free inquiry at this point as well as any other.

But wise and good as that instrument is, at this point and at many others, it is simply a human contrivance. It is the work of man and men struggling with many of the prejudices and infirmities common to man, and it is not strange that we should find in their constitution some evidences of their infirmity and prejudices. Time and experience and the ever-increasing light of reason are constantly making manifest those defects and those imperfections, and it is for us, living eighty years after them, and therefore eighty years wiser than they, to remove those defects — to improve the character of our constitution at this point where we find those defects.

We succeeded in putting down the rebellion. And wherein is the secret of that success? Not in, I think, the superior structure of our government, by any means. We succeeded in that great contest because, during at least the latter part of the war, the loyal armies fought on the side of human nature; fought on the side of justice, civil order and liberty. This rebellion was struck with death the instant Abraham Lincoln inscribed on our banner the word "Emancipation." Our armies went up to battle thereafter for the best aspirations of the human soul in every quarter of the globe, and we conquered. The rebel armies fought well, fought bravely, fought desperately, but they fought in fetters. Invisible chains were about them. Deep down in their own consciences there was an accusing voice reminding them that they were fighting for chains and slavery, and not for freedom. They were in chains — entangled with the chains of their own slaves. They not only struggled with our gigantic armies, and with the skill of our veteran generals, but they fought against the moral sense of the nineteenth century — they fought against their own better selves — they fought against the good in their own souls; they were weakened thereby; their weakness was our strength, hence our success. And our success over the rebels is due to another cause quite apart from the perfection of our structure of government. It is largely owing to the fact that the nation happened — for it only happened — we happened to have in the presidential chair, an honest man. It might have been otherwise. It was our exceeding good fortune that Abraham Lincoln — not William. H. Seward — received the nomination at Chicago in 1860. Had William H. Seward — judging him by his present position — had Franklin Pierce, had Millard Fillmore, had James Buchanan, or had that other embodiment of political treachery, meanness, baseness, ingratitude, the vilest of the vile, the basest of the base, the most execrable of the execrable of modern times — he who shall be nameless, occupied the Presidential chair your magnificent republic might have been numbered with the things that were.

We talk about the power of the people over this government, of its admirable checks and balances, its wisely arranged machinery; but remember those three months, the last three months of Buchanan's administration. It is impossible to think wisely and deeply without learning a lesson of the inherent weakness of our republican structure. For three long months the nation saw their army and their navy scattered and the munitions of war of the government placed in the hands of its enemies. The people could do nothing but bite their lips in silent agony. They were on a mighty stream afloat, with all their liberties at stake and a faithless pilot on their boat. They could not help this. They were in a current which they could neither resist nor control. In the rapids of a political Niagara, sweeping the nation on, on, in silent agony toward the awful cataract in the distance to receive it. Our power was unable to stay the treachery.

We appealed, to be sure — we pointed out through our principles the right way — but we were powerless, and we saw no help till the man, Lincoln, appeared on the theater of action and extended his honest hand to save the Republic. No; we owe nothing to our form of government for our preservation as a nation — nothing whatever — nothing to its checks, nor to its balances, nor to its wise division of powers and duties. It was an honest President backed up by intelligent and loyal people — men, high minded men that constitute the State, who regarded society as superior to its forms, the spirit as above the letter — men as more than country, and as superior to the Constitution. They resolved to save the country with the Constitution if they could, but at any rate to save the country. To this we owe our present safety as a nation.

Because a defective ship with a skillful captain, a hard-handed and honest crew, may manage to weather a considerable storm, is no proof that our old bark is sound in all her planks, bolts and timbers — because by constant pumping and extraordinary exertions we have managed to keep afloat and at last reach the shore.

I propose to speak to you of the sources of danger to our republic. Let it not, however, be supposed by my intelligent audience that I concede anything to those who hold to the inherent weakness of a republican form of government. Far from this. The point of weakness in our government don't touch its republican character. On the contrary I hold that a republican form of government is the strongest government on earth when it is thoroughly republican. Our republican government is weak only as it touches or partakes of the character of monarchy or an aristocracy or an oligarchy. In its republican features it is strong. In its despotic features it is weak. Our government, in its ideas, is a government of the people. But unhappily it was framed under conditions unfavorable to purely republican results, it was projected and completed under the influence of institutions quite unfavorable to a pure republican form of government — slavery on the one hand, monarchy on the other.

The idea of putting new wine into old bottles or mending old garments with new cloth was not peculiar to the Jew; it came down to the fathers, and it is showing itself now amongst us. We are disposed to assent to the abolition of slavery, but we wish to retain something of slavery in the new dispensation. We are willing that the chains of the slave shall be broken if a few links can be left on his arm or on his leg. Your fathers were in some respects after the same pattern. They gave us a Constitution made in the shadow of slavery and of monarchy, and in its character it partakes in some of its features of both those unfavorable influences. Now, as l have said, I concede nothing to those who hold to the inherent weakness of our government or a republican form of government. The point of weakness or the features that weaken our government are exotic. They have been incorporated and interposited from other forms of government, and it is the business of this day and this generation to purge them from the Constitution.

Now, the first source of weakness to a republican government is the one man power. I rejoice that we are at last startled into a consciousness of the existence of this one man power. If it was necessary for Jefferson Davis and his peculiar friends to resort to arms in order to show the danger of tolerating the slave power in our government, we are under great obligations to Andrew Johnson for disclosing to us the unwisdom of tolerating the one man power in their government. And if now we shall be moved, as I hope we shall, to revise our Constitution so as to entirely free it from the one man power, to curtail or abridge that power, and reduce it to a manageable point, his accidental occupancy of the Presidential chair will

not be the unmitigated calamity we have been accustomed to regard it. It will be a blessing in disguise — though pretty heavily disguised. For disguise it as we will, this one man power is in our constitution. It has its sheet anchor firmly in the soil of our constitution. Mr. Johnson has sometimes overstepped this power, in certain conditions of his mind, which are quite frequent, and mistaken himself for the United States instead of the President of the United States. The fault is not entirely due to his marvelous vanity, but to the constitution under which he lives. It is there in that Constitution. The "fantastic tricks" recently played "before high heaven" by that dignitary when sandwiched between a hero of the land and of the sea, and swinging around the circle from the Atlantic to the Mississippi— we must break down the mainspring of those tricks in the Constitution before we shall get rid of them elsewhere.

It is true that our President is not our King for life; he is here only temporarily. I say King. Mr. Seward, you know, took it upon himself to introduce Andrew Johnson to the simple-hearted people of Michigan as king. "Will you have him as your President or as your King," said the astute Secretary of State, evidently regarding the one title as appropriate to Andy Johnson as the other. There is a good deal of truth in it, for in fact he is invested with kingly power, with an arbitrariness equal to any crownhead in Europe. Spite of our boasts of the power of the people, your President can rule you as with a rod of iron. It is true he is only elected for four years — he is only a four-year old — and the brief time of the term would seem to be a security against misbehavior; a security and a guarantee of good conduct, for the most turbulent of men can manage to behave themselves for short periods — always excepting the "Humble Individual." But the brief time — this brief time is no security — to my mind it furnishes impunity rather than security. We bear, in one of these Presidents' behavior, arrogance and arbitrariness that we would not bear with but for the limited term of his service. We would not bear it an hour — the disgrace and scandal that we now stagger under — did we not know that two short, silent years will put an end to our misery in this respect.

You are free to choose, but after you have chosen your freedom is gone, just as mine was — gone, and our power is gone to a large extent under the framework of our government when you have chosen. You are free to choose, free while you are voting, free while you are dropping a piece of paper into the box with some names on it — I won't tell how those names got on it; that would evince, perhaps, a culpable familiarity with politics to do that. But you are free while you are dropping in your vote — going, going, gone. When your President is elected, once familiarly seated in the national saddle, his feet in the stirrups, his hand on the reins, he can drive the national animal almost where he will. He can administer this government with a contempt for public opinion, for the opinions and wishes of the people, such as no crowned head in Europe imitates towards his subjects.

Now what are the elements that enter into this one man power and swell it to the formidable measure at which we find it at this time? The first thing is the immense patronage of the President of the United States — the patronage of money, of honor, of place and power. He is able to divide among his friends and among his satellites — attaching men to his person and to his political fortunes — a hundred million of dollars per annum in time of peace, and uncounted thousands of millions of dollars in time of war are virtually at his disposal. This is an influence which can neither be weighed, measured nor otherwise estimated. The very thought of it is overwhelming. This amount of money lodged outside of the government in unfriendly hands could be made a formidable lever for the destruction of the government. It is a direct assault upon the national virtue. While the President of the United States can exalt whom he

will, cast down whom he will; he can place A into office for agreeing with him in opinion, and cause B to be put out of office because of an honest difference of opinion with him. Who does not see that the tendency to agreement will be a million times stronger than the tendency to differ, even though truth should be in favor of difference. From this power — this patronage — has arisen the popular political maxim that "to the victors belong the spoils," and that other vulgar expression of the same idea by Postmaster General Randall, that no man shall eat the President's "bread and butter" who does not indorse the President's "policy." The first thing that an American is taught at the cradle side is never to fight against his bread and butter.

Now I hold that this patronage should be abolished, that is to say that the President's control over it should be abolished. The Constitution evidently contemplated that the large arm of our government should control the matter of appointments. It declares that the President may appoint by and with the consent and with the advice of the Senate; he must get the Senate's advice and consent, but custom and a certain laxity of administration has almost obliterated this feature of the Constitution, and now the President appoints, he not only appoints by and with the consent, but he has the power of removal, and with this power he virtually makes the agency of the Senate of the United States of no effect in the matter of appointments. I am very glad to see that a movement is on foot in Congress to make the appointments by the President or removal by the President alone illegal. The security which you and I will have against the President is that the same power that is required to appoint shall be required to remove; that if the President can only appoint with the advice and consent of the Senate, he shall remove with the advice and consent of the Senate. If the President's power at this point were abridged to this extent the case would be helped materially.

Another thing I would abolish — the pardoning power. I should take that right out of the hands of this one man. The argument against it is in some respects similar to that used against the veto power. Those against the veto power are equally persistent against the pardoning power, and there is a good reason why we should do away with the pardoning power in the hands of the President, that is that our government may at some time be in the hands of a bad man. When in the hands of a good man it is all well enough, and we ought to have our government so shaped that even when in the hands of a bad man we shall be safe. And we know that the people are usually well intentioned. A certain percentage are thieves, a certain percentage are robbers, murderers, assassins, blind, insane and idiots. But the great mass of men are well-intentioned, and we should watch the individual. Trust the masses always. That is good Democracy, is it not? Not modern, but old-fashioned. But my argument is this: A bad President, for instance, has the power to do what? What can he not do? If he wanted to revolutionize this government, he could easily do it with this ponderous power; it would be an auxiliary power. He could cry "havoc, and let slip the dogs of war," and say to the conspirators: "I am with you. If you succeed, all is well. If you fail, I will interpose the shield of my pardon, and you are safe. If your property is taken away from you by Congress, I will pardon and restore your property. Go on and revolutionize the government; I will stand by you." The bad man will say or might say this. I am not sure but we have got a man now who comes very near saying it. Let us have done with this pardoning power. We have had enough of this. Pardoning! How inexpressibly base have been the uses made by this power — this beneficent power. It has been that with which a treacherous President has trafficked. He has made it the means of securing adherents to himself instead of securing allegiance to the government. Let us have done with closet pardons — pardons

obtained by bad men — pardons obtained by questionable women — pardons obtained in the most disgraceful and scandalous manner. Drive this pardoning power out of the government and put it in the legislative arm of the government in some way. Let a committee of the House of Representatives and Senate of the United States determine who shall be the recipients of the clemency at the hands of the nation. Let it not come from an individual, but let it come from the people. An outraged people know to whom to extend this clemency.

When the ship is to be repaired, it is of some consequence to find out where the unsound timbers are, when the opening seam is where the corroded bolt is, that we put in sounder, and I have been indicating where these points of unsoundness are. And I think I can leave this matter of reconstruction to the high constructive talent of this Anglo-Saxon race. The Negro has done his part if he succeeds in pointing out the source of danger to the republic. You will have done your part when you have corrected or removed these sources of danger. We have already grappled with very dangerous elements in our government, and we have performed a manly part, we have removed errors, but there are some errors to be removed, not so dangerous, not so shocking, perhaps, as those with which we have grappled; but nevertheless dangers requiring removal. Happy will it be for us, happy will it be for the land, happy for coming generations, if we shall discover these sources of danger, and grapple with them in time without the aid of a second rebellion — without the people being lashed and stung into another military necessity.

“Man is said to be an animal looking before and after. It is his distinction to improve the future by a wise consideration of the past. In looking back to this tremendous conflict, aftercoming generations will find much at which to marvel. They will marvel that men to whom was committed the custody of the Government, sworn to protect and defend the Constitution and the Union of the States, did not crush this rebellion in its egg…They will marvel still more that, after the rebellion was suppressed, and treason put down by the loss of nearly half a million of men, and after putting on the nation’s neck a debt heavier than a mountain of gold, the Government has so soon been virtually captured by the party which sought its destruction.”