

ON CONSCRIPTION

By Daniel Webster

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During America's first great war, waged against Great Britain, the Madison Administration tried to introduce a conscription bill into Congress. This bill called forth one of Daniel Webster's most eloquent efforts, in a powerful opposition to conscription. The speech was delivered in the House of Representatives on December 9, 1814; the following is a condensation:

This bill indeed is less undisguised in its object, and less direct in its means, than some of the measures proposed. It is an attempt to exercise the power of forcing the free men of this country into the ranks of an army, for the general purposes of war, under color of a military service. It is a distinct system, introduced for new purposes, and not connected with any power, which the Constitution has conferred on Congress.

But, Sir, there is another consideration. The services of the men to be raised under this act are not limited to those cases in which alone this Government is entitled to the aid of the militia of the States. These cases are particularly stated in the Constitution — "to repel invasion, suppress insurrection, or execute the laws."

The question is nothing less, than whether the most essential rights of personal liberty shall be surrendered, and despotism embraced in its worst form. When the present generation of men shall be swept away, and that this Government ever existed shall be a matter of history only, I desire that it may then be known, that you have not proceeded in your course unadmonished and unforwarned. Let it then be known, that there were those, who would have stopped you, in the career of your measures, and held you back, as by the skirts of your garments, from the precipice, over which you are plunging, and drawing after you the Government of your Country.

Conscription is chosen as the most promising instrument, both of overcoming reluctance to the Service, and of subduing the difficulties which arise from the deficiencies of the Exchequer. The administration asserts the right to fill the

ranks of the regular army by compulsion. It contends that it may now take one out of every twenty-five men, and any part or the whole of the rest, whenever its occasions require. Persons thus taken by force, and put into an army, may be compelled to serve there, during the war, or for life. They may be put on any service, at home or abroad, for defense or for invasion, according to the will and pleasure of Government. This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to Government at all times, in peace as well as in war, and is to be exercised under all circumstances, according to its mere discretion. This, Sir, is the amount of the principle contended for by the Secretary of War (James Monroe).

Is this, Sir, consistent with the character of a free Government? Is this civil liberty? Is this the real character of our Constitution? No, Sir, indeed it is not. The Constitution is libeled, foully libeled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Carta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Under what concealment has this power lain hidden, which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free Government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free Government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have

a right to chains and bondage, firmly secured to us and our children, by the provisions of our Government.

The supporters of the measures before us act on the principle that it is their task to raise arbitrary powers, by construction, out of a plain written charter of National Liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free and limited Government, and to demonstrate by a regular chain of premises and conclusions, that Government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery, than has been exercised by any civilized Government in modern times.

But it is said, that it might happen that any army would not be raised by voluntary enlistment, in which case the power to raise armies would be granted in vain, unless they might be raised by compulsion. If this reasoning could prove any thing, it would equally show, that whenever the legitimate powers of the Constitution should be so badly administered as to cease to answer the great ends intended by them, such new powers may be assumed or usurped, as any existing administration may deem expedient. This is a result of his own reasoning, to which the Secretary does not profess to go. But it is a true result. For if it is to be assumed, that all powers were granted, which might by possibility become necessary, and that Government itself is the judge of this possible necessity, then the powers of Government are precisely what it chooses they should be.

The tyranny of Arbitrary Government consists as much in its means as in its end; and it would be a ridiculous and absurd constitution which should be less cautious to guard against abuses in the one case than in the other. All the means and instruments which a free Government exercises, as well as the ends and objects which it pursues, are to partake of its own essential character, and to be conformed to its genuine spirit. A free Government with arbitrary means to administer it is a contradiction; a free Government without adequate

provision for personal security is an absurdity; a free Government, with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

Into the paradise of domestic life you enter, not indeed by temptations and sorceries, but by open force and violence.

Nor is it, Sir, for the defense of his own house and home, that he who is the subject of military draft is to perform the task allotted to him. You will put him upon a service equally foreign to his interests and abhorrent to his feelings. With his aid you are to push your purposes of conquest. The battles which he is to fight are the battles of invasion; battles which he detests perhaps and abhors, less from the danger and the death that gather over them, and the blood with which they drench the plain, than from the principles in which they have their origin. If, Sir, in this strife he fall — if, while ready to obey every rightful command of Government, he is forced from home against right, not to contend for the defense of his country, but to prosecute a miserable and detestable project of invasion, and in that strife he fall, 'tis murder. It may stalk above the cognizance of human law, but in the sight of Heaven it is murder; and though millions of years may roll away, while his ashes and yours lie mingled together in the earth, the day will yet come, when his spirit and the spirits of his children must be met at the bar of omnipotent justice. May God, in his compassion, shield me from any participation in the enormity of this guilt.

A military force cannot be raised, in this manner, but by the means of a military force. If administration has found that it can not form an army without conscription, it will find, if it venture on these experiments, that it can not enforce conscription without an army. The Government was not constituted for such purposes. Framed in the spirit of liberty, and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail; and having already thrown away our peace, we may thereby throw away our Government.

I express these sentiments here, Sir, because I shall express

them to my constituents. Both they and myself live under a Constitution which teaches us, that "the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind." With the same earnestness with which I now exhort you to forbear from these measures, I shall exhort them to exercise their unquestionable right of providing for the security of their own liberties.