

Reuben Eaton Fenton, speech "The Designs of the Slave Power"

Representative Reuben Fenton, of New York, delivered this speech on the floor of the House of Representatives, in reaction to the Congressional debate over the validity of the Lecompton Constitution. Believing that the repeal of the Missouri Compromise was a mistake, meant to allow the extension of slavery into the new territories, Fenton emphasized that their forefathers recognized that slavery and anti-slavery men could not coexist. Thus, under the authority outlined in the Constitution, slavery in all Territories should be abolished, in line with the Federal Government's duty to "install a government [in the Territories] conducive to the greatest degree of happiness and welfare" of its residents. Fenton did not believe that the Lecompton Constitution represented the will of Kansas' citizens, insisting that the majority, as free state supporters, were proposing no challenge to the Government constructed by the founding fathers.

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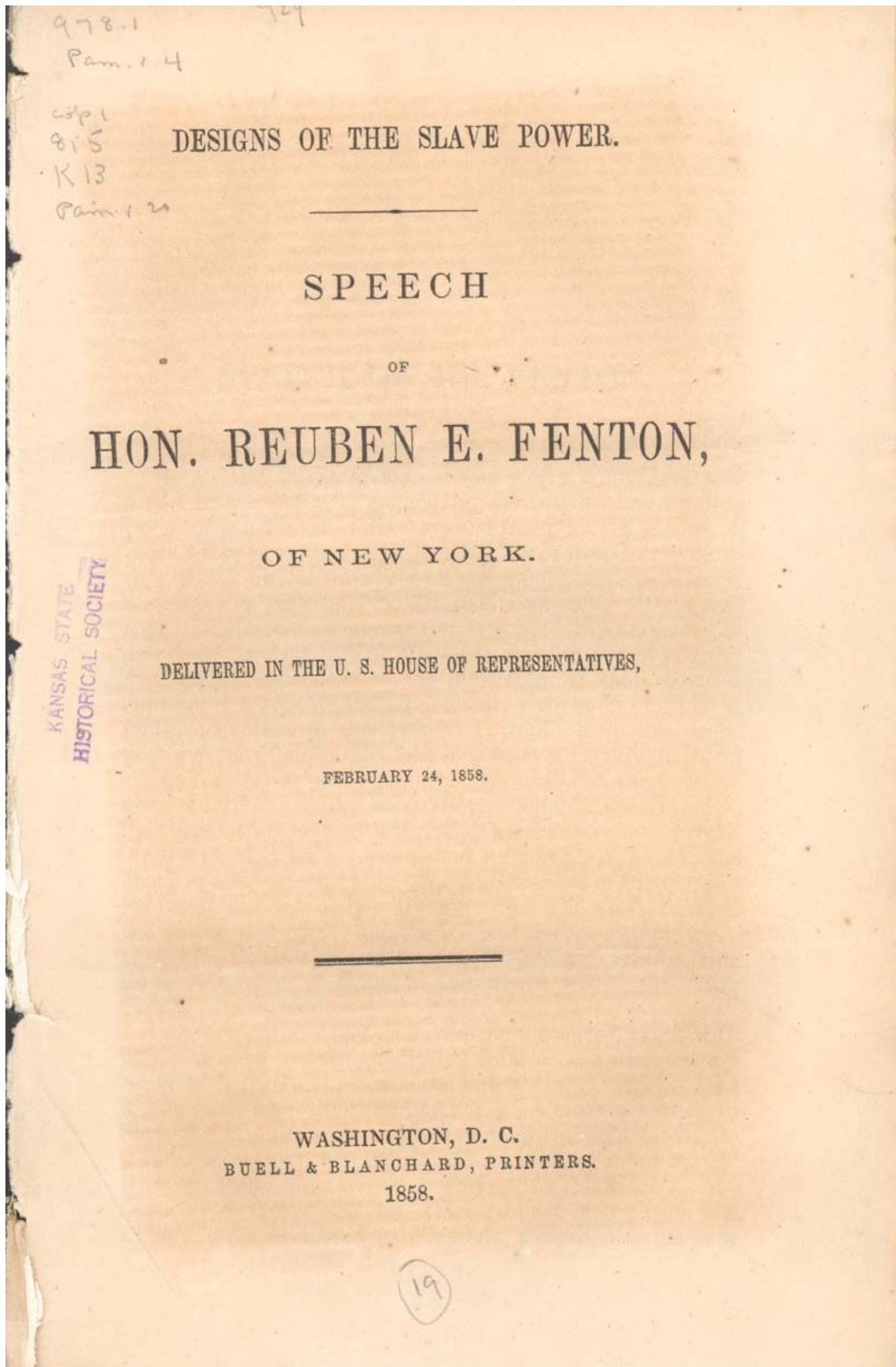
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SPEECH OF MR. FENTON.

MR. CHAIRMAN : A little over four years ago, it was proposed in the national councils to destroy the line limiting the northward tread of Slavery, and inaugurate measures of pacification upon the issues growing out of the Slavery question, which had, at intervals, all along our country's history, distracted its peace and embittered its councils. It was said that this measure of abrogation was not only necessary to carry out the principles of non-intervention and popular sovereignty, embraced in the legislation of 1850, but was supremely a measure of adjustment, settlement, harmony, and peace ; that in this respect it would have the magic power of the sage who stretched his body across the frightful chasm that interposed against the progress of the Oriental gods, and that we, like them, should behold the abyss close up, presenting a beautiful valley, enchanting and lovely. And yet, years have passed, and we have *not* peace : the angry conflict has not only tenure in this Hall of the nation's Representatives, but it rages with unabated violence upon the plains of Kansas ; and the allies of the combatants upon that bloody field fill with civil dissension, arising from cause of quarrel common to the whole people, the entire circuit of our land.

I was one of those who believed the measure fraught with all the mischief which has flowed from it, and declared my convictions from my place in the Thirty-third Congress, that it was "the true intent and meaning" of that act to carry Slavery not only to Kansas, but to open the door for its introduction into all the other territory of the United States. How far subsequent events have verified this view, let the flame of civil war and the martyr-blood crying from the ground once dedicated to Freedom, and shed in defence

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of its birthright, the barbarous doctrine of the Dred Scott decision, the servility to slave extension by the President, and the tyranny of usurped power in Kansas, answer.

So rapid, so startling, and so unblushing, have been these assaults upon Freedom, that some who joined in the attack are now seen rallying with patriotic zeal upon the outposts, for its preservation and defence. I hope the succor is so timely and powerful, that the calamity with which our country is threatened may be averted.

The present crisis, whatever may be the result, will be referred to hereafter as one of the greatest magnitude that *could possibly* have arisen in the Republic. It is not merely a struggle of the slave power for the extension and perpetuation of Negro Slavery, but for dominion, with premeditated determination to array one section of the Confederacy against the other in unmitigable hostility—a contest which involves the principles of our Government, the integrity of the Union, and the undespoiled sacredness of the Constitution.

Underlying this Slavery question, the assumption of its advocates that the Congress cannot *or shall not* determine upon matters needful and proper for the government of the Territories stands forth prominently—false in theory and untrue in fact, tested by the light of constitutional history. Our fathers wisely understood that slave labor and free labor could not flourish side by side upon the same soil—that they were antagonistic. Hence they adopted a line of separation; and, while condemning the former as repugnant to the spirit of Liberty, and an invasion of the rights of man, made provision, as it was then hoped, for its gradual circumscription and extinguishment.

Through the legislation culminating in the repeal of the Missouri Compromise, this principle, solemnly inaugurated by our fathers, was overthrown, and these two elements of labor and settlement were invited to an encounter upon the same soil—elements so opposed, that their contact was strife, bloodshed, recession of one or the other, or extinction of one or the other. This you have witnessed in all its fearful horror, running through four years of eventful and mournful history. The chilled blood of patriotism calls for the remedy. How and when are you to find it? Our early statesmen clearly noted the necessary prescription, and even at the threshold of the Constitution defined



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the boundaries of Slavery, by saying that Freedom should have what Slavery *then* had not. And I may safely allege, that the effort to produce a Constitution was imperilled in the Convention of its framers, and was only rescued and brought forth, clothed with the garments of Liberty, after this decree of Freedom had been made for the Territories by the Congress of the Confederation, then in session in the city of New York.

In 1820 this principle was reaffirmed, notwithstanding Slavery had, from 1803 up to this period, insidiously extended itself over large fields of the Louisiana purchase, while the people of the free States were in the quiet of repose upon this question, or were engaged in the conflict of arms with a foreign Power. I say the principle was then reaffirmed; and the only *remedy*, in my judgment, for the present alarming condition of affairs, is to return to this principle, decreeing for all the Territories Freedom now, Freedom forever.

I need not trace arguments in support of its constitutional authority: it is sufficient to remark that the very proposition, separate and distinct from others in relation to territory, was submitted to the Committee on Details in the Constitutional Convention, by Mr. Madison, but was supplanted by the general proposition of Gouverneur Morris, that the Congress have power to make all needful rules, &c., embracing, as was supposed, the whole ground in relation to Territories. Even if this was otherwise, (which I do not concede,) the power under the Constitution to acquire territory involves a corresponding power to govern, and the duty to govern in such a manner as would conduce in the greatest degree to the welfare and happiness of the people—the decision in the Dred Scott case to the contrary notwithstanding.

But, to return: I said it was the design of this repudiation and abrogation scheme to extend the dominion of Human Slavery. I do not say that all who participated, or were known as supporters, had such a purpose in view; but that the *slave* power, which mainly controls and directs a large party in this country—now being made less through its monstrous and revolting exactions—did then and do now, is clear to my mind. It was not in defence of an abstract principle, as then insisted, about which they did not then and do not now agree. No, sir, the hazard to



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the peace of the country and the permanence of political organization was too great for such cause. The purpose is ingeniously set forth in the following article in the New Orleans *Delta*, a leading advocate of the election of Mr. Buchanan :

"We have wanted Kansas for the South, and have contributed men and money to the object of securing it. So far, we have failed. It is true, the Constitution of that Territory is not decided, and it is possible that it may admit of Slavery ; and if so, a step will have been gained. For if, under such a Constitution, the Territory be admitted as a State, it will give two Senators to the South, and will hold the door still open for the admission of slaves into that country. . * * *

"The foreign slave trade, therefore, will add directly to the population of the South ; it will give a wider basis to Slavery, and thus add indirectly to the population of the South. Ten thousand slaves would take Kansas, with her seventy thousand people ; ten thousand more would take another State in Texas ; ten thousand more, a State in New Mexico ; ten thousand more, a State in Lower California ; while one or two thousand more would embrace the States of Delaware, Maryland, Western Virginia, and Missouri, to the firmest possible fidelity to the peculiar features of the South. Under the influence of such a measure, therefore, there can be no question as to the ultimate preponderance of political power between the sections. And the foreign slave trade is the certain road to power for the South, and the only road to power within the Union."

Did time and investigation permit, I might multiply extracts from their journals, and the sayings of their leading men, in support of my declaration. But the tragic scenes of fraud, usurpation, and tyranny, in Kansas, are vivid with proof. If not for this, why was the Territorial Government usurped by invasion, violence, and fraud, at the first legislative election in March, 1855 ; and why did the Government thus usurped become the instrument of oppression, iniquity, and wrong, such as slaves only could be expected to endure ? Why were test oaths imposed, and laws framed to facilitate and give license to fraud and violence ? For what other reason have men been chased from the soil of Kansas, incarcerated in prisons, assassi-



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nated by day, murdered by night, and their property pillaged, destroyed, or confiscated, under the strong arm of the slave power, made stronger by the criminal support of the Federal authority? Man has fled from man as from the savage beasts of that frontier region, and the rights of the many have been wrested from them by the strong arm of invasion and usurpation—and for what? Because, battling for the rights of man; for breathing out the inspiration of an education in the pure air of Freedom; for sustaining the principles evolved from the Constitution—ay, for all this, and to plant upon the ruins and in the waste, trackless by freemen, the institution of Human Bondage. They had no apology to be found in the Constitution or in precedent; none, sir, in patriotism, in justice, or in humanity. They arrayed themselves against all these, and volunteered to become the instruments of aggression against the long-conceded rights and vital interests of the *freemen* of this country. They prostituted themselves to the promotion of the schemes of Slavery, pointing to the Territory which had been surrendered, and seizing it from the possession of those to whom it had been given over by the terms of formal compact, and for a consideration which the slave power had received in full. This soil was the heritage of free labor—for the men who go forth, at the call of their country, to uphold its standard and vindicate its honor; the pioneer of civilization and settlement, who goes out to contest for the supremacy with the wild beast and the savage, and prepare it as the home of civilization and the heart of empire.

You propose now to force upon this people a Constitution against their will—a Constitution with Slavery—with the poor chance of power to change, short of revolution. It is obnoxious to them. They have already destroyed it by an emphatic popular verdict. It truly has no legal life—it has no vitality. Congress cannot galvanize it into healthful being; it is beyond the skillful mendicancy of the Executive, with all his unfairly-exercised power to give it peaceful reign. The people say they will not have it. They mean what they say; and they will have the sympathy and aid of three-fourths of the people of this Confederacy in resisting so foul an oppression. Will Congress attempt to force it upon them? The responsibility is great; and it seems to me that the people of the North



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will hold their agents, who mock at their entreaty, to a strict and fearful account.

You are told by the organ of the Administration in this city, that nearly all the nationalities of the Republic have disappeared, one by one. The great religious denominations and religious eleemosynary and charitable societies, which once flourished under national organizations, and bound our people together in bonds more endearing, if less strong, than a common Constitution, common laws, and common institutions, a common language and history, have almost all been sundered in twain. Why is this? Is it not because the aggressions of the slave power are at war with the pure spirit of Christianity, and its civilizing and elevating tendencies? You have driven them off, and your line of policy will drive off and unite the great body of the American people against you.

Our forbearance has been remarkable in times past. It is within the recollection of gentlemen present, how the people, after being outraged and excited over the legislation of 1850, laid down to quiet and repose, upon the solemn assurances of *peace* made in 1852, at Baltimore and throughout the country; and yet the promise turned to ashes upon the lips of those who made it, and the people awoke as from a dream, just in time to see their cherished hopes swallowed up in wanton agitation and renewed aggression—like the "Arabian shepherd, who, in wandering into the wilderness, caught a glimpse of the gardens of Iram, and then lost them again forever." Mr. Chairman, I hope the people have not *forever* lost the *peace* and the *quiet* our fathers sought to establish, and which is the just fruit of free institutions.

Will it not be said, however, not only by the North, but by all good people throughout the civilized world, that by consummating this act the responsible parties were madly intent on extending the empire of Slavery, at whatever hazard to the peace of the country; that they forged the weapons of fratricidal strife and civil war; and in this light hold them accountable for every drop of blood that is shed in the clash that may quickly follow? Sir, I should deeply lament a renewal of strife in Kansas. I am for peace, not war; yet I would not have peace purchased at the expense of the rights of man and the liberties of my country. Such peace—the peace of Hungary, powerless and bleeding



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under the heel of Austrian despotism—is not the peace for me, or those I represent.

Gentlemen on the other side of the House tell us that if the Lecompton Constitution is not endorsed by Congress, the Union will be dissolved. As much as I love the Union, and cherish its hallowed recollections; as much as I reverence the memory of its founders, and their living and last wish for its perpetuation; as much as I hope from its mission in the field of Liberty—I would try the experiment, if I had the power, to defeat this usurpation, this cheat, this fraud upon the rights of the people of Kansas. But, sir, I have no fear of dissolution from this cause. I scarcely believe there are fifty thousand men in all the South that would rally under the black standard of Dissolution. The Union is not to be dissolved. I fear vastly more in the consummation of this great wrong—commotion, strife, and bloodshed—and a reproach, if not a blot, upon the great experiment of self-government.

To avert this, I appeal to gentlemen upon this floor. I expect nothing from him who asserts that Kansas is as much a slave State to-day as Georgia or South Carolina. The language of the President's message before us gives us to expect from him no libation to Liberty for those who bleed in her cause.

"You may as well go stand upon the beach,
And bid the main flood bate his usual height;
You may as well use question with the wolf,
Why he hath made the ewe bleat for the lamb;
You may as well forbid the mountain pines
To wag their high tops, and to make no noise,
When they are fretted with the gusts of heaven,"

as to expect, from one thus committed, any abatement of his purposes. I know very well that many in the North, who gave Mr. Buchanan their support, will witness with pain this subversion of expectation and promise, and turn away with indignation and disgust.

The career of many great men furnishes painful evidence of an inglorious termination. Cæsar was assassinated for attempting to overthrow the liberties of Rome; Brutus fell on his sword, when unable to attain power by its means; and Bonaparte, not content with binding his temples with the chaplets wrenched from the many thrones of Europe, sought to climb still higher the heights of unchastened ambition, and thus cast himself, a lonely, forsaken exile, upon a sea-begirt and desolate island.



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Nor is the history of our own country wanting in memorable examples of men of supposed incorruptible statesmanship, wrecking their own fame, and disappointing the hopes of a confiding people ; and from causes, if possible, less justifiable than has worked the overthrow of heroes and statesmen of ancient and modern times, in countries beyond the sea. There is a power in our midst, which—in the graphic description of the Senator from Massachusetts, who is unable through its violence to now occupy his seat—may be likened to the black magnetic mountain upon the face of the deep, mentioned in the Arabian story, which drew, one by one, the strong iron bolts of the stately ship, until she fell, a disjointed wreck. So with this. The principles of earlier years instilled in the land of Freedom, with too many of our public men, as they approach this power, one by one are withdrawn, until they fall a disjointed wreck. And it would seem that this power was grateful for no service, except as the basis of increased exactions, and is reckless of the number or standing of the victims.

Not only this, sir, but the method of accomplishing these purposes is full of warning and shame. To the doubting and timid, hope of reward is promised, while the courageous and bold are cast off at pleasure. In proof of the latter, I need but call the attention of gentlemen to the action of the late Cincinnati Democratic National Convention, in selecting for its standard-bearer one who had been in no sense an advocate and defender of the great doctrine for which others had perilled so much ; and, in support of the former allegation, I subjoin from the *Washington Union*, the organ of President Pierce's administration, the following article, which made its appearance pending the struggle upon the Kansas-Nebraska bill, and which is in substance repeated in a late number of the same paper, upon the eve of this great contest upon the LeCompton Constitution, and at a time when a few more votes seem as important to the success of this measure, as they were deemed then important to the success of that :

"If a Democratic member of Congress is led by his judgment and his conscience to vote for the bill, (as we hope all Democrats will be led to do,) and he returns to his constituents to encounter the clamor of Whigs and Abolitionists, together with disaffected men of his own party, no sensible man (at least no man who understands

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'and appreciates the character of the Executive) will believe that the President will allow such factious men to wield *public patronage* to overthrow him."

If the promise was sacredly kept, others will defend its good faith.

Thus it is, sir, that we have come to have two parties in this country, with interests, feelings, and purposes, diametrically opposed—I might say almost geographically divided—the one now wielding the power of the Government for the extension and perpetuation of Slavery, whether this be accomplished by the support of the dogma (as applied) of Popular Sovereignty, or in defiance of it; whether with regard to the rights of the States and the security and welfare of the people of the Territories, or in utter violation thereof, with the monstrous intention of carrying Slavery with the marching banner of our country's expanse. The other, (the Republican party,) committed to the support of Freedom, and sworn to its defence, in whatever form and from whatever quarter attacked. The first, sir, are subject to the charge of guilty complicity in the atrocities that fill every page of the history of Kansas, and are now engaged, in violation of all rules known to self-government, and in utter disregard of the usages and rights of civilized people, in forcing a Constitution with the perpetual imposition of Slavery upon an unwilling community.

But, sir, the issue has wider range—this is only the theatre of its present rioting, its immediate, pressing aspect. Beyond this, I have just reason to charge not only upon this party the purpose of overriding all the Anti-Slavery covenants of the people, and all the Anti-Slavery guarantees of the Constitution; to break down and crush out the Anti-Slavery sentiment of the North, and to plant Slavery in the Territories; but to reopen the foreign slave trade, and ultimately to carry Slavery into the States where it is not, in defiance of the powers of Congress or of the States to prevent it. The object of the repeal of the Missouri Compromise is proclaimed by one of its supporters to have been—

"To put the Slavery question upon some common ground, where a party could be rallied strong enough to administer the Government justly upon other than purely sectional ideas; to remove the ban under which the domestic institutions of the South had been placed by



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'Federal legislation ;' and, "although not all the South was entitled to, it was a great advance upon the old order of things, because it removed an unjust and odious discrimination against her domestic institutions from the statute-book—a moral triumph which was of vast importance to the South, and to the institution of Slavery itself."

The present purposes of the slave power are frankly disclosed in the following article, which appeared in the *Union* of the 17th of November last:

"The Constitution declares that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.' Every citizen of one State coming into another State has, therefore, a right to the protection of his person, and that property which is recognised as such by the Constitution of the United States, any law of a State to the contrary notwithstanding. So far from any State having a right to deprive him of this property, it is its bounden duty to protect him in its possession.

"If these views are correct—and we believe it would be difficult to invalidate them—it follows that all State laws, whether organic or otherwise, which prohibit a citizen of one State from settling in another, and bringing his slave property with him, and most especially declaring it forfeited, are direct violations of the original intention of a Government which, as before stated, is the protection of person and property, and of the Constitution of the United States, which recognises property in slaves, and declares that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States,' among the most essential of which is the protection of person and property."

And this but corroborates the evidence daily swarming around us, of the design of this power to subjugate the country to the sway of African barbarism. Not only shall Slavery be carried to the Territories, under the protecting folds of the Constitution; that it shall be protected there by the power of the Federal Government; but that no power, not even the Congress nor the people of the Territories, can prevent or remove it, and not even State sovereignty is a barrier to the blighting curse.

To this have we come; and do you, sir, and gentlemen, think that the people of the North will submit? You



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might as well expect the hand, with fiendish malevolence, to pluck from the body all that is vital and lovely—as well, I was about to say, expect Heaven to cast off the redeemed, and give place to the damned.

To this, sir, have the Democracy come—that party so successful in its achievements, under a Jefferson and a Jackson, that its trophies embellish the political history of our country. But, sir, it is not the Democracy of past days—it is the Administration Democracy, the Democracy of the slave power, or whatever you please to call it—that, it *was* not. True Democracy—the Democracy of earlier and better days—would not engage in ravaging the sacred interests of Freedom.

The doctrine of the Supreme Court, that Slavery is above all laws, all Constitutions, and all power to dislodge it, and that black men have no rights that white men are bound to respect, is to be, it is feared, if it is not already, made their basis of action and the rule of faith. And in paving the way, gentlemen are impelled to resort, with impotent sophistry, in defence of this institution they thus seek to extend, and to invest with political umpirage over a free people, to the superseded practices of early Bible record, forgetting the Divine injunction, the duration of which is as the universe of God, saying that "whatsoever ye would that men should do to you, do ye even so to them." The Bible teaches the heaven-born equality of man, the great fundamental principles of justice and morality that underlie all law, that dictate the formation of the jurisprudence of any great and just nation; and upon this basis our people and all other people must plant themselves, that hope and expect to advance the cause of right, and elevate the character and condition of man.

Suppose our land with no human being upon its wide-extended surface, and suddenly thereon should arise twenty-five million of blacks and three hundred and fifty thousand of white men, the black men possessing, as they would, the physical power to make the others their bondmen—I suppose the scriptural argument of gentlemen would not be deemed pertinent, for I believe their doctrine is founded on the right of the stronger to subject and enslave the weaker, rather than upon the alleged inferiority of the black race, or a special designation of omnipotent law, that the black man in *our* midst is doomed to perpetual bondage.



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I do not rise, however, to discuss the merits of Slavery in the abstract, nor its suitableness or adaptation to the local communities where it exists by peaceably-enacted law, but to speak of it in another character, a different field, where it affects us as a political community, our welfare and happiness, the durability of our institutions; whether these cherished hopes and privileges of our people shall be brief and volatile, the charm of a day, or whether they shall remain firm in the hearts and political action of this great people for all time to come.

I need not speak of the invidious discrimination that this power makes to favor its purposes in nearly every measure of general legislation and of executive action; of the appointment to offices of power and trust of no person under your Government who is not orthodox upon the question of Slavery; of the large appropriations made for objects of doubtful expediency in the South, while the same class North are rejected wholly or supported meagerly—as instanced in the improvement of Cape Fear river, while, at the same time, an appropriation for St. Clair flats was rejected—the latter having more tonnage and shipping pass its channels and ways in a year than the former in a generation of men; and the expenditure at Richmond, Virginia, of a quarter of a million dollars for a custom-house, with comparatively little commerce, while the port of Buffalo, with more than quadruple the commerce, (*See Com. and Nav. Rep.*, 1857,) is turned away with about an equal sum for like purposes. Yes, sir, the latter, with a foreign and home shipping and tonnage that the former, however much she may strive to emulate, will never be likely to attain. These are instances; the investigation might be pursued, exhibiting equal intolerance in politics and unfairness of governmental protection.

But it is not for this we now complain; it is in behalf of order, justice, and freedom. We appeal to the love of right and the patriotism of our opponents, and ask them to join us in maintaining those principles which are the law of national virtue and peace, and the basis of liberty. In vain do we arrange in this way or that way for the financial depletion of the Treasury; that we adopt this or that mode of foreign policy; that we build ships of war sufficient to repel upon the ocean the combined naval armament of the world, or multiply our military forces upon land garrisoned

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at every point of accessible attack ; while we misunderstand, or, if understood, misapply, the great principles of republican freedom.

All other questions sink into insignificance beside the paramount question of human rights and the unalienable political equality of man, the substratum upon which the whole fabric of American independence was reared. Disturb the superstructure, and the edifice is imperilled ; remove it, and the whole of its beautiful proportions, reared by the patriotism and cemented by the blood of our fathers, will fall a shapeless ruin.

If you resist this appeal, made by the people of Kansas and the popular heart of the North, through their presses, their immense assemblages, and their representatives in Congress, and its thousand other ways, too plain to be misunderstood, may not this people, with whom you have broken the bond of common humanity and brotherhood, and again trampled under foot the honor and justice they had a right to expect at your hands, demand redress ? They will say, they now say, that that "one blood," of which God has created all the people that dwell upon the face of the earth, demands an audience at the court of power, where they may not plead as heretofore, but declare, in the name of the Congress and the people, that *no more soil* shall be given over to Slavery ; that the Government *shall* be administered so as to secure the ends of liberty and justice, instead of despotism and wrong. *Here* they will take their stand, and while aiming with steady purpose to effect these objects with peaceful means, within constitutional limits, yet, should these fail, *effect them they will*. They propose no innovation upon the established policy of the Government ; they only insist upon following in the path illumined by Jefferson and Madison, and their compeers, in the earlier and better days of the Republic ; they claim that this Government shall be marched in the forefront of Civilization and Christianity, like the pillar of cloud by day and fire by night, before the Israelites, leading our people to prosperity, greatness, and peace. This is the law of American duty ; it was taught by our Pilgrim Fathers, enjoined by the heroes of the Revolution, and the immortal authors of our independence and constitutional Union ; it is commanded by the noblest system of civil and religious freedom that man has ever founded, by the voice of patriotism and the genius of Liberty.