

Hon. M. Van Buren
Lindenwald, New York

Lindenwald April 20, 1844

My Dear Sir: Your letter on the 27th of March last was duly received.

Acting as an unpledged delegate to the Baltimore convention, you ask my opinion in regard to the constitutionality and expediency of an immediate annexation of Texas to the United States, or as soon as the assent of Texas may be had to such annexation. Upon the receipt of your letter, I caused you to be forthwith informed that your request should be complied with in full season for the convention. This promise I shall now perform. But, lest my motives in making a public avowal of my opinions, whilst a negotiation is supposed to be pending, should be misconstrued, I shall send this to a friend who will delay its delivery as long as that can be done consistently with a faithful compliance with the requirements of your letter, and the general objects for which it was written.

You by no means overate [sic] the importance of the subject upon which you have been pleased to address me. It is not only a question of intense interest to every part of the country, but is unhappily also one in regard to which we may not promise ourselves that unanimity in opinions which is so important when great national questions like this are to be decided. That those which I am about to express will, in at least one important particular, differ from that of many friends, political and personal, whose judgments and purity of views I hold in high and habitual respect, I can well imagine; and it is quite evident, from the tenor of your letter, that they will not in all respects correspond with your own. If, however, such of my fellow-citizens as are neither influenced by prejudices, nor warped by self interest, concede to my opinions the merit of having been formed under views directed to the preservation and advancement of the honor and best interests of our common country, as a whole, and expressed with a sincerity which has overlooked, as far as our feeble natures will permit us to do, all personal considerations, my most favorable anticipations will be realized.

It has already been made my duty to act officially on at least two several occasions, but in different forms, upon the subject matter to which your questions have reference.

Having charge of the Department of State in 1829, I prepared, by direction of the President, instructions to our minister of Mexico, by which he was directed to open, without delay, a negotiation with the Mexican government for the purchase of the greater part of the then province of Texas, and by which he was likewise authorized to insert in the treaty a provision similar to that in the Louisiana and Florida treaties, for the incorporation of the inhabitants of Texas into the Union as soon as it could be done consistently with the principles of the federal constitution. The reasons in favor of this measure I stated at large in that document.

In taking this step, the administration of President Jackson renewed (but, as was supposed, under more favorable circumstances) an attempt to accomplish the same object which had been made by its immediate predecessor. Instructions, similar in their general object, had, in the second year of the latter administration, been sent from the Department of State to the same American minister at Mexico. I am not aware that there were any material differences between them, other than that those of 1827 proposed an acquisition of territory as far west as the Rio del Norte – being, I believe, the extreme western boundary of Texas – whilst the cession asked for by President Jackson extended only as far west as the centre of the Desert of Grand Prairie,

which lies east of the river Nueces; and that, for the former, the payment of one million dollars was authorized, whilst, by the administration of President Jackson, the American minister was permitted to go as high as four, and, if indispensable, five millions. Both authorized agreements for smaller portions of territory, and the payments were modified accordingly. In respect to the proposed stipulation for the ultimate incorporation of the inhabitants into the Union, both instructions were identical.

In August, 1837, a proposition was received at the Department of State, from the Texan minister at Washington, proposing a negotiation for the annexation of Texas to the United States. This was the first time the question of the annexation of a foreign independent State had ever been presented to this government. In deciding upon the disposition that ought to be made of it, I did not find it necessary to consider the question of constitutional power, nor the manner in which the object should be accomplished, if deemed expedient and proper. Both these points were therefore, in terms, passed over in the reply of the Secretary of State to the Texan minister, as subjects the consideration of which had not been entered upon by the Executive.

The first of these – viz: constitutional power – is now presented by your inquiries; not, however, in precisely the same form. Then the application was for the immediate admission of Texas into the Union as an independent state; **you:** question looks only to its annexation as part of the territory of the United States. There is no express power given to any department of the government to purchase territory except for the objects specified in the constitution, viz: for arsenals, &c.; but the power has, on several very important occasions, been regarded as embraced in the treaty making power; and territories have been so annexed with a view and under engagements for their ultimate admission into the Union as States. If there is nothing on the situation or condition of the Territory of Texas **when** would render its admission hereafter into the Union as a new state in proper, I cannot perceive any objections, on constitutional grounds, to its annexation as a territory. In speaking of the right to admit new States, I must, of course, be understood as referring to the power of Congress. The Executive and Senate may, as I have already observed, by the exercise of the treaty making power, acquire territory; but new States can only be admitted by Congress; and the sole authority over the subject, which is given to it by the Constitution, is contained in the following provision, viz: “new States may be admitted by the Congress into this Union.”

The only restrictions imposed upon this general power are, 1st: That no new States shall be formed or erected within the **jurisdiction** of any other state; nor, 2^{dly}, “Any State formed by the junction of two or more States, or parts of States, without the consent of the Legislatures concerned, as well as of Congress” – restrictions which have no bearing upon the present question. The matter, therefore, stands as it would do if the constitution said “new States may be admitted by the Congress into this Union,” without addition or restriction. That these words, taken by themselves, are broad enough to authorize the admission of the Territory of Texas, cannot, I think, be well **doubled**; nor do I perceive upon what principal we can set up limitations to a power so unqualifiedly recognized by the constitution in the plain simple words I have quoted, and with which no other provision of that instrument conflicts in the slightest degree. But if, with no other guides than our own discretion we assume limitations on a power so general, we are at least bound to give to them some intelligible and definite character. The most natural, and, indeed, the only one of that nature, as has been suggested, and which was presented by Mr. Jefferson whilst he entertained doubts in respect to the constitutional power to admit Louisiana, is, that the new States to be admitted must be formed out of territory, not foreign, but which constituted a part of the United States at the Declaration of Independence, or the adoption

of the constitution. So far from there being anything in the language of the constitution, or to be found in the extraneous and contemporaneous circumstances which preceded and attended its adoption to show that such was the intention of its framers. They are, in my judgment, all strongly the other way. In the first place, the articles of confederation, under which the Union was originally formed, and which gave place to the present constitution, looked directly to a broader extension of the Confederacy. It contained a provision that “Canada, acceding to the Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but NO OTHER COLONY shall be admitted into the same, unless such admission be agreed to by nine States.” – The practicability, as well as the expediency, of making Canada a member of the Union, did certainly, to some extent at least, occupy the minds of our public men, as well before the close of the revolution, as between that event and the formation of the new constitution. This is, however, only a link in the chain of evidence, to make probable what subsequent events make certain, that the framers of the constitution had their eyes upon this very question, when this section was finally settled. That part of the constitution, as appears by the journal of the proceedings of the Convention, was presented in a variety of forms before it assumed the shape in which it was finally adopted.

In the resolutions offered by Mr. Edmund Randolph: as a basis for the new constitution, and which contained the first propositions of “that character which were submitted to it, the power in question was described as follows viz: that provision ought to be made for the admission of States LAWFULLY ARISING WITHIN THE LIMITS OF THE UNITED STATES, whether arising from a voluntary junction of government or otherwise, with the consent of a number of voices in the legislature, less than the whole.” In Mr. Charles Pinkney’s draft, it was proposed that “the legislature shall have power to admit new States into the Union, on the same terms with the original States, provided two thirds of the members present in both Houses agree” – leaving out the clause in respect to the character of the territory. Mr. Randolph’s proposition containing the restriction confirming the power to States lawfully arising within the limits of the United States, was at one time adopted in Committee of the Whole; and, in that state, referred with others to the committee of detail. In a draft of a constitution, reported by that committee, the article upon this subject contained the following propositions: 1st. That new States, lawfully constituted or established within the limits of the United States, might be admitted by the legislature in this government. 2d. That to such admission, the consent of two-thirds of the members present in each House should be necessary. 3d. That if a new State should arise within the limits of any of the present States, the consent of the legislature of such States should also be necessary to its admission. 4th. That if the admission was consented to, the new States should be admitted on the same terms with the original States; and 5th. That the legislature might make conditions with the new States concerning the public debt then subsisting. The 2d., 4th. and 5th. clauses were stricken out by the votes of the convention; and after that had been done, the following was adopted as a substitute for the whole, viz: “New States may be admitted by the legislature in the Union; but no new state shall be erected within the limits of any of the present States, without the consent of the legislature of such State, as well as of the general legislature” – leaving out that part of the first clause which related to the domestic character of the territory; and this substitute was subsequently revised and amended so as to make it conform in its phraseology to the section as it now stands in the constitution. These proceedings show that the proposition to restrict the power to admit new States to the territory within the original limits of the United States, was distinctly before the convention, once adopted by it, and finally rejected in favor of a clause making the power in this respect general. Whatever differences of

opinion may exist as to the propriety of referring to extraneous matter to influence the construction of the constitution where its language is explicit, there can certainly be no objections to a resort to such aids to test the correctness of interferences, having no other basis than supposed improbabilities . . . I have not, therefore, been able to bring my mind to any other satisfactory conclusion than that it was the intention of the convention to give the power of admitting new States to Congress, with no other limitations than those which are specified in that instrument. The language employed, the specifications of certain restrictions, the adoption and subsequent exclusion of that which is referred to, together with the subsequent and continued action of the new government, all seem to combine to render this interpretation of the constitution the true one. Propositions for annexation can certainly be imagined, of a character so unwise and improvident as to strike the minds of all with repugnance. But if we look over the conceded powers of Congress, we shall also find many others, the abuse of which might involve, to an equally great extent, the well-being of the republic, and against which abuse the constitution has provided no other safeguards than the responsibilities to their constituents and to the laws of the land, of those **who sanction is** necessary to the validity of an act of Congress. Nor is it very unreasonable to suppose that those who base their government upon the great principle that it is the right of the people to alter or abolish it, and to institute new ones, in such forms as they may think most likely to effect their safety and happiness, should feel themselves secure in trusting to their representatives in the House, in the Senate, and in the executive chair, the right to admit new members into the confederacy, with no other restrictions than those which they have thought proper to specify.

It was under this view of the constitution that the purchase of Louisiana in 1803, only fifteen years after the adoption of the constitution, promising the incorporation of the ceded territory into the Union, and the admission, as soon as possible, of the inhabitants to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, was ratified, confirmed, and finally executed by every branch of the federal government whose co-operation is required by the constitution. It is true that Mr. Jefferson, in the interval between the negotiation and submission of the treaty to the Senate, threw out the opinion that the constitution had made no provision for our holding foreign territory, nor for incorporating foreign states into the Union. The fact of his approving the treaty, and the laws necessary to its execution, must, however, be regarded as conclusive proof that, upon looking further into the matter, his opinion was changed. The attempt to convince him of his error was made by his friend, Governor Nicholas, as appears by Mr. Jefferson's letter to him; and I have little doubt that if his letters to Breckenridge and Nicholas had been published in his lifetime, or his attention been in any other way directed to their contents, he would, from his habitual care in such matters, have avowed the change, and explained the grounds on which it was based. It is equally true that the acceptance on the cession, as well as the admission of the State became party questions, and contested with partisan warmth. Of the importance of that great acquisition to the safety, prosperity, and honor of the whole Union, there can, however, now be no diversity of opinion. But the councils of the nation, in the course of time, ceased to be at all divided upon the questions of constitutional power to accept, a cession of foreign territory, with a view to its ultimate admission into the Union. In 1819 the Spanish treaty, for the cession of East and West Florida, containing the usual stipulation for ultimate incorporation into the Union, was ratified; and, upon the call of the names of the senators present, it appeared that every one voted for the ratification. Upon the question of constitutional power, so far as that case went, the Senate of the United States had therefore, become unanimous.

Certainly no remarks are necessary to show that there can be no possible difference produced in the constitutional question by the relative positions of this territory comprising Louisiana, the Floridas, and Texas, in respect to the old United States.

I have gone thus fully and minutely into this matter, as well from a deep sense of the vast importance of the question, as from a sincere desire to satisfy those of my friends who may differ from me on this point, and whose opinions I hold in the highest respect, that I have not yielded my assent hastily or unadvisedly to the views I have here taken of the subject.

Having thus given you my views upon the constitutional question, I will, with the same frankness, answer the remaining portion of your inquiries, viz: the expediency of immediately annexing Texas to the United States, or so soon as her consent to such annexation may be obtained.

I have already referred to an application for the accomplishment of the same object that was made to this government by Texas, whilst I was President.

The history of the Texas revolution, and the then condition of that republic, as well as the probable advantage to result to both from the proposed annexation, were placed before us in an elaborate and able communication. It can scarcely be necessary to say that the application was considered with that attention and care which were due to so grave a proposition, and under the full influence of feelings of sincere solicitude for the prosperity and permanent welfare of a young and neighboring State whose independence we had been the first to acknowledge – feelings which constitute, the prevailing sentiment of the people of the United States. In coming to the decision which it became my duty to make, I was aided, in addition to the other members of the cabinet, by the counsel and constitutional advice of two distinguished citizens of your own section of the Union, was above all question. The result of our united opinions was announced to the Texan Minister, (Gen. Hunt,) in a communication from the late Mr. Forsyth, the substances of which I cannot better express than by incorporating one or two brief abstracts from it in this letter. Upon the general subject, my own views, as well as those of my cabinet were thus stated:

“So long as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texan Minister Plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part as long as it can be reasonably hoped that Mexico will perform her duties, and respect our rights under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico – a disposition wholly at variance with the spirit of the treaty, with the uniform policy and the obvious welfare of the United States.

“The inducements mentioned by General Hunt for the United States to annex Texas to their territory, are duly appreciated; but, powerful and weighty as certainly they are, they are light when opposed in the scale of reason to treaty obligations and respect for that integrity of character by which the United States have sought to distinguish themselves, since the establishment of their right to claim a place in the great family of nations.”

The intimation in General Hunt’s letter, that Texas might be induced to extend commercial advantages to other nations to the prejudice of the United States, was thus noted:

“It is presumed, however, that the motives by which Texas has been governed in making this overture, will have equal forces in impelling her to preserve, as an independent power, the

most liberal commercial relations with the United States. Such a disposition will be cheerfully met, in a corresponding spirit, by this government. If the answer which the undersigned has been directed to give to the proposition of General Hunt, should unfortunately work such a change in the sentiments of that government as to induce an attempt to extend commercial relations elsewhere, upon terms prejudicial to the United States, this government will be consoled by rectitude of its intentions and a certainty that, although the hazard of transient issues may be incurred by a rigid adherence to just principles, no lasting prosperity can be secured when they are disregarded.”

That these views were not altogether satisfactory to General Hunt, not probably to his government, has been seen. But I think I may safely say that seldom, if ever, has this decision, by this government, of a question of equal magnitude, been more decidedly or more unanimously approved by the people of the United States. The correspondence was, very soon after it took place, communicated to Congress and although the public mind was at the time in a state of the highest excitement, and the administration daily assailed through every avenue by which it was deemed approachable, I am yet to see the first sentence of complaint upon that point, in any quarter of the Union. Even a resolution offered in the Senate, declaring annexation, “whenever it could be effected consistently with the public faith and treaty stipulations of the United States, desirable,” was ordered to be laid upon the table; and a similar disposition was made in the House of the papers upon the subject, which had been referred to the Committee on Foreign Relations, and that committee discharged from the further consideration of the matter, upon its own application. Nor were the friendly relations then existing between that republic and the United States – to its honor be it said – in any perceptible degree impaired by this decision.

Standing in this position before the country, it becomes my duty to consider whether either the nature of the question, or the circumstances of the case, have so far changed as to justify me in now advising a policy from which I then, in the most solemn form, dissented.

In giving to you, and through you to the public, the result of a very careful and dispassionate examination of this grave question, I should neither do justice to yourself, to the patriotic State which you, in conjunction with others, are to represent in the convention, to the people of the United States, nor to my own position, if I failed to accompany it with a brief exposition of the grounds which I have proceeded. It is in that way only that justice can be done to my intentions; and that is all I desire. The annexation of the territory, and the consequent assumption by us of a responsibility to protect and defend its inhabitants, would, in respect to consideration to which I am about to refer, stand upon the same footing with that of its admission as a State. The recognition of Texas as an independent State, was a measure which received, in various and appropriate forms, the sanction of every department of the government, whose co-operation was necessary to its validity, and had my hearty concurrence. From this act of our government, just and proper in all respects as it was, an inference has, however, been drawn, and brought to bear upon the present question; not only very far beyond its real bearing, but by which its true character is entirely reversed. Many persons who enter upon the consideration of the subject with the purest intentions, are are incapable of knowingly giving a false interpretation to any thing connected with it, take it for granted that the United States, in recognizing the independence of Texas, declared to the world, not only that she was independent in fact, but also that she was such of right. Acting upon this erroneous construction, they very naturally conclude, that, having gone thus far, having examined into and passed not only upon the existence of her independence, but also upon her right to its enjoyment, it is now (and more especially after the lapse of several years) too late to hesitate upon the question of annexation on

the grounds of any existing controversy upon these points. The fallacy of this reasoning will be apparent when it is considered that the usage of nations to acknowledge the government de facto of every country, was established for the express purpose of avoiding all inquiry into, or the expression of any opinion upon, the question of right between the contending parties. They acknowledge no other power in any country than that which is in fact supreme. They cannot inquire beyond that point without interfering with the internal concerns of other nations – a practice which all disclaim, and a disclaimer which it has been our invariable usage not only to make, but to enforce with scrupulous fidelity. To recognize the independence of the government de facto, is also a matter of state necessity; for without it, neither commercial nor diplomatic intercourse between any such power and the nations of the world could be carried on with success, and the social interests of mankind require that these should not be arrested by quarrels between contesting parties, in regard to their respective right to the supreme power. In respect to all beyond this, the laws and usages of nations require the observances of a strict neutrality between the contending parties, as long as the war lasts. It is due, also, from every government to its own citizens, to declare when a revolted colony shall be regarded as an independent nation. Because “it belongs to the government alone to make the declaration;” and because “until it is made, or the parent State relinquishes her claims, courts of justice must consider the ancient state of things as remaining unaltered, and the sovereign power of the parent State over that colony as still subsisting.” But nothing can be farther from giving to the act of recognition its true character, than to suppose that it has the slightest bearing upon the rights of the parties; it being, as I have already said, resorted to for the express purpose of avoiding any such construction. Such is not only the law and usage of nations, but such also have been the reiterated avowals of our own government. I do not remember that the recognition of Texan independence gave rise to any correspondence between Mexico and our government; and if it did, I have not the means of stating its character. But the principles upon which all such acts are based, were fully set forth by this government upon the occasion of the recognition of the independence of the Spanish American States. –In the message of President Monroe, to the House of Representatives, suggesting the propriety of that recognition, it was expressly declared that, in proposing the measure, it was “not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties; but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them.” The Committee on Foreign Affairs, in their elaborate report upon the subject say: “our recognition must necessarily be coexistent only with the fact on which it is founded, and cannot survive it. While the nations of South America are actually independent, it is simply to speak the truth to acknowledge them to be so. Should Spain, contrary to her avowed principle and acknowledged interest, renew the war for the conquest of South America, we shall, indeed, regret it; but we shall observe, as we have done between the independent parties an honest and impartial neutrality.” The Secretary of State, in defence of the art of recognition, said to the Spanish Minister: “This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may yet be disposed or enabled to use, with the view of reuniting those provinces to the rest of her dominions.” That these avowals were in strict conformity to the true principles of the law of nations, there can be no doubt. They were at all events, those which this government has solemnly announced as its rule of action in regard to contests between rival parties for the supreme power in foreign States. That the admission of Texas as a member of this confederacy, whilst the contest for the maintenance of the independence she has acquired, was still pending, and a consequent assumption of the responsibility of protecting her against invasion, would have

been a plain departure from the laws and usages of nations, and a violation of the principles to which we had avowed our adherence in the face of the world, was too clear to be doubted. Thus believing, I had, on the occasion to which I have referred in the faithful discharge of the trust which people had reposed in me, but one course to pursue; and that was promptly, but respectfully adopted.

I return now to the question: Has the condition of the contest between Texas and Mexico, for the sovereignty of the former, so far changed as to render these principles now inapplicable? What is the attitude which these two States at this moment occupy towards each other? Are they at war, or are they not? We cannot evade this question if we would. To enumerate all the circumstances bearing upon it, in a communication like this would be impracticable, nor is it necessary. In respect to the parties themselves, there would seem to be no misunderstanding upon the subject. Mexico, has been incessant in her avowals, as well as to our Government as to others, of the continuance of the war, of her determination to prosecute it. How does Texas regard her position in respect to the war with Mexico? Three years subsequent to our recognition of her independence we find her entering into a stipulation with a foreign power to accept of her mediation to bring about a cession of hostilities between her and Mexico, engaging to assume a million sterling of the debt due from Mexico to the subjects of that power, if she, through her influence, obtained from Mexico an unlimited truce in respect to the war then raging between her and Texas within one month, and a treaty of peace in six. As late as last June, we see a proclamation of the President of Texas, declaring a suspension of the hostilities between the two powers during the pendency of negotiations to be entered upon between them, issued on the supposition that a similar proclamation be issued by Mexico; and actual hostilities are now only suspended by an armistice, to be continued for a specified and short period, for the sake of negotiation. Nor are our own views upon the point less explicit. In the published letter of the late Secretary of State, to the Mexican Minister at Washington, written in December last, he says: "Nearly eight years elapsed since Texas declared her independence – During all that time Mexico has asserted her right of jurisdiction and dominion over that country, and has endeavored to enforce it by arms." In the President's message to Congress, it is stated, "That war which has existed for so long a time between Mexico and Texas, has, since the battle of San Jacinto, consisted for the most part of predatory incursions, which, while they have been attended with much of suffering to individuals, and kept the borders of two countries in a state of constant alarm, have failed to approach to any definitive result." And after commenting with much truth upon the insufficiency of the armaments which Mexico has fitted out for the subjection of Texas – on the length of time which has elapsed since the latter declared her independence – on the perseverance, notwithstanding, in plans of re-conquest by Mexico – on her refusal to acknowledge the independence of Texas, and on the evils of border warfare, the message adds: "the United States have an immediate interest in seeing an end put to the state of hostilities between Mexico and Texas," following up the remark with a forcible remonstrance against the continuance of the war, and a very just and impressive statement of the reasons why it should cease. This remonstrance is, in my opinion, entirely just and perfectly proper. The government of the United States should be at all times ready to interpose its good offices to bring about a speedy, and, as far as practicable, a satisfactory adjustment of this long pending controversy. Its whole influence should be exerted constantly, zealously, and in good faith, to advance so desirable an object, and in the process of time it can, without doubt, be accomplished. But what, my dear sir, is the true and undisguised character of the remedy for these evils, which would be applied by the "immediate annexation of Texas to the United States?" Is it more or less than

saying to Mexico, We feel ourselves aggrieved by the continuance of this war between you and Texas; we have an interest in seeing it terminated; we will accomplish that object by taking the disputed territory to ourselves; we will make Texas a part of the United States, so that those plans of reconquest, which we know you are maturing, to be successful, must be made so against the power that we can bring into the contest; if the war to be continued, as we understand to be your design, the United States are henceforth to be regarded as one of the belligerents?

We must look at this matter as it really stands. We shall act under the eye of an intelligent observing world; and the affair cannot be made to wear a different aspect from what it deserves, if even we hail the disposition (which we have not) to throw over it disguises of any kind. We should consider whether there is any way in which the peace of this country can be preserved, should an immediate annexation take place, save one – and that is, according to present appearances, the improbable event that Mexico will be deterred from, the farther prosecution of the war by the apprehension of our power. How does that matter stand? She has caused us to be informed, both at Mexico and here, in a manner the most formal and solemn, that she will feel herself constrained, by every consideration that can influence the conduct of a nation to regard the fact of annexation as an act of war on the part of the United States, and that she will, notwithstanding, prosecute her attempts to regain Texas regardless of consequences. Exceptions are, however, taken by the President, and I think very justly taken, to the manner in which this determination has been announced. The Mexican government should certainly have applied in a becoming spirit to ours for explanations of its intention. If it found this government under the impression that Mexico, although it might not be willing to acknowledge its independence, had abandoned all serious hope of reconquering Texas, Mexico should have assured us of our error, and remonstrated against any action on our part based on that erroneous assumption, declared firmly, if it pleased, but in that courteous and respectful manner which is alone suited to the intercourse between nations who profess to be friends, its determination to oppose us. Instead of taking a course, the propriety of which was so obvious, she at first assumes to, on grounds which were neither proper nor safe for her to act upon, that this government had designs upon Texas, then denounces the annexation as a great national crime, and forthwith proclaims instant war as the penalty of our persisting in such an attempt: and all this in language bearing certainly, (although subsequently disavowed,) every appearance of menace.

But this is a besetting and very ancient foible of the mother country, as well as of her descendants in their diplomatic intercourse. Every one conversant with the subject of Spanish relations, knows that, at least from the time of Don Luis d'Onis to the present day, this government has been frequently – not to say continually – subjected to this species of diplomatic dogmatism. Partly in consequence of the genius of their language; partly from their peculiar temperament; much from habit, but more from a radical defect of judgement – they continue the use of language in their state papers, which better tempered, if not wiser diplomatists have almost every where laid aside as worse than useless. But at no time has our government suffered its action upon great national questions to be influenced by such petulance. From the time of the modest, yet firm Madison, to the late Mr. Upshur, (whose melancholy fate is so justly and generally lamented,) has every Secretary of State, acting under the direction of the executive, deemed it sufficient to place the government and minister employing it in the wrong, by showing its injustice as well as its futility. We have then heretofore, as I hope we shall now, decided to act in the matter under consideration in a manner which was deemed due to justice and to our own character, without being in any degree influenced by such unavailing menaces. It is foreign

to my habit, and repugnant to my feelings, to say anything that should offend the pride of any nation, if the declarations of individuals could possibly have that effect; being sincerely desirous that the United States should cultivate friendly relations with all. But with a population not equal to half that of the United States, and laboring under many and serious disadvantages, from which we are comparatively free, Mexico could not, with propriety, be offended by the assumption that this government may act as it would have done had no such menace been made, without the slightest danger of being regarded by the rest of the world, as having been intimidated by threats of war from that republic. So at least I should act, if the direction of public affairs were in my hands. The question then recurs, if, as sensible men, we cannot avoid the conclusion that the immediate annexation of Texas would, in all human probability, draw after it a war with Mexico, can it be expedient to attempt it? Of the consequences of such a war, the character it might be made to assume, the entanglements with other nations which the position of a belligerent almost unavoidably draws after it, and the undoubted injuries which might be inflicted upon each, notwithstanding the great disparity of their respective forces, I will not say a word. God forbid that an American citizen should ever count the cost of any appeal to what is appropriately denominated the last resort of nations, whenever that resort becomes necessary either for the safety or to vindicate the honor of his country. There is, I trust, not one so base as not to regard himself, and all he has, to be forever and at all times subject to such a requisition. But would a war with Mexico, brought on under such circumstances, be a contest of that character? Could we hope to stand perfectly justified in the eyes of mankind for entering into it; more especially if its commencement is to be preceded by the appropriation to our own uses of the territory, the sovereignty of which is in dispute between the two nations, one of which we are to join in the struggle? This, sir, is a matter of the very gravest import – one in respect to which no American Statesman can possibly be indifferent. We have a character among the nations of the earth to maintain. All our public functionaries, as well those who advocate this measure as those who oppose it, however much they may differ as to its effects, will, I am sure, be equally solicitous for the performance of this first of duties. It has hitherto been our pride and our boast, that, whilst the lust of power, with fraud and violence in its train, has led other and differently constituted governments to aggression and conquest, our movements in these respects have always been regulated by reason and justice.

A disposition to detract from our pretensions in this respect, will, in the nature of things, be always prevalent elsewhere; and has, at this very moment, and from special cause, assumed in some quarters the most rabid character. Should not everyone, then, who sincerely loves his country – who venerates its time honored and glorious institutions – who dwells with pride and delight on associations connected with our rise, progress, and present condition – on the steady step with which we have advanced to our present eminence, in despite of the hostility, and in contempt of the bitter reviling of the enemies of freedom in all parts of the globe – consider, and that deeply, whether we would not, by the immediate annexation of Texas, place a weapon in the hands of those who now look upon us and our institutions with distrustful and envious eyes, that would do us more real, lasting injury, as a nation, than the acquisition of such a territory, valuable as it undoubtedly is, could possibly repair? It is said, and truly said, that this war between Texas and Mexico, has already been of too long duration. We are, and must continue to be, more or less annoyed by its prosecution, and have, undoubtedly, as it has been remarked, an interest in seeing it terminated. But can we appeal to any principle in the law of nations, to which we practice a scrupulous adherence, that would, under present circumstances, justify us in interfering for its suppression in a manner that would unavoidably make us a party to its further

prosecution? Can this position be made sufficiently clear to justify in committing the peace and honor of the country to its support?

In regard to the performance by us of that duty, so difficult for any government to perform – the observance of an honest neutrality between nations at war – we can now look through our whole career, since our first admission into the family of nations, not only without a blush, but with feelings of honest pride and satisfaction. The way was opened by President Washington himself under circumstances of the most difficult character, and at no less a hazard than that of exposing ourselves to plausible, yet unjust, imputations of infidelity to treaty stipulations. The path he trod with such unflinching steps, and which led to such beneficial results, has hitherto been pursued with unvarying fidelity by every one of his successors of whom it becomes me to speak.

If our sympathies could induce a departure from a policy which has so much in its commencement to consecrate it, and such advantages to recommend its continuance, they would doubtless draw us to the side of Texas. That the happiness of her people would be promoted by the maintenance of her independence, I have no doubt. Few, if any, efforts for the extension of the blessings of free government in any part of the world have been made since the establishment of our own independence, that have failed to excite our earnest and sincere wishes for their success. But they have never been permitted to withdraw us from the faithful performance of our duty as a neutral nation. They were excited, and deeply, too, at the commencement of the French revolution; they were revived in the struggle of the South American states for the establishment of their independence; they have been put to their severest trial in this very contest between Texas and Mexico. Yet, in that whole period of time, amidst the convulsions of empires, and the lawlessness of power by which many of its possessors have been distinguished, it has been a cardinal point in the administration of the affairs of this republic to adhere with the strictest fidelity to the rule which was laid down by Washington, enforced by Jefferson, and respected, with unabated sincerity, by their successors.

There is another circumstance which is well calculated to mislead us upon this subject. Many, if not most, of the persons to be affected by the decision of this question, were once citizens of the U. States, and have still their relatives and friends amongst us. I am not unaware of the hazard to which I expose my standing with the latter, in speaking thus unreservedly upon a point so well calculated to excite deep feelings. This is perhaps more particularly applicable to that position of my fellow citizens, of whom it was aptly and appropriately said by one of their own number, that, “they are the children of the sun, and partake of its warmth.” Yet, whenever we stand or fall in the estimation of our countrymen, it is always true wisdom, as well as true morality, to hold fast to the truth. It is, moreover, a consolation to know, that if to nourish enthusiasm is one of the effects of a genial climate, it at the same time seldom fails to give birth to a chivalrous spirit, which will not permit itself to be outdone in the extent or sincerity of its sacrifices at the shrine of patriotism. To preserve our national escutcheon untarnished, has, consequently, if reliance can be placed upon our public archives, been an object of unceasing solicitude with southern statesmen.

Nothing is more true or extensively known, than that Texas was wrested from Mexico, and her independence established through the instrumentality of citizens of the United States. Equally true is it that this was done not only against the wishes but in direct contravention of the best efforts of our government to prevent our citizens from engaging to the enterprise. Efforts have, nevertheless, not been wanting on the part of those who are not over anxious for the credit of republican governments, to misrepresent the views of ours in this respect – to cause it to be

believed that our efforts to prevent unlawful participation by our citizens in that struggle were insincere; that we coveted this portion of the territory of Mexico; and having failed to obtain it by fair purchase, or by negotiation, we saw in this movement a preliminary step, which would, in the end, be equally subservient to our views upon Texas. No one can have had better opportunities of knowing how unfounded these injurious imputations were than myself. As early as when President Houston went to Texas, I believe in 1829, I was consulted by Gen. Jackson upon the subject of a private letter addressed by him to the honorable Mr. Fulton, now senator of the United States, then Secretary of the Territory of Arkansas, requesting him to cause the movements of General Houston to be watched, and to apprize the President of the first indication on his part of an intention to violate the laws of the United States by an armed incursion into Mexico. From that period to the end of General Jackson's term of office, I am as well satisfied as I can be with any fact that he was sincerely desirous to perform his whole duty as chief magistrate of the country, and to prevent, in this respect, the slightest violation of the laws, with the execution of which he was charged. He no doubt sincerely believed that the incorporation of Texas into the federal Union would be alike advantageous to her, to Mexico, and to the United States, and was ever ready to adopt all proper measures for the accomplishment of that object. But they know very little of General Jackson's true character, who can for a moment permit themselves to believe him capable of doing countenancing, or advising, a single act which he believed or had ever reason to apprehend, would violate the plighted faith of his country, or infringe upon the duty which it owes to the great family of nations. To prevent our people from going to Texas, and embarking in the war was an impossibility which neither he nor any other chief magistrate could have accomplished. If they went there without military organization or armaments, and chose to place themselves beyond the protection of this government, we had no right to control their action nor do other governments exercise any such right in similar cases. For the suppression of military enterprises, organized and armed here against the nation with which we are at peace, the provisions of our laws are ample. But of the difficulties of enforcing them with a frontier and seaboard like those which open our communications with Texas, no sensible and well informed mind can be ignorant.

For the voluntary action of our government in regard to the subject of annexation, we can have no such explanation to give. The acquisition of so valuable a territory by means which are of questionable propriety, would be a departure from those just principles upon which this government has ever acted, and which have excited the admiration and secured the respect of the dispassionate and enlightened friends of freedom throughout the world. But I am very sure that we shall all, in the end, so act upon this subject as to put it out of the power of the natural enemies of the republican institutions to make any plausible charge of infidelity to our avowed principles in respect to it. No one was more deeply sensible of the necessity of the greatest prudence in this particular or more anxious to secure its observance, than General Jackson. As late as December, 1836 – only a few months before the recognition – he thus expresses himself, in a special message to the Senate: “But there are circumstances in the relations of the two countries which require us to act, on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property; and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the re-union of the territory to this country; a large proportion of its civilized inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same

form of government with our own, and have, since the close of your last session, openly resolved on the acknowledgment by us of their independence, to seek admission into the Union as one of the federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims, is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claims of our neighbors to a territory, with a view to its subsequent acquisition by ourselves.”

It has been urged, from a quarter entitled to great respect, and reasoned, too, with no inconsiderable degree of cogency, that the acquisition of Texas now in the mode proposed, would be liable to no greater objection than the accomplishment of the same object would have been either in 1827 or 1829, when it was attempted by two successive administrations to purchase it from Mexico. If I were to go into a discussion of this question, and the facts necessarily connected with it, I should be writing a book instead of a letter; nor is it necessary that I should. I will therefore content myself with saying, that with every disposition to look at the subject in all its bearing with an impartial eye, I have not been able to see the analogy which is claimed to exist between the two cases. But it were even admitted that the able men who were, at those respective periods, at the head of the government, under strong convictions of the importance of the acquisition of Texas to the United States, so far precipitated their measures for the accomplishments of that object, as to have endangered the good faith and pacific relations of the United States, (which I do not admit.) We could still only felicitate ourselves on their failure, but could not thereby justify the present movement, if it is not right in itself, and capable of justification on other grounds. I by no means contend that a formal recognition of the independence of Texas by Mexico is necessary to justify us in assenting to her annexation to the United States. Time and circumstances may work such a change in the relations between those two countries as to render an of that character, on the part of Mexico, unnecessary and unimportant. What I mean to say, is, that from all the information I have been able to acquire upon the subject, no change has yet taken place in those relations that would make the objections, which I have here detailed, inapplicable.

It is said, also, that if Texas is not acquired now, the opportunity will be forever lost – that some other power will acquire it; and, indeed, some of the rumors of the day have gone so far as to say that the Texan minister is already instructed, in case of failure here, to proceed forthwith to Europe, with full authority for the accomplishment of that object. We must not forget, that besides great public considerations, there are extensive private interests involved in this matter; and we may therefore well be distrustful of the thousand rumors which are from day to day put afloat upon this subject. What a comparatively few individuals, acting under the influence of personal interest, may not desire to have done, I will not undertake to say, or to conjecture. But that the people of Texas – so many of whom carry in their veins the blood of our revolutionary ancestors – thousands of whom are thoroughly inbred with democratic principles – who achieved by their own gallantry that independence which we were the first to acknowledge who have established and subsequently maintained institutions similar to our own; that such a people and such a government will ever be found capable of sending a minister to the crowned heads of Europe, to barter away their young and enterprising republic, and all that they have purchased with their blood, to the highest bidder, is what I cannot believe, in the possibility of “so apostate and unnatural a connexion” I can have no faith.

It is also apprehended by many, that the British authorities will attempt to make Texas a British colony of dependency. I find it difficult to credit the existence of such infatuation on the part of any European power. I cannot bring myself to believe that any European government which has not already made up its mind to provoke a war with this country, will ever attempt to colonize Texas, either in form or in substance. If there be any such power, the considerations to which I have adverted, would soon lose most of their importance; for opportunities would not then be slow in presenting themselves for the conquest of whatever territory might, in that event, be deemed necessary to our security, in legitimate self-defense. Commercial favors Texas has, to the same extent as other independent powers, the right to dispose of as she thinks proper, subject only to the penalties which are certain, sooner or later, to follow in the wake of national injustice. But European colonization of Texas is another and a very different matter – a matter of respect to the ultimate consequences of which no European nation can possibly deceive either herself or us. I have no access to the sources of true information in respect to the degree of credit which may be due to these rumors; but our government ought, without doubt, to exercise a most jealous vigilance against the extension of British influence, and indeed foreign influence or dominion of any kind, or from any quarter, either in Texas, or in any of the portions of the continent bordering on the Gulf of Mexico. If the time ever comes when the question resolves itself into whether Texas shall become a British dependency or colony, or a constitutional portion of this Union, the great principle of self-defense, applicable as well to nations as to individuals, would, without doubt, produce as great a unanimity amongst us in favor of the latter alternative, as can ever be expected on any great question of foreign or domestic policy.

Having now replied, in the fullest and frankest manner, to both the questions which you have propounded to me, I might here close this letter; but being sincerely anxious to put you, and others occupying the same position, in possession of my views and opinions upon the subject, as far as they can with propriety be now formed and expressed, I will go a few steps farther.

Occasions do sometimes present themselves, to the administration of public affairs, when the decision of great questions can be safely anticipated by those whose subsequent duty it may become to pass upon them; but to justify such a course, those questions must be such as are unavoidably dependent upon circumstances and considerations of a fixed and settled character. I have not been able to regard this as being, in all aspects, a case of that description. It is a matter affecting our foreign relations, in respect to which every enlightened nation makes it a rule to avoid, as far as practicable, public annunciations of its proceedings and intentions beyond what is deemed necessary, either to justify its past course, or to make others sensible of its determination to resist aggression, whether present or prospective. As the action of the executive upon all questions that affect our relations with other countries, must be more or less influenced by their conduct towards us, it is, in general, desirable that his future course should not be embarrassed by assurances given at a period when no safe opinion could be formed of what that conduct would be. In respect even to motives of a domestic character, it could scarcely be deemed consistent with that prudence and calm discretion which, in public as well as private affairs, is of such inestimable value, to bind ourselves in advance in respect to the particular line of conduct we will hereafter adopt in a case of such magnitude as the present. When the period for definitive action shall have arrived the considerations now taken into view may have lost the weight they at present possess in the estimation of the public, and others, not now regarded as of any value, may, in the meantime, arise to affect materially, if not to change, the whole aspect of the subject. The present condition of the relations between Mexico and Texas may soon be so far changed as to weaken, and perhaps to obviate entirely, the objections against the immediate

annexation of the latter to the United States, which I have here set forth, and to place the question on different grounds. Should such a state of things arise, and I be found in charge of the responsible duties of President, you may be assured that I would meet the question, if then presented to me, with a sincere desire to promote the result which I believed best calculated to advance the permanent welfare of the whole country. In the discharge of this, the common duty of all our public functionaries, I would not allow myself to be influenced by local or sectional feeling. I am not, I need hardly say to you, an untried man in respect to my disposition or ability to disregard any feeling of that character in the discharge of official duties. You, as well as all others, have therefore, at least, some grounds on which to form an opinion as to the probable fidelity with which these assurances would be observed.

I shall add a few words on another aspect of the question, and then dismiss the subject. Mexico may carry her persistence in refusing to acknowledge the independence of Texas, and, in destructive but fruitless efforts to reconquer that State, so far as to produce in connection with other circumstances, a decided conviction on the part of a majority of the people of the United States, that the permanent welfare, if not absolute safety of all, make it necessary that the proposed annexation should be effected, be the consequences what they may. The question may be asked what, under such circumstances, would be the use you would make of the executive power, it **intrusted** to your hands? -Would it be wielded to defeat, or to carry into effect the ascertained wishes of our people? My reply to such a supposition is, that I can conceive of no public questions, in respect to which it is more eminently proper that the opinions and wishes of the people of the different State should be constituted, and, being ascertained, treated with greater respect than those which relate either to the admission of a new member into the confederacy, or the acquisition of additional territory, with a view to such a result; and that, if any application for annexation under such circumstances, were made to me, I would feel it my duty to submit the same to Congress for a public expression of their opinion, as well upon the propriety of annexation, as in regard to the terms upon which it should take place. If, after the whole subject had been brought before the country, and fully discussed, as it now will be, the Senate and House of Representatives, a large portion of the former, and the whole of the latter, having been chosen by the people after the question of annexation had been brought before the country for its mature consideration, should express an opinion in favor of annexation, I would hold it to be my farther duty to employ the executive power to carry into full and fair effect the wishes of a majority of the people of the existing States, thus constitutionally and solemnly expressed.

There may, notwithstanding, be those, on both sides of the great question, who are unwilling to confer their suffrages on one who is not prepared to give them specific pledges in regard to the course he would, if elected, pursue in respect to the various aspects in which this matter may hereafter be presented. To all such I have only to say – and I do so with greatest sincerity – that I have not the slightest disposition to question their right so to regulate their conduct, and will be the last to complain of its exercise. If there be any one who they believe can be more safely intrusted with their interest in this or any other of the great questions of public policy which are likely to arise in the administration of the government, or whose assurances as to his future course are more satisfactory to them, they will, without doubt, be well warranted in giving him the preference; and they may be assured that no one will more cheerfully acquiesce in a decision, made from such motives, than myself. I have expressed a willingness to discharge, to the best of my abilities, the responsible duties of the high office in question, should the democracy of the United States be able and willing to re-elect me to the same. But I can take no

steps to obtain it by which my ability to discharge its duties impartially and usefully to every portion of our common country would be impaired; nor can I, in any extremity, be induced to cast a shade over the motives of my past life, by, changes or concealments of opinions maturely formed upon a great national question, for the unworthy purpose of increasing my chances for political promotion.

I am, sir, very respectfully,
Your friend and obedient servant,
M. VAN BUREN

Hon. W. H. Hammet.