

**SPEECHES OF HON. GEORGE F.  
HOAR, OF MASSACHUSETTS,  
DECEMBER 6 AND 11, 1893, PP.  
3-14; PP.3-15**

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by George F. Hoar

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**GEORGE F. HOAR**

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EXECUTIVE USURPATION.

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SPEECHES

OF

HON. GEORGE F. HOAR,  
OF MASSACHUSETTS,

IN THE

SENATE OF THE UNITED STATES,

DECEMBER 6 AND 11, 1893.

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WASHINGTON,  
1893.

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The Author

SPEECH  
OF  
HON. GEORGE F. HOAR.

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*Wednesday, December 6, 1893.*

HAWAIIAN AFFAIRS.

Mr. HOAR. I now call up the resolution which I submitted yesterday, and ask that it may be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

*Resolved.* That the President be requested, so far as in his opinion it shall not be inconsistent with the public interest, to communicate to the Senate copies of all instructions which may have been given to any representative of the United States, or any naval officer thereof, since the 4th day of March, 1891, in regard to the preservation of public order in Hawaii, or the protection of the lives and property of American citizens, or the recognition or support of any government there.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HOAR. Mr. President, this resolution is an ordinary resolution of inquiry such as the Senate rarely hesitates to pass on the request of any member of the body. It simply asks for information in regard to facts of public interest necessary for the information of all Senators in the discharge of their public duties, and, in accordance with the custom in such matters, it expressly defers to the President's judgment in the matter as to whether any particular paper or other fact asked for should or should not be made public with due regard to the interests of the public service.

It has not seemed to me that there was any occasion for delay in the passage of this resolution because of the absence of the chairman of the Committee on Foreign Relations [Mr. MORGAN]. He may have from private sources or from private consultations with the Administration all the information which is needed by other Senators who do not sustain that confidential relation.

The resolution asks for the instructions which indicate the attitude of this Government toward Hawaii in three Administrations: first, that of the first Administration of the present President of the United States, then for the instructions given by the two able and eminent gentlemen who filled the office of Secretary of State during the last Administration, and for the instructions which have gone out during the present Administration.

I hope and believe that those instructions will show a settled

and consistent policy, certainly down to a very recent time, in regard to which there has been no party or political difference of opinion.

If the President's message means anything, so far as I can understand it, it means that the Executive of the United States is meditating and considering the question whether he shall, by his own executive authority, commit an act of war against a friendly power. There can be no question that the Government which was in power in Hawaii at the last advices is a friendly Government. It established itself without violence, after an attempt on the part of the Queen to commit an act of revolution and usurpation, which is admitted and conceded by all parties. The Queen undertook of her own authority and in violation of a written existing constitution to exclude from the right of suffrage in that nation a large and important portion of its citizens, important in regard to numbers, in regard to character, in regard to intelligence, and in regard to property. I suppose nobody will be so hardy as to deny that that was a gross attempt at usurpation and revolution.

Now, the people, or some of them, resisted that act and set up a new government, and that government has been recognized by all the civilized powers of the world, so far as we are aware, who have international relations with Hawaii. It has been recognized by the Government of the United States. It is represented at the capital of the United States by a duly accredited representative, and is recognized by the present Executive, with whom he is in diplomatic intercourse; and therefore to undertake on any pretense whatever, or for any reason whatever, to enter that kingdom or republic, or however it may be defined and described, and overthrow the existing government is an act of war; and it is none the less an act of war that it is an act meditated, or proposed, or committed against a feeble and small government.

Now, Mr. President, the suggestion that the United States may have acted with undue haste in the recognition of this government or that it may have violated international law by taking part in the revolution that established it, will not in my judgment bear examination for a moment. If at some time in the past this country, even in violation of right, had aided in putting in power a government which has since that time been recognized by us and by other countries as a lawful government and is lawfully and peacefully exercising its functions, is it possible that because that might have happened there is any duty or any right under the law of nations, after the fact in the past has become established, to make war on that government and overthrow it and put in power another? If that be true, it was clearly the duty of France, whenever after our Revolutionary war she should see fit, to have joined Great Britain in overthrowing the United States and putting the Colonies under the English power once more. I suppose there can be no question that our treaty of alliance with France, which contributed so much to the establishment of our independence, was a violation of international obligation as between France and England.

The matter of the establishment of that government is a fact and not a question of right or wrong, as far as all other govern-



ments are concerned. There is scarcely a government on this continent south of us (and, indeed, we must include our own Government in the statement) that does not owe its existence to a revolution, as to the rightfulness of which there is debate and discussion and question, and in regard to which the defeated party and perhaps other nations may have something to say if they are to express an opinion about it. However, international law recognizes nothing but the fact of government, and it can in the nature of things recognize nothing but the fact of government.

Now, Mr. President, if what the President implies in his message be true, that because he has concluded there was some wrongful action on the part of our minister under a previous Administration in aiding the establishment of the present government he thinks it is his duty to overthrow it and put another one in power, he is meditating an act of war against Hawaii and it is impossible to escape from that conclusion. I think the department of the Government with whom the power and duty under the Constitution of declaring war under proper circumstances are lodged is entitled to prompt and immediate knowledge of all the facts which bear upon the question.

There are some other things that seem to me singular and indefensible in this transaction. I shall not now go the length of declaring that under no circumstances ought the President of the United States to send a commissioner abroad without the authority of express legislation for the purpose or without the advice and consent of the Senate. But certainly the cases are very rare when that ought to be done. Its being done can be justified only in the case of a grave, imminent, and pressing emergency and public danger.

This gentleman was sent abroad when the Senate was in session, on the 7th of March, 1893, with full opportunity on the part of the President to consult this body. He was sent abroad with the duties practically of a diplomatic representative of this Government. The report to which the President alludes shows that he is in constant communication with the authorities of Hawaii and is informing them officially what this Government will do and will not do. His orders gave him paramount authority; and in addition to that he seems to have assumed the duty and the power of determining whether or not certain orders should be given to the naval officers of the United States in the port of Honolulu.

If the power to make diplomatic representations to foreign governments and the power to issue orders to our own naval officers and the power to pull down the American flag where it was peacefully floating be not an official power, I should like to know what definition can be given of official power as distinguished from personal agency. But if the President of the United States could exercise his own functions by a deputy, yet here, with the Senate in session and the three-months' session of Congress having since intervened, it is very strange that the Executive of the United States has undertaken to commit to this gentleman these delicate and important official responsibilities without even communicating the fact officially either to the Senate or to Congress. As far as possible the United States is to

be dragged into a war in strict confidence, without the knowledge of its legislative authority.

It is said that the persons composing that provisional government, and supporting it, and represented by it, are Americans by birth, and that many of them retain their American citizenship. I suppose that is true. The dual citizenship which belongs to those persons under the peculiar condition of those islands is a citizenship conferred upon them by the express provision of the constitution of the kingdom of Hawaii, and in one of the official communications of Secretary Bayard, which will be found in the document laid before the Senate during his administration of the office of Secretary of State, it was expressly recognized and approved by him, doubtless by the direction of President Cleveland.

Now, unless I mistake the temper of those men, they will not yield the lawful government which they have established and which the whole civilized world has recognized, to one hundred or two hundred marines, acting under an unconstitutional and unlawful authority of the President of the United States. They have got something behind them which the Queen had not—the consciousness of a rightful cause, the knowledge that the true interests of that people and all its civilization are at stake; and it is not the wont and fashion of men of American birth and lineage to give up such a cause as that without a struggle. Then, according to the plain intimation of President Cleveland as to what he thinks his duty, there is war.

Now, Mr. President, I think it is manifest that this is a transaction which the Senate and the people are entitled to understand, and they are entitled to understand it without delay. If this thing has not been done yet, we want that the swift and indignant remonstrance of the American people shall make itself felt and shall be heard by Executive ears, however dull they may seem to be.

When President Grant proposed the plan, which he so honestly and so zealously approved, of initiating proceedings for the acquisition of San Domingo he obtained, if I remember aright, legislative authority to send abroad his commission to inquire and ascertain the facts.

Now, was there any reason why President Cleveland should not have communicated to us at the late three-months session the fact that there was this trouble; that he feared the United States had done something wrong, or had made a mistake in the past and asked for a fit and suitable legislative authority to have the facts ascertained?

I shall be curious to hear from any defender of the Administration on what precedents the Executive relies. I shall be curious to hear from him an explanation of this most extraordinary and most secret proceeding upon his part.

Mr. MANDEKSON. I ask the Senator if it is not the fact that the personal representative of the President, whatever may have been his title—Paramount Extraordinary Blount perhaps—returned to this country before Congress adjourned at the extraordinary session?

Mr. HOAR. I am not sure, but I think that is true. The

President of the United States, I suppose, had months ago all the information which this gentleman could give him.

I do not wish to be understood as expressing any opinion in regard to the policy of annexing this distant territory to the United States. I do not wish to be understood now as entering into the discussion how far and on what condition and under what circumstances the United States may find it for the interest of both nations to establish, with the assent of Hawaii, a rightful and lawful protectorate there, or under what circumstances that group of islands may become a territory or dependency of the United States. All those questions are foreign to the present occasion.

It seems to me, Mr. President, that the President of the United States is adopting and getting into the habit of adopting rather extraordinary language in his dealing with the other branches of government when he tells us in his message after the history of the appointments, foreign and domestic, of the last six months, that Congress passed the civil-service law not because they thought it was right, but because they were afraid of popular opinion; and when he tells us that there is no serious doubt about this matter. He says this after the action of his predecessor, who never failed in courtesy to him, in the face of the utterances of the American press, in the face of what I believe to be the clear conviction and judgment of three-fourths of the American people, without distinction of party. I should like to be at liberty to relate to the President of the United States some things that I have heard said by Democrats in my part of the country, quite as honored and quite as distinguished and quite as high in the public esteem and confidence as any person holding any official position however illustrious. I think, I say, it is presumptuous when the President informs us that there can be no doubt—

that the constitutional government of Hawaii had been subverted with the active aid of our representative to that government, and through the intimidation caused by the presence of an armed naval force of the United States which was landed for that purpose.

That is in conflict with the declaration of the representative of the United States, an eminent and highly trusted citizen. It is in conflict with the fact that before those troops were landed the government buildings were in possession of the new government; and it is in conflict with the fact that the friends of the new government had at the moment (without saying anything about the difference of race or the habit of using weapons) the control and command of the larger portion of the military resources of that island; and it is in conflict with the public declarations of his predecessor. I should have no doubt whatever that if upon all the known facts, including the report of Mr. Blount, the question were submitted to this body, it would express a very different judgment from that of the Executive, and it would not be a party question.