

Report on the Assault of Charles Sumner

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The Select Committee appointed under the resolution of the House passed on the 23d day of May, 1856 to investigate the subject of the assault alleged to have been made in the Senate Chamber, by the {Honorable} Preston S. Brooks and other members of the House, upon the {Honorable} Charles Sumner, a Senator from the State of Massachusetts; and to whom the ~~Senate~~ House referred the proceedings of the Senate, announcing that they coordinate a branch of Congress—“make complaint to the House of Representatives, of the assault committed by one of its members—the {Honorable} Preston S. Brooks—upon the {Honorable} Charles Sumner a Senator from the State of Massachusetts,” having taken such testimony as was acceptable to them beg leave to make the following report: with the accompanying testimony.

~~That~~ The Committee upon a full investigation of the subject ~~they~~ concur in the following conclusions, which the Senate seems unanimously to have declared:

II. “That the {Honorable} Preston S. Brooks a member of the House of Representatives from the State of South Carolina did on the 22nd day of the present month, after the adjournment of the Senate, and while Mr Sumner was seated at his desk in the Senate Chamber, assault him with considerable violence, striking him numerous blows, on and about the head with a walking stick, which cut his head and disabled him for the time being, from attending to his duties, in the Senate.”

II. “That this assault was a breach of the privilege of the Senate”

III. That “the Senate for a breach of its privileges, cannot arrest a member of the House of Representatives, and a fortiori, cannot try and punish him; that such authority devolves upon the House of ~~Representatives~~ which he is a member, and therefore “that it is not within the jurisdiction of the Senate, and can only be punished by the House of Representatives, of which Mr. Brooks is a member”

The committee therefore report back the complaint of the Senate, with the Journal of their proceedings & the testimony taken in the premises, pursuant to the Resolution of the House.

The testimony disclosed the following facts:

On Monday and Tuesday the 19th and 20th days of May, 1856, Mr Sumner delivered a speech in the Senate in reply to ~~the~~ a Senator from South Carolina, Mr Butler, and other Senators, an ~~authorized~~ authenticated copy of which is appended to the accompanying testimony and forms a part of this report.

It appears that as early as Tuesday, before the speech was concluded, Mr Brooks took exception to the remarks of the Senator; and that on Wednesday morning, after the delivery of the speech, he declared to Mr. Edmundson of the House by whom he was casually met, in the Capitol Grounds a short time before the meeting of the two Houses, that he ~~was~~ was

had determined to punish Mr Sumner unless he made an ample apology for the language he had uttered in his speech, and expressed a desire that Mr Edmundson should be present as a witness to the transaction; that they therefor took a seat near the walk leading from {Pennsylvania} Avenue to the Capitol, and there remained some fifteen minutes, awaiting the approach of Mr Sumner, and he not making his appearance they then proceeded to the Capitol.

On Thursday morning, he was again, casually met by Mr Edmundson at the Western Entrance of the Capitol Grounds, on {Pennsylvania} Avenue, a point which commands a view of all the approaches to the Capitol from that portion of the City, in which Mr Sumner resides. Here, ~~he~~ again ~~Mr Brooks informed Mr Edmundson that he was on the lookout for Mr Sumner~~ for the purpose of making the attack ~~& again declared his purpose to~~ ~~the language of Mr Sumners speech and after remaining for a short period Mr Sumner not approaching the two again proceeded to the Capitol.~~

After the reading of the Journal of the House on Thursday, the death of the {Honorable} Mr Miller of Missouri was announced, addressed delivered, ~~and~~ the customary ~~addresses~~ ~~resolutions adopted;~~ and thereupon the House adjourned.

When the message was received by the Senate from the House, announcing the death of Mr Miller, a tribute of respect was paid ~~by~~ to the deceased, by Senator Geyer in an address, and that body thereupon, also adjourned. Most of the Senators left the Senate Chamber—a few only remaining. Mr Sumner continued in his seat engaged in writing. Mr Brooks, approached ~~him~~ and addressing a few words to him, immediately commenced the attack by inflicting blows upon his bare head, whilst ~~he~~ in ~~he~~ was in a sitting posture ~~his seat~~ with a large & heavy cane. ~~said to be of Gutta Percha.~~ Mr Sumner made an effort to rise and ward off the blows of his assailant, but they were repeated with great rapidity and violence ~~Stunned and blinded by the first blow, confined by his chair & desk Mr Sumner made several ineffectual attempts to rise & finally succeeded by wrenching his desk from its fastenings. The blows were repeated by Mr Brooks with rapidity & extreme violence,~~ ~~Mr Sumner~~ while Mr Sumner, almost unconscious, made further efforts of self defence until hi fell to the floor under the attack, bleeding and powerless.

The wounds were severe and calculate to endanger the life of the Senator who ~~is~~ still in ~~remained~~ for several days in a critical condition. It appears that the blows were inflicted with a cane, the material of which was about the specific gravity of ~~hickory or whalebone, one inch in diameter at the larger end, and tapering to the diameter of about five eights of an inch at the smaller end. It is not too much to say that the weapon used was of a deadly character and that the blows were indiscriminately dealt, at the hazard of the life of the assailed.~~

The Committee have extended to the parties implicated, the fullest facilities for taking exculpatory testimony. There is no proof to show, nor has it been in any way intimated that Mr Brooks, at any time, in any manner, directly or indirectly, notified Mr Sumner of his intention to make the assault. There is no evidence that Mr Sumner ever carried weapons either for the purpose of attack or

defence; on the contrary, it appears that ~~Mr Sumner~~ he did not anticipate personal violence until at the instant he received the first blow, and that he was not armed or otherwise prepared in any respect, for self defence.

There is no evidence beyond the character of the attack, tending to show an intention on the part of Mr Brooks to kill the Senator; his expressions being that he did not intend to kill but to punish him; but the Committee cannot but regard the assault as a most flagrant violation, not only of the privileges of the Senate and of the House, as coordinate branches of the Legislative Department of the Government, and the person rights and privileges of the Senator but of the rights of his constituents and of our character as a nation. It was premeditated, during a period of at least two days, without any other provocation than words lawfully spoken in debate, in the Senate ~~Chamber~~ Chamber not ruled out of order by the President of the Senate nor objected to by any Senator as a violative of the rules established for the Government and order of that body.

The act cannot therefor be regarded by the Committee otherwise than as an aggravated assault upon the inestimable right of freedom of speech, guaranteed by the Constitution. It asserts for physical force a prerogative over governments, Constitutions and laws, and if carried to its ultimate consequences, must result in anarchy and bring in its train, all the evils of a "Reign of Terror."

The Committee therefore, in conformity to the spirit of the resolution of the House, and their sense of public duty are constrained to recommend to the House the passage of such a resolution as will vindicate its own character, and rebuke the Member, who has so unhappily for himself and the Country, perpetrated this great wrong.

The Committee do not discuss the powers of the House to punish its disorderly members, nor do they undertake to argue the general question as to what constitutes a break of privilege. The passage of the resolution ~~on the part of the House~~ raising the Committee, is regarded as a declaration on the part of the House of its power to call its members to account for such acts as violate the privileges of the Senate. This assault having been committed by a member upon a Senator "whilst remaining in his seat in the Senate Chamber in the performance of the duties pertaining to his official station" and for words there spoken in debate, the Committee have no doubt of the right or power of the House to adopt the resolutions which they recommend.

No testimony has been taken, nor are the Committee aware of any, which shows that any other member of this House was either actively engaged in the assault or designed to commit any violence upon Mr Sumner, nor that any other member knew the "precise time when," or "the place where" Mr Brooks would assail him. It does appear however that the {Honorable} Henry A Edmundson ~~and~~ of Virginia and the {Honorable Lawrence M Keitt of South Carolina, members of the House had been previously informed of the purpose of Mr Brooks to commit an assault upon Mr Sumner, and that they anticipated that the assault would take place, in or near the Senate Chamber about the time the occurrence did take place. Mr Keitt was in the Senate Chamber and Mr Edmundson in a room adjoining it, at the time the attack was made and it is proved that Mr Keitt rushed up with a cane in a threatening manner, when the bystanders attempted to protect Mr Sumner from the blows of Mr Brooks, and that Mr Edmundson entered the Chamber soon after the Mr Sumner fell.

The committee do not feel themselves justified in expressing the opinion upon the testimony, that either of these members was a principal or accessory in the assault, but regard this conduct in the transaction—and particularly in not taking steps to prevent the perpetration of the wrong or to inform the Senator of his danger—as reprehensible. The Committee therefore recommend the adoption of the following resolutions:

Whereas the Senate of the United States have transmitted to this House, a message complaining that Preston S. Brooks, a Representative from the State of South Carolina, committee upon the person of Charles Sumner, a Senator from the State of Massachusetts, while seated at this desk in the Senate Chamber, after the adjournment of that body, on the 22nd of May last a violent assault which disabled him from attending to his duties in the Senate and declaring that the said assault was a breach of the privileges and of that body; and

Whereas, from respect to the privileges of the House, the Senate have further declared that inasmuch as the said Preston S. Brooks is a member of this House, they cannot arrest, and a fortiori, cannot try or punish him for a breach of their privileges; that they cannot proceed further in the case, than to make their complaint to this House, and that the power to arrest, try and punish devolves solely on this body; and

Whereas upon full investigation, it appears to this House, that the said Preston S. Brooks has been guilty of the assault complained of by the Senate, with most aggravated circumstances of violence, that the same was a breach of the privileges not only of the Senate, but of the Senator assailed and of this House as a coordinate branch of the Legislative Department of Government, in direct violation of the Constitution of the United States, which declares that Senators and Representatives “for any speech or debate in either House, shall not be questioned in any other place,” and

Whereas this House is of opinion that it has the power and ought to punish the said Preston S. Brooks, for the said assault; not only as a breach of the privileges of the Senator assailed and of the Senate and House as declared by the Constitution but as an act of disorderly behavior; and

Whereas it further appears from such investigation, that Henry A. Edmundson a Representative from the State of Virginia and Lawrence M Keitt a Representative from the State of South Carolina, sometime previous to the said assault were informed that it was the purpose of the said Preston S. Brooks, to commit violence upon the person of the said Charles Sumner for words used by him in debate, as a Senator in the Senate and took no measures to discourage or prevent the same, but on the contrary, anticipating the commission of such violence were present on one or more occasions to witness the same, as friends of the assailant; therefore

Resolved: That Preston S. Brooks be, and he is forthwith expelled from this House, as a Representative from the State of South Carolina.

Resolved: That this House hereby declares its disapprobation of the said act of Henry A. Edmundson and Lawrence M. Keitt in regard to the said assault.

Lewis D. Campbell

F.E. Spinner

A.C.M. Pennington

(Let views of the minority follow here)

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Alleged Assault upon Senator Sumner

June 2, 1856

Laid upon the Speaker's table and ordered to be printed

Mr L.D. Campbell from the Select Committee made the following report

[Mr Howell Cobb submitted the views of the minority, herewith printed]