Miscellaneous.

THE RECONSTRUCTION COMMITTEE'S REPORT.

The loyal majority of the Reconstruction Committee presented their final report to Congress on the 8th of June. We are sure our readers will be glad to see its principal portions in these columns. The whole subject is comprehensively treated in this document and the country will here see of the recent extraordinary struggle.

The Committee begin by reviewing the circumstances which led to their appointment in December. Referring to the policy up to that time pursued by the President toward the rebel States, they say, that instead of summoning Congress to his aid in the work of reconstruction, he proceeded, by virtue of his power as commander-in-chief. to appoint Provisional Governors in the revolted States. These were regularly commissioned, and their compensation was paid, as the Secretary of War stated, "from the appropriation for army contingencies, because the duties performed by the parties were regarded of a temporary character, auxiliary to the withdrawal of the military force, the disbandment of armies, and the reduction of military expenditure by provisional organization for the protection of civil rights, the preservation of peace, and to take the place of armed force in the respective States." It cannot, we think, be contended that these Governors possessed, or would exercise any but military authority. Neither had the President or Commander-in-Chief any other than military authority. It was for him to decide how far he would exercise it, when, how far he would relax it, when and on what terms he would withdraw it. In the language of the Secretary of State in his telegram to the Provisional Governor of Georgia, dated October 28, 1865, he might "recognize the people of any State as having resumed the relations of loyalty to the Union," and act, in his military capacity, on this hypothesis. All this was within his own disoretion as military commander. But it was not for him to decide upon the nature or effect of any system of government which the people of these States might see fit to adopt. This power is lodged by the Constitution in the Congress of the United States, that branch of the Government in which is vested the authority to fix the political relations of the States to the Union and to protect each and all of them against foreign or domestic violence, and against each other. We cannot, therefore, regard the various acts of the President in relation to the formation of local governments in the insurrectionary States and the conditions imposed by him upon their action, in any other light than as intimations to the people that, as Commander in Chief of the army, he would consent to withdraw military rule just in proportion as they should by their acts manifest a disposition to preserve order among themselves, establish governments denoting loyalty to the Union, and exhibit a settled determination to return to their allegiance, leaving with the lawmaking power to fix the terms of their final restoration to all their rights and prihis power taken by the President, is evident from expressions to that effect in the communications of the Secretary of State to the various Provisional Governors and the repeated declarations of the President himself. Any other supposition, inconsistent with this, would impute to the President designs of encroachment upon a co-ordinate branch of the Government, which should not be lightly attrib-

When Congress assembled in December last, the people of most of the States lately in rebellion had; under the advice of the President, organized local governments, and some of them had acceded to the terms proposed by him. In his annual, message he stated, in general terms, what had been done, but he did not see fit to communicate the details for the information of Congress. While in this and in a subsequent message, the President urged the speedy restoration of these States, and expressed the opinion that their condition was such as to justify their restoration, yet it is quite obvious that Congress must either have acted blindly on that opinion of the President, or proceeded to obtain the information requisite for intelligent action on the subject. The impropriety of proceeding wholly on the judgment of any one man, however exalted his station, in a matter involving the welfare of the Republic in all future time, or of adopting any plan, coming from any source, without fully understanding all its bearings, and comprehending its full effect, was apparent. The first step, therefore, was to obtain the required information. A call was accordingly made on the President for the information in his possession as to what had been done, in order that Congress might judge for itself, as to the grounds of the belief expressed by him, in the fitness of the States recently in rebellion, to participate fully in the conduct of National affairs. This information was not immediately communicated. When the response was finally made, some six weeks after your Committee had been in actual session, it was found that the evidence upon which the President had based his suggestions was incomplete and unsatisfactory. Authenticated copies of the new constitutions and ordinances adopted by the conventious of three of the States had been submitted, extracts from newspapers furnished scanty information as to the action of one other State, and nothing appears to have been communicated as to the remainder. There was no evidence of the loyalty of those who had participated in these conventions, and in one State alone was any proposition nade to submit the action of the conventions to the final judgment of the people. The Committee then refer to the addiional fact, that martial law was continued nd the habeas corpus act had not been

uted to the Chief Magistrate of the nation.

kansas, the elections which were held for | State officers and members of Congress had was obviously unwise. It appeared to your Committee that but one course remained, viz., to investigate thoroughly and carefully the state of feeling existing among the most clearly stated and vindicated its own people of these States, to ascertain how far firm purpose to conserve the precious results their pretended loyalty could be relied upon, and thence to infer whether it would be safe to admit them at once to a full participation in the Government they had fought for four years to destroy.

THE QUESTION OF READMISSION.

A claim for the immediate admission of Senators and Representatives from the soand, further, that, until such admission, all legislation affecting their interests is, if and folly. not unconstitutional, at least unjustifiable and oppressive.

It is believed by your Committee that all these propositions are not only wholly untenable, but, if admitted, would tend to the destruction of the Government. . . . It cannot, we think, be denied by any one having a tolerable acquaintance with public laws, that the war thus waged was a civil war of the greatest magnitude. The people waging it were necessarily subject to all the rules which, by the law of nations. control a contest of that character, and to all the legitimate consequences tollowing it. One of these consequences, was that within the limits prescribed by humanity, the conquered rebels were at the mercy of the conquerors. That a Government thus outraged had a most perfect right to exact indemnity for the injuries done and security against the recurrence of such outrages in the tuture, would seem too clear for dispute. What proof should be required of a return to allegiance, what time should elapse before a people thus demoralized should be restored in full to the enjoyment

of political rights and privileges, are ques-

tions for the law-making power to decide,

and that decision involves grave considera-

tions of the public safety and the general

It is, moreover, contended, and with apparent gravity, that from the peculiar nature and character of our Government, no such right on the part of the conquerer can exist; that from the moment when rebellion lays down its arms and actual hostilities cease, all political rights of rebellious communities are at once restored; that because the people of a State of the Union were once an organized community. within the Union, they necessarily so revileges as States of the Union. That this main, and their rights to be represented in Congress at any and all times, and to par ticipate in the government of the country under all circumstances, admit of neither question nor dispute. If this is indeed true, then is the Government of the United States powerless for its own protection, and flagrant rebellion carried to the extreme of civil war is a pastime which any State may play at, not only certain that it can lose nothing in any event, but may ever be the gainer by defeat. If it fails, the war has been barren of results and the battle may be still fought out in the legislative halls of the country. Treason, defeated in the field. has only to take possession of Congress and the Cabinet.

Your Committee does not deem it either necessary or proper to discuss the question whether the late Confederate States are still States of this Union, or can ever be otherwise. Granting this profitless abstraction about which so many words have been wasted, it by no means follows that the people of these States may not place themselves in a condition to abrogate the powers and privileges incident to a State of the Union, and deprive themselves of all pretense of right to exercise those powers and enjoy those privileges. A State within the Union has obligations to discharge as a member of the Union. It must submit to federal laws and uphold federal authority. It must have a government in form, under and by which it is connected with the General Government, and through which it can discharge its obligations. It is more than idle, it is a mockery, to contend that a people who have thrown off their allegiance, destroyed the local government which bound their States to the Union as members thereof, defied its authority, refused to execute its laws, and abrogated all that gave them political rights within the Union, still retain, through all, the perfect and entire right to resume at their own will and pleasure all their privileges in the Union, and especially to parti cipate in its government and to control the conduct of its affairs. To admit such a principle for one moment would be to declare that treason is always master, and loyalty a blunder. Such a principle is void by its very nature and essence, because inconsistent with the theory of government, and fatal to its very existence. On the contrary, we assert that no portion of the people of this country, either in State or Territory, have the right, while remaining on its soil, to withdraw from or reject the authority of the United States. They must acknowledge its jurisdiction. They have no right to secede, and while they can destroy their State governments and place themselves beyond the pale of the Union, so far as the exercise of State privieges is concerned, they cannot escape the obligations imposed upon them by the estored by the President in these States, Constitution and laws, nor impair the exeradditional reason for declining the cise of National authority.

rgent recommendations of his message Upon the claim that they cannot law-Upon the claim must they cannot law no evidence of the loyalty or disloyalty of fully be taxed without representation; the his conclusion derived still greater force rom the fact, undisputed, that in all these tates, except Tennessee, and perhaps Ar- report says:

10.04

and of all the Territories are taxed, al- of these States now claiming representation | character. It seems not unreasonable to resulted almost universally in the defeat of though not represented in Congress. If refused to adopt the conditions imposed. | your Committee to require satisfactory evicandidates who had been true to the Union, it is true that the people of the States, or No trustworthy information is found in dence that the ordinances and constitutional candidates who had been and unpartitle people of the so-called Confederate these papers as to the constitutional proviand in the election of hospital provided while in essential in the first instance will be perdoned rebels, some who could not take the States, had no right to throw off the au- sions of several of these States, while in essential in the first instance will be perprescribed oath of office, and who made no thority of the United States, it is equally not one of them is there the slightest manently adhered to by the people of the secret of their hostility to the Government true that they are bound at all times to evidence to show that those "amended States seeking restoration, after being adand people of the United States. Under share the burdens of government. They these circumstances, anything like hasty cannot either legally or equitably refuse to action would have been as dangerous as it bear their just proportion of these burdens by voluntarily abdicating their rights and privileges as States of the Union, and re- does not appear to have been acted on. Not the late insurgents, who are seeking resfusing to be represented in the councils of one of them, therefore, has been ratified. storation to the rights and privileges which the Nation, much less by rebellion against | Whether, with President Johnson, we | they willingly abandoned, and not upon the National authority and levying war. To adopt the theory that the old constitutions people of the United States, who have hold that, by so doing, they could escape taxation, would be to offer a premium for insurrection—to reward instead of punishomit the ordinary exercise of its constitu- by the people. If the conventions were extending to all classes equal rights and tional power to compel equal contribution called Confederate States has been urged, from all toward the expenses of government, which seems to your Committee not to be would be unreasonable in itself and unjust founded either in reason or in law, and to the Nation. It is sufficient to reply that stitution or to amend an old one without than an unwilling submission—a feeling, if which cannot be passed without comment. the loss of representation by the people of Stated in a few words it amounts to this: the insurrectionary States was their own that, inasmuch as the lately insurgent voluntary choice. They might abandon States had no legal right to separate them- their privileges, but they could not escape selves from the Union, they still retain their obligations. And surely they have their position as States, and, consequently, no right to complain if, before resuming the people thereof have a right to immedi- those privileges, and while the people of ate representation in Congress, without the the United States are devising measures imposition of any conditions whatever; for the public safety, rendered necessary by the act of those who thus disfranchised Congress has no right to tax them for the themselves, they are compelled to contribsupport of the Government. It has even ute their just portion of the general burden been contended that, until such admission, of taxation incurred by their wickedness

THE FREEDMEN-APPORTIONMENTS. Your Committee came to the consideration of the subject referred to them with the most anxious desire to ascertain what was the condition of the people of the States recently in insurrection, and what, if anything, was necessary to be done before restoring them to the full enjoyment of all their original privileges. It was undeniable that the war into which they had plunged the country had naturally changed heir relations to the loyal people of the loyal States. Slavery has been abolished by Constitutional amendment. · A large proportion of the population had become, instead of mere chattels, free men and citizens. Through all the struggle, those had remained true and loyal, and had in large numbers fought on the side of Union. It was impossible to abandon them, without securing them their rights as men and citizens. The whole civilized world would have cried out against such base ingratitude, and the bare idea is offensive to all right-thinking men. Hence it became important to inquire what could be done to secure their rights, civil and political. It was evident to your Committee that adequate security could only be found in appropriate provisions of the Constitution. Representation is based on the whole number of free persons in each State and three-fifths of all other persons. As a consequence the effect of the rebellion would be to increase the political power of should be allowed to resume their positions as States of the Union. It did not seem, just or proper that all the political advantages derived from their becoming free, should be confined to their former masters, who had fought against the Union, and a State thus organized claims represents. withheld from themselves, who had always ruling and dominant class, had produced a spirit of oligarchy adverse to Republican institutions, which finally inaugurated civil, war. It was doubtful, in law should be submitted to Congress. the opinion of your Committee, whether the States would consent to surrender a power they had always exercised, and to which they were attracted. As the best, f not the only, method of surmounting the difficulty, and eminently just and proper in itself, your Committee came to the conclusion that political power should be possessed in all the States exactly in proportion as the right of suffrage should be granted; without distinction of color or race. This, t was thought, would leave the whole question with the people of each State, holding out to all the advantage of increased political power as an inducement to allow all to participate in its exercise.

ACTUAL CONDITION OF THE REBEL STATES. From this point we give the report en-

Your Committee have been unable to find in the evidence submitted to Congress by the President, under date of March 6, 1866, in compliance with the resolutions of January 5 and February 27, 1866, any satisfactory proof that either of the insurrectionary States except, perhaps, the State of Tennessee, has placed itself in a condition to resume its political relations to the Union: the first step toward that end would necessarily be the establishment of a republican form of government by the people. It has been before remarked that the Provisional Governors appointed by the President in the exercise of his military authority, could do nothing by virtue of the power thus conferred toward the establishment of a State government. They were acting under the War Department, and paid out of its funds. They were simply bridging over the chasm between rebellion and restoration, and yet we find them calling conventions and convening legislatures. Not only this, but we find the conventions and legislatures thus convened acting under: executive directions as to the provisions required to be adopted in their constitutions and ordinances, as conditions precedent to their recognition by the President. The inducements held out by the President for compliance with the conditions imposed were directed in one instance—and presumably, therefore, in others to the immediate admission of Senators and Representatives to Congress. The character of the conventions and legislatures thus assembled was not such as to inspire confidence in the good faith of their members. Gov. Perry of South Carolina dissolved the convention assembled in that State before the suggestion had reached Columbia from Washington that the rebel war debt should be repudiated, and gave as his reason that it was a "revolutionary body." There is

The people of the District of Columbia | being asked for on their account. Some | to such a step should be of the very highest constitutions," as they are called, have ever mitted to full participation of the Governbeen submitted to the people for their ment, and will not be repudiated when adoption. In North Carolina alone an that object shall have been accomplished. ordinance was passed to that effect, but it And here the burden of proof rests upon were abrogated and destroyed, and the never undertaken, directly or indirectly, to people "deprived of civil government," or deprive them thereof. It should appear whether we adopt the alternative doctrine affirmatively that they are prepared and ing treason. To hold that, as soon as gov- that they were only suspended, and were disposed in good faith to accept the results ernment is restored to its full authority, it revived by the suppression of the rebellion, of the war, to abandon their hostility to can be allowed no time to secure itself the new provisions must be considered as the Government, and to live in peace and against similar wrongs in the future, or must equally destitute of validity before adoption unity with the people of the loyal States, called for the sole purpose of putting the privileges, and conforming to the republi-State Governments into operation, they can idea of liberty and equality. They had not power either to adopt a new conthe consent of the people. Nor could either not cheerful, certainly not offensive and a convention or a legislature change the fundamental law without power previously repudiation of all hostility to the General conferred. In the view of your Committee, Government by an acceptance of such just it follows, therefore, that the people of a State where the constitution has thus been ment should think the public safety deamended might feel themselves justified in repudiating altogether such unauthorized look at the facts shown by the evidence assumptions of power, and might be expected to do so at pleasure.

> STATE GOVERNMENTS IRREGULARLY OR-GANIZED.

So far as the disposition of the people of the insurrectionary States, and the probability of adopting measures conforming to the changed condition of affairs, can be inferred from the papers submitted by the President as the basis of this action, the prospects are far from encouraging. It appears quite clear that the anti-slavery amendments both to the State and Federal Constitutions were adopted with reluctance by the bodies which did adopt them, while in some States they have either been passed by in silence or rejected. The language of all the provisions or ordinances of those States amount to nothing more than an unwilling admission of an unwelcome truth. As to the ordinance of secession, it is in some cases declared "null and void," and in others simply "repealed;" and in no instance is a refutation of this deadly heresy considered worthy a place in the new Constitution.

If. as the President assumes, these insurrectionary States were, at the close of the war, wholly without State government, it would seem that before being admitted in the direction of public affairs, such governments should be regularly organized. Long usage has established, and numerous statutes have pointed out the mode in which this should be done. A convention to form a government should be assembled under competent authority. Ordinarily, this authority emanates from Congress; but, under peculiar dircumstances, your Committee is not disposed to criticise the President's would be to increase the political power of action in assuming the power exercised by the insurrectionary States whenever they him in this regard. The convention, when assembled, should frame a constitution of government, which should be submitted to the people for adoption. If adopted, a Legislature should be convened to pass the a State thus organized claims representabeen loyal. Slavery, by building up a tives should be provided for by law, in accordance with the laws of Congress regulating representation, and the proof that the action taken has been in conformity to

In no case have these essential preliminaries been taken. The conventions assembled seem to have assumed that the Constitution, which had been repudiated and overthrown, was still in existence, and operative to constitute the States members of the Union, and to have contented themselves with such amendments as they were informed were requisite in order to insure them an immediate return to a participation in the Government of the United States. Not waiting to ascertain whether the people thus represented would adopt even the proposed amendments, they at once ordered elections of Representatives to Congress, in nearly all instances before an Executive had been chosen to issue writs of election under the State laws, and such elections as were held were ordered by the conventions. In one instance, at least, the writs of election were signed by the Provisional Governor. Glaring irregularities and unwarrantable assumptions of power are manifest in several cases, particularly in South Carolina, when the convention, although disbanded by the Provisional Governor on the ground that it was a revolutionary body, assumed to re-

district the State. It is quite evident from all these facts, and, indeed, from the whole mass of testi mony submitted by the President to the Senate, that, in no instance, was regard paid to any other consideration than obtaining immediate admission to Congress under the barren form of an election, in which no precautions were taken to secure regularity of proceedings, or the assent of the people.

No constitution has been legally adopted except, perhaps, by the State of Tennessee and such elections as have been held were without authority of law. Your Committee are accordingly forced to the conclusion that the States referred to have not placed themselves in condition to claim represention in Congress, unless all the rules which have since the foundation of the Government been deemed essential in such cases should be disregarded.

It would, undoubtedly, be competent for Congress to waive all formalities, and to admit the Confederate States to represen tation at once, trusting that time and experience would set all things right Whether it would be advisable to do so however, must depend on other considerations, of which it remains to treat. But it may well be observed that the inducement

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should exhibit in their acts something more defiant; and they should evince an utter

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and reasonable conditions as that govern-

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