## THE DAILY EVENING TELEGRAPH. PHILADELPHIA, THURSDAY, APRIL 5, 1866.

CIVIL RIGHTS BILL. WHY IT SHOULD BE PASSED OVER THE VETO.

## Speech of the Hon. Lyman Trumbull, Senator from Illinois.

## The veto message being taken up, Mr. Trumbull

Mr. President, I fully share with the President ar. President, I thiry share with the President of the United States in the regret expressed that he is unable to sign the bill to protect all persons in the United States in their civil rights, and to furnish the means of their vindication. I regret it Turnish the means of their violation. I want the first of the disappoint-ment, and because the just expectations raised when this bill was presented to the President, before its introduction into the Senate, have been disappointed; I regret it on the President's ac-count, because it is calculated to allenate him from count, because it is calculated to alienate him from whose who sievated him to power, and who have gladly rallied around his administration to sustain him in the principles upon which he was elected; but above all, sir. I regret it for liberty's sake, to secure which, to ourselves and our posterity, this government was founded. But if the bill is un-constitutional and unjust to the whole people I would not have had the President sign it. That its provisions are not unjust to the whole or any moriton of the neople, nor unconstitutional, I shall portion of the people, nor unconstitutional, I shall endeavor to show by a candid and dispassionate review and examination of the President's various

objections. He begins these objections with the very first lines of the bill, which declare that all persons born in the United States, and not subject to any foreign Power, except Indians not taxed, are de-clared citizens of the United States. The bill as originally introduced did not contain this pro-vision. It was believed by myself and many others that all native born persons since the aboli-tion of slavery were citizens of the United States. This was the opinion-the official opinion-of Mir. Bates, the Attorney General of Mr. Lincoln's ad-ministration-the opinion adopted by his admin-Bates, the Attorney General of Mr. Lincoln's ad-ministration-the opinion adopted by his admin-istration, and acted upon since by all the depart-ments of the executive government, including the Secretary of State, who has issued passports to persons of color, recognizing them as citizens. It was the opinion expressed by Mr. Marcy, when Secretary of State, that all persons born in the United States were citizens of the United States; not referring, of course, to slaves-slavery at that time existing in the country.

time existing in the country. The President does not object to this declaration in the bill as unconstitutional. He does, however, say that it does not purport to declare or confer any other right of citizenship than Federal citizen-ship. It does not purport, he says, to give these ship. It does not purport, he says, to give these classes of persons any status as citizens of States except that which may result from their status as citizens of the United States. The power, he adds, to confer the right of State citizenship is just as exclusively with the several States as the power to declare the right of Federal citizenship is with Congress. Now, sir, we all know that no State has the authority to make a citizen of the United States. The Constitution of the United States weeks with Congress the sole power of paturaliza. vests with Congress the sole power of naturaliza-tion, and it may make a citizen of a foreigner, but no State can make a citizen of the United States of

a foreigner. But is it true, sir, that when a person becomes a citizen of the United States, that he is not also a citizen of the State, wherever he may be residing. On this point I will refer to a decision pronounced by the Supreme Court of the United States, delivered by Chief Justice Marshall, the most eminent jurist who ever sat upon the American bench, in the case of Gasse against Ballow, reported in the sixth of Peters' reports. The Chief Justice; in delivering the opinion of the

Conrt, says. "The defendant in error is alleged in the proceedings to be a citizen of the United States, natu-ralized in Louisiana, and residing therein. This is equivalent to an averment that he is a citizen of that State. A citizen of the United States residing in any State of the Union is a citizen of that State. This was the only point in the case." This is the opinion of the highest tribunal in the country, pronounced by the most eminent man that ever sat upon the Bench in America. Mr. Johnson, of Maryland-Will the Senator give me the page? Mr. Trumbull-Page 761. But, sir, unless this authority is to be disregarded, the President of the United States is mistaken in his law. It is not true that when a man is made a citizen of the is equivalent to an averment that he is a citizen of

true that when a man is made a citizen of the United States he is not a citizen of every State. The President next alleges that the right of Fede-

That it was unconstitutional, but he had power to pro-tect them in their civil rights, and he did protect them in their civil rights. Then if it be true that protection in civil rights car-position he assumed when he extended civil rights to the usgro all through the south, as I shall presently show, by orders issued by his authority; and yet he re-fused to give them the right of suffrage on the ground that he held no constitutional power to do it—that it was a right vested in the States with which he could of interfere. But it the grant of civil rights does not, and never more properly speaking, political rights, or, more properly speaking, political privileges. A man may be a citizen in this country without the right to vote or without the right to hold office. The right to office under the Federal government depends upon the constitution of the United States, The President must must have been a citizen of the United States for a cer-ration number of years hefore he can be elected a member of the right of other House of Congress. So that the in the citizen stillen does not quality aperson for hold in the citizen stillen does not quality aperson for hold in the citizen stillen does not quality aperson for hold in the citizen stillen does not quality aperson for hold in the citizen stillen does not quality aperson for hold in the rights enumerated in the bill-e an attrat born the other House of Congress. So that the intumber of years hefore he can be elected a member of the contract. The right to and the bill-itize are these citizen stiller does not anality aperson for hold in down when the rights enumerated in the bill-ted are proved the citizenship. Foreigners, as is stated to hold land, which is the case here the area to the rights we have commerated in the bill do not can. With the state as prevent—I as they do not here the area to hold its with the right is not the states the rights and nois of the stitue of the United States They have some. To be a stitue of the United States to hole on there the s foreign country is entitled to the same protection that is extended by that government to its own citizens." In the preat essential rights which I have enume-rated, these rights which belong to citizens, and are known as natural rights, are defined by ' lackstone, in his definition of civil liberty, to be no other than natural liberty, so far restrained by human law, but no torther, than is necessary and expedient for the civil liberty it ought to be understood, or rather ex-pressed, that the restraint introduced by the law be qual to all, or as much so as the nature of the law will admit. " Equality of rights is the basic of the com-monwealth," as is read by Kent; and Kent himself, in speaking of these rights, anys that "the natural rights of individuals may be said to be included in the right of personal security, the right of personal liberty, and the right to equire and e joy property." These right of personal security, personal liberty, and the right to acquire and e joy property. "These declared by the people of this country to be natural, inderent and insitenable. What are they, sir? The right to acquire and e joy property." These declared to be thallenable rights belonging to every be as a citizen of the United States. Kent, in the second volume of his Commentaries, says. "The spectituation of the united States to the citizens of the constitution of individuals may be and by be considered and there are declared to be fashienable. What are they, sir? The right of acquire and enjoy property. And theres are declared to be fashienable rights belonging to every be as a citizen of the United States. Kent, in the manamental, and belonged of right to the citizens of all free povernments." Such are the rights of pro-toring poperty. There is a case reported in the 10th of Johnson which The to be the second state of the right so the right so the second state of the second state of the right so the second state of the second state

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The resident next alleges that the right of Fede-ral citizenship thus to be conferred on the several excepted races before mentioned is now for the first time proposed to be given by law. Now, sir, this is a mistake, not of the law, but a misappre-bension of fact; and it will appear, by references to which I shall call the attention of the Senate in a moment, that the President's facts are as bad as bis law. If the Senator from Maryland (Mr. Johnson) wishes to take a note of the authority he

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Treason given by the President why he cannot approve it, that it is a declaratory act. "But if such is not the law," mays the President, "the grave question presents itself, whether when eleven of the thirty-six States are unrepresented in Congress, at the present time it is sound policy tomake our entire colored population, and all other excepted classes, citizens of the United States." This is the standing objection not urged against all bills, for the President tells us in this message that he has signed some forty bills that have been presented to him. Why is is made an objection to this bill? The Presi-dent states no objection as applicable to this maritor-lar bill. It is a general objection that he makes, ap-plicable alike to all bills; but if there is anything h it no bill can pass the Congress of the United States us is it that size are represented. Well sir, whose fault is it that size mono docum and constitution, are to be de-prived of their right to legislate? Sir, it is not the sould by the President is a good one now, it has been a good one all the time. It the fact of some States agood one all the time. It the fact of some States must of the president is a good one now, it has been a good one all the time. It the fact of some States agood one all the time. It the fact of some States agood one all the time. It the fact of some States agood one all the time. It the fact of some States agood one all the time. It the fact of some States is to the originate the construction the states for the government the right to legislate, why, sir, then the states to be punished for the guilty.

the criminal is to take advantage of the rule. and two inocent are to be punished for the guilty. Within a few days the President has issued a proclamation, not of peace, as the Senator from Newada for the rule of the state of the senator from Newada is the rebellion is over, but that in the relation is the senator of the state of the state

certing any auch writ or process, and being convict-ef thereof, shall be deemed voiators of the law of ma-ting fiscal of the resolution of the Court." The Trumbull, after discussing the objections of the president to the second section, reviewed other por-tions of the veto message. In proof that coolliciting heightation existed, and that danger was to be appen-hended from conflicting legislation not yet effected. If the veto message. In proof that do coll the right of the connected with the Freedment's Bureas; of Skatel awa recould the second section, reviewed other por-tions of the veto message. In the right of the connected with the Freedment's Bureas; of Skatel awa recould the second section, reviewed other por-tions of the veto message. In the right of the to them in this bill. He also referred to the military offers sanctionad by the President, showing the same thing among them; those of Ceneral Skatel awa recould the second section of the right of the part of the fourth of March declares the same the influction in all cases affocting freedmen to reset with the superior and circuit provise courts. He con-tinues in illustrations of the frequent excursion of the superior said circuit provide courts. He cou-ter the superior and circuit provide courts with the superior and circuit provide courts. He see and action upon this subject. He also discussed the war power rested in Congress. He next not ourise the the objection of the Fresident's and as and extinue do struction of it. In assuming that all cases arising under the fift's of the fresident is of the fift associated from the State Courts are in all respective and and the bay net too, so fare with a subject in a subject. The resident is and the sector of the bill in a subject is subject in a subject and associating under the fift's of the fresident is and the the super and now used in this instruct on the count of the state to work as a fift is discovered that are and the bay net too, so fare with the freedment and associating under the fift'

ersion of the government and the destruction of therty. Congress, in the passage of the bill under considera-Congress, in the passage of the bill under considera-tion, sought no controversy with the President. So far from it, the bill was proposed with a view to carry out what men supposed to be the views of the Presi-dent, and was submitted to him before its introduction into the Senate. I am not able to relate private de-clarations of the President, but it is right that the American people should know that the controversy which exists between him and Congress, in reference to this measure, is of his own seeking. Soon after Congress many became apparent that there was a dif-ierence of the on between the President and some members of wedgress in regard to the condition of the rebellious States and the rights to be secured to freed-men.

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