

SPEECH OF
HON. CHARLES R. BUCKALEW,
AT THE COURT HOUSE, BELLEFONTE,
Thursday Evening, September 10th, 1868.
[REPORTED BY D. F. MURPHY.]

Fellow Citizens of Centre County:—I feel gratified at two circumstances, in appearing amongst you for the first time I am glad to meet a few persons among you with whom, in former years, I had relations of a friendly character, and I am also glad that the mission upon which I come to you is honorable and may, possibly, be made useful.

It has again become necessary that the people of the United States should bestow their attention upon public affairs in the election of a Chief Magistrate to hold the highest post in their government. It is not so important that the men are that hold places of public trust in our State and Federal governments. Individual preferences as between public men may be indulged, and indulged freely, without much danger to the Republic. But it is most important and vital that in selecting men we should know what system of government they will favor, what scheme of administration and of legislation they will maintain and support by all their power. That is peculiarly important at this time. We have passed in recent years through a war of great magnitude, of great violence, and its results for good or for evil are to remain with us and with those who come after us. We have cast upon us a considerable number of what may be called monetary questions, unusual and yet of transcendent importance. We have also a difficulty in regard to local governments in the southern section of our country. The question of the relations of race, which has occupied the attention of statesmen and politicians from the foundation of our government, is not yet solved. The discussion is not yet ended. There are in the South millions of the descendants of African slaves, there are also, there are some eight or ten millions of our own race. These respective populations are mingled together through ten States of the Union, and from the necessity of the case are obliged to live together, to act together, to have common interests, and yet it is possible to maintain the identity and distinct existence of each, for I suppose no man of sound judgment will stand forward to advocate their being blended together after the fashion of Spanish America, with all the consequences which have followed in those countries where this detestable violation of natural law has been permitted, and has born its bitter fruit. I say we have upon us still this great question of the relations of race. This problem was not solved by the war; its terms were changed, but the problem remains, and it is, as it has long been, a great difficulty in American politics, and now it is thrown to the people of the country in all our States for their consideration; they must take it up, and consider it, and pass judgment upon it in the Presidential election of the present year.

The two grand questions then with which we are concerned in the political debates of 1868, are Reconstruction and Finance, the latter including the monetary affairs of the government and people of the United States. The subject of revenue, taxation and disbursement of public money, the matter of banking as it has been established by the government of the U. S. during the war, and the question of supreme importance, the relations of taxpayers of the country to the creditors of the country. The government is a trustee between these two great interests—between the men who pay the taxes and the men who receive and enjoy them, and is bound to be just to both. In the first place, the system of taxation must be equal, and therefore just, and it must be distributed upon principles of commerce, and not contribute to the public necessities, and wherever industries are specially oppressed by a particular tax, it should be abolished or reduced. And then there should be some judicial system by which all the taxes shall be collected, by which it shall not happen that a tax of \$100 millions upon whiskey shall yield to the government only 20 or 25 millions leaving 70 or 75 millions to be the subject of corrupt combinations between men employed on behalf of the government and men engaged in the production of the article taxed.

Gentlemen, it has not been my habit, in discourse to my fellow citizens in any section of our own State or elsewhere, to deal in matter of invective, or to indulge in those rhetorical efforts which are only efficient with the weak and unreflecting. I have thought it better, upon occasions like the present, to take up public questions and debate them upon their merits honestly and fairly no far as I could, and then leave them with the people whose judgment upon them it was my purpose to influence and to direct. It will happen that in proceeding to treat public affairs in this manner, speeches will be delivered, sometimes, which will be pronounced bold and uninteresting, because they are not characterized by flashes of wit, amusing anecdotes are not interspersed through them, the passions are not inflamed and brought up to a state of high excitement, and we do not go away from such occasions hating or despising our neighbor. In short, we do not go away debased and lowered in mind; though we fail to derive instruction, our minds are not polluted or injured.

Now, it shall be my object to address you fairly to-night, upon the merits of the two questions I have mentioned. But before proceeding, permit me a few introductory remarks.

In the government of the U. S., at this time power is very unfairly lodged and distributed. Particularly is this the fact in the two Houses of Congress, in which resides the greater mass of the Constitutional powers of the Federal government. Out of doors the people North and West are about equally divided between political parties, according to the elections during the last two years. That is, in elections held in the represented States North and West, in 1865 and 1867, and the spring of the present year, a little over two millions of voters supported the Republican par-

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ty, and a little over two millions of voters supported the Democratic party. This, speaking generally, was the political situation among the people of the United States, in all the States represented in Congress taken together.

While that was the condition of affairs out of doors—an equal or nearly equal division of the people of the United States between the two parties—inside of Congress in both Houses the case was widely different. In the Senate and House of Representatives respectively, during the last two years, the Republican party has had about four times as much membership as the Democratic party, and so the case stands at present. There are four Republican Senators to one Democratic, four Republican Representatives in the House to one Democratic. Consider this, here is a country in which a great Constitution is established intended to secure republican institutions and republican principles to government, and here are some 36 or 37 States in which our territory is divided holding and wielding all the residuum of political power not conferred upon the Federal government, and the underlying principle of this dual system of State and national organization is that the people of the United States in a fair and equal manner are to govern themselves, that the people (meaning by this term the electors of the U. S.) each one equal to any other, are to govern themselves through the instrumentality of these political agencies, State and Federal, which they have set up. Government everywhere is to be their instrument and to execute their will. It is indisputable therefore that the will and opinions of the people of the United States should be fairly and thoroughly represented. Every one will assent to this, and yet here are two millions of voters in the United States, (about one half of the whole,) with only one Representative in five in the Senate and in the House of Representatives which respectively represent the States, and the people of the country. If there be any truth in our system, if it be, as we suppose, a true and just system, one calculated in its nature and constitution to operate fairly and to produce beneficial and salutary results, this condition of representation must be considered evil, and we are at liberty to suppose, in the absence of investigation, that some mischief will come into the government or into its action to disturb or pervert it. Now, I propose to show you that such has in fact been the case, that a political party representing only half the votes of the represented States, holding an unjust amount of power in Congress have during the last two years grossly misused and abused their power to the injury of the people of the U. S. and in the manifest danger of republican institutions.

When Congress met in December, 1867, the President informed the two Houses that in the southern country governments had been reorganized to a great extent and in all of them would be completely reorganized within a short time, that the people there had repudiated the rebel indebtedness which had been incurred in their behalf, had repudiated the institution of slavery and made its future existence impossible, had withdrawn or repealed all their ordinances of secession and had assumed what was described as a "loyal attitude" toward our government. This is what he stated, and then he submitted to the two Houses the question of receiving Senators and Representatives from these States. That was all that was necessary to complete the work of restoration, to bring the Union completely together again, and restore in a constitutional point of view, the former condition of things.

Now, gentlemen, let me state to you a fact which is very instructive in considering what took place afterwards. Just before the meeting of Congress in December, 1867, a notice called together the majority members of the House in consultation in a committee room. They met there and took into consideration the political situation. This was before the President and transmitted his message, before the House had organized itself in session. There, in that secret meeting, a party caucus, a resolution was proposed by Mr. Representative Stevens to establish a committee on Reconstruction, to be composed of members of the two Houses, and that until that committee voted upon the subject of Reconstruction and reported, neither House of Congress should admit members from the States of the South or take any action whatsoever upon the subject of restoring those States to their former constitutional relations to the government of the U. S. That was agreed to in a few moments without debate, without much reflection, without consultation with the members of the other branch of Congress, without information to the public out of doors. Who was then in charge of Mr. Stevens who was then in fact "the master of the House," as he has since been called, that policy was adopted: and it was perhaps that fatal resolution that led to all the difficulties and wrongs upon this subject of Reconstruction. These leaders would not wait until Congress was regularly assembled and the President of the U. S. in pursuance of the constitutional duty imposed upon him had committed to them the situation of the country and his views upon public affairs. No; but to circumvent him and steal a march upon all opposing or hesitating opinion, this caucus resolution was adopted which tied up the political majority before hand to a particular line of conduct. On their

organization, the two Houses passed that resolution as a concurrent resolution, without sending it to the President, and adhered to it during seven or eight months of session, and the South was not restored; this whole subject was kept open. Finally from that committee there was reported and adopted a proposition for amending the Constitution of the U. S., which was ingeniously drawn so that half a dozen different propositions of amendment were all bundled together, not to be voted separately, all accepted or all rejected by one vote, — a most unfair thing, and not forbidden by the Constitution of our own State when amendments to it are proposed. It was not intended that this amendment should be accepted by the South at that time, hence its particular form.

Now, gentlemen, let us take a leap from December 1867 to September 1868, the date at which we are assembled together. Read your papers; observe daily their speculations upon the subject of the re-organizing of Congress; and what do you learn? Why, that the Senate and House of Representatives, charged with great public duties, armed with great public authority with power to make laws for 35 millions of people on all matters of national concern, are for the time being in the hands of a subcommittee of political managers. Mr. Robert C. Schenck, of Ohio, who is chairman of the Radical campaign committee of the House of Representatives, and Mr. Edwin D. Morgan, of New York, who is chairman of the Radical South campaign committee. They are considering whether Congress shall meet on the 21st of this month, or not. Congress is not considering the question. If these two men, the managers of party machine, that Congress is to meet on the 21st of this month, they will issue their decree, and all obedient subjects of the Radical faith, by their party allegiance, by their personal interests, by every consideration which can move party men, are to obey it. No decree issued by the Emperor of all the Russians to his obedient people can receive more complete respect and obedience than this proclamation of two politicians regarding the assembling of the two Houses of Congress is expected to receive. If they say that there shall be a session on the 21st, and we are not to do that, then to the seat of government will go trooping the politicians of the Radical faith from all sections of the Union; then they are to be convened and laws are to be passed. If, on the contrary, they withhold their notice, or issue one of an opposite character, these members of Congress or most of them will pursue in their respective districts, the more interesting and to them more important employment of endeavoring to get re-elected. Do you not see that the legislative power of the government of the U. S. is in commission? It is handed over to the chief of a party organization, so that now the meeting of the legislative bodies of the Federal government and the possible enactment of laws for the American people depend upon their will.

Do you hear anywhere the question debated whether the interests of the people are to be subserved, or not, by this proposed meeting of Congress? No. A man who would write or speak on the subject in that regard would be laughed at. The discussion openly made in the newspapers of the country is whether the Radical party can make most by having Congress convened together or not. Is not that so? One part of them insist that by the reassembling of the two Houses and the passing of certain additional laws for the Southern country, they can more certainly secure electoral votes for their candidates for President and Vice President. Another class among them insist that by meeting together and withdrawing themselves from the Congressional canvass at home, they are more likely to lose than to gain. What a prostitution of public power, what a lowering of the public dignity, that the meeting of Congress should be discussed, not as it may concern the affairs of all the people but the temporary interests of political adventurers and of party men who being on trial before the American people, are disposed to resort to every art and to every device by which they can retain power and continue to riot in that public plunder the possession of which is, after all, the ultimate object of all their efforts and of all their exertions. (Applause.)

Out of party government, pure and simple, such as we have had it for several years past, has come Reconstruction as it is now presented. Now, what is Reconstruction? It is to say first that existing financial situation. Now, what is Reconstruction? It is to say first that all State governments in the South were invalid, in point of law had no existence at the date when the first reconstruction law was passed, namely March 2nd, '67. What next is Reconstruction? It is to say by act of Congress that all the male negroes in the Southern States over 21 years of age shall be electors in those States, and shall wield or assist to wield the political power of those States in the National government. Congress promised that all that class of inhabitants should vote at the election for the choice of members of State conventions, and after constitutions were formed that they should vote upon the question of their adoption or rejection. Congress also provided that if the new constitutions contained provisions securing negro suffrage, in the future, in these States, then those constitutions would be acceptable to Congress, or accepted by it and the

States should be restored to their former representation and permitted to enjoy the privileges of membership in the Federal Union.

Thus you see that it is by act of Congress that negro suffrage is established and made universal in the South. No body can question that. Observe degraded suffrage was commanded for the first election; it was commanded for the second election, and then provision was made that the new constitutions so formed should contain the same principle of colored suffrage, for the future. And what then? Why, Congress put all the ten States under military commanders, authorized them to have complete jurisdiction both in civil and criminal affairs, to try even the gravest crimes by military commission or court martial. They could do anything they pleased in all the 10 States by military power save and except that they could not take human life without the consent of the President of the U. S., and that exception was only exerted by vigorous debate late in a night session of the Senate. Why did Congress put these ten States under the heel of military power? To secure reconstruction as these laws contemplated and Congress desired, and to take away from the people of the South all choice and discretion. What more did they do? Not an iota that force applied through Major Generals of the army and backed by the enormous appropriations made to the army would be sufficient to accomplish their object they employed another instrument. It was thought that this instrument of force might not be sufficient for their purpose in some, and therefore they selected one of corruption. They established and kept up in those States a Freedmen's Bureau as a political instrument by which the colored voters, called into existence by the legislation of Congress, should be instructed and marshalled to the polls and made a potential and dominant interest in all those States, so that reconstruction should be made as Congress desired it to be.

Under the corrupt operation, then, of force by the army and of corruption through a Bureau (which distributed millions per annum,) these southern elections were held, and this proceeding of reorganization went on until it was so far consummated in the month of June last that seven of ten States were restored to their former representation in Congress by solemn act. Arkansas by an act passed on the 22nd of June, and North and South Carolina, Georgia, Florida, Alabama and Louisiana by an act passed on the 26th of the same month. Afterwards a part of their Senators came into the upper and a part of their Representatives into the lower House, and if Messrs. Schenck and Morgan convene the Representatives of the people and of the States on the 21st of September, the remaining Senators and Representatives from these States will be admitted to seats. Look at the list of them, one in four or five possibly men of the South, four-fifths of them citizens of Massachusetts and Wisconsin and of other States of the North, who went South within two or three years, either as adventurers for profit or as holders of office under the government of the United States. The State conventions were filled with the agents of the Freedmen's Bureau and with military officers. A large part of the Senators and Representatives that came up to Washington are from these classes of Northern men, who have gone there and because they possess the military power of the government and the power of the Freedmen's Bureau, the power to compel and the power to corrupt, have taken the offices created by the constitutions of these States. They come up to Congress to wield the political power of these States, say, they come there to make laws for us, and to vote away according to their pleasure and by illegitimate power the money and the taxes of the people!

Not only did reconstruction commit political power to the hands of the entire male adult negro population of the South, it went further, to make the work more certain it disfranchised large masses of the white population. It disfranchised men who were no more culpable in the rebellion than other men. It disfranchised men who had held office in those States under the state governments 20, 30 and 40 years ago, magistrates, constables and others—any person engaged in rebellion who any former period held an office where he was required on assuming its duties to take an oath to support the Constitution of the United States. The amount of this disfranchisement is a matter of opinion or of estimate. It has been stated as high as 300,000; it has been stated as low as 160,000 or 200,000. In point of fact, there were of competent white men under State constitutions at least 800,000 men unregistered when the proceedings took place. Some of them, no doubt, withheld themselves from registration; but a quarter of a million, or very nearly that number, of the white men of the South must have been disfranchised under the operation of the laws of Congress. They were kept away from the elections; they were forbidden to vote; and to a great extent that disfranchisement has been continued in the new constitutions which have been established.

But what is more material, gentlemen, in considering reconstruction, is that by oaths prescribed in the new constitutions and in laws which some of the new Legislators have enacted large masses of men must be excluded from the right of suffrage in the future. It is required in the constitutions of many of these

reorganized States that a man in order to be registered or to vote must swear that he accepts the civil and political equality of all men, and, more than that, will maintain it in the future; not only that it is his opinion now that negro suffrage is rightful and just and that he accepts it, but that he will maintain it hereafter. This is to be under oath, an obligation between the voter and his God as to his present position on this question of opinion and as to his conduct in the future. That is an oath which would exclude a majority of the population of our State and of other Northern States from the right of suffrage at all if it were in our constitutions, unless we should take it for granted that our people would swear falsely, would commit perjury, or forswear their manhood, in order to obtain the right to vote. Will you, men of Pennsylvania, vote that this is a rightful or permissible system when it would exclude you, the very men who are called to vote in its support, from the right of suffrage if you should emigrate to those States and claim there, as you enjoy heretofore the privileges of freemen, the privilege of participating in the political action of the community of which you would be members.

But there is another feature in reconstruction which is remarkable, and it is this—there is a dispensing power established by it: Congress by a two-thirds vote can remove political disabilities in the South, and in imitation of Congress, in the new constitutions of these Southern States there are provisions that the Legislatures of the States also may remove political disabilities imposed by the State constitutions. In other words, here is a power to dispense with laws, both in Congress and in the reconstructed Legislatures. Large masses of men are deprived of the right to vote, but they may be re-endowed with that right and privilege by the majority in Congress or the majority in the State Legislature. What is that but a continuance for political purposes, to disfranchise men to become the instruments of a party majority, to cultivate their affections and good will, to be their associates in political action? These provisions were intended to subvert that purpose and lose other.

During the last Spring a sample bill was passed through the two Houses of Congress dispensing with the disabilities imposed by the reconstruction laws as to some 1,200 men in the South. When it became to be investigated, about every man of them was found to have a Radical in the case of North Carolina, the political majority in the convention which formed the new constitution selected through the State those men who could be active and useful as politicians, sent in their names to Congress, and were considered by a committee. And so recommendations were made from other States, and gathering and bringing them together, a bill was passed, were washing from all past iniquity some 1,200 active politicians of the white race scattered over the South, then disfranchised by the laws of Congress, who had participated in the rebellion, and many of whom are among the purest men in the rebellion, — even the keepers or sentinels of Andersonville prison. When that bill came to the Senate, there was added to it the name of George S. Houston, of Alabama, and afterwards upon motion of Mr. Hendricks of Indiana, the name of George W. Jones of Tennessee, a man who had resisted secession very vigorously and only yielded to it after his State had gone out and hostilities had broken out, a man who was formerly remarkable in Congress as a defender of the public treasury, as a man who resisted all profligate outlays of public money. Here were two Democratic names added to what bill in the Senate names of fair men—but no without debate and opposition. The bill was sent to the House with the Senate amendments; it afterwards went to a committee of conference by whom it was considered in private, and it came back to the two Houses upon the report of the committee purified altogether from any Democratic contamination, a clean Radical bill. (Laughter.) Afterwards, near the end of the session, as they collected further information, another measure of the same kind containing several hundred names was rushed through both Houses; and these reconstructed men—reconstructed by act of Congress—purged and purified of disloyalty and rebellion, upon condition of serving the Radical party in the South—are now the eloquent defenders of Radical government and most loyal and acceptable supporters of U. S. Grant! (Laughter.) I might go on and show what has been done in the two Houses of Congress with reference to the admission of members accused of disloyalty; but time will not admit of the examination and I shall pass that topic.

Gentlemen, shall Reconstruction stand? Nobody pretends that it is authorized by the Constitution unless he does so with a smirk of the countenance which conveys very distinctly the idea that he is joking about it. Reconstruction is a scheme, a system which has arisen altogether outside of any Constitutional power vested in the government of the United States and has been prosecuted down to this moment in contempt of the provisions of the fundamental law. The great leader of the House distinctly told us that it was all "outside of the Constitution," and therefore, I will add, was necessarily an exercise of arbitrary and unauthorized power. Is it to stand? It went to the Supreme Court for judgment. It was there brought under debate. Distinguished counsel discussed it before the only tribunal appointed by

the organic law to judge and determine questions of law. That court was about to decide it last March; the case had been fully argued; the judges had been in consultation, and it was well known how they stood, six against the constitutionality of Congressional Reconstruction and two in favor of it. So stood that court, a court composed of eight Judges, five of whom were appointed by Mr. Lincoln. Then what happened? The Radical majority in Congress, in hot haste, by trick and by rush in both Houses, put through a bill to withdraw the jurisdiction of the Supreme Court from that case and from all cases like it, to prevent the voice of the judges from being heard upon this subject by the people of the country, to prevent the constitutional tribunal appointed by the fundamental law for the decision of such questions from passing upon this case.— That is what they did, and the whole country looking on saw it. I hope the whole country understood it thoroughly. That was an open confession by the majority in Congress that their Reconstruction laws were unconstitutional and void; that in passing them they had usurped authority not conferred upon them by the people of the United States; and that whenever their acts should come in judgment in an honest court they would be condemned and strangled under the judicial foot and afterwards despised and condemned by the American people. (Great applause.) Because this result was inevitable, they passed a measure to deprive the court of the power of exercising its judgment—of pronouncing upon the work which they had established in the South.

Is reconstruction to stand? It is put in debate, and it is to be decided in this Presidential election. The Republican party, if they have power, will maintain it. The Democratic party, if it be charged with power, will destroy or amend it thoroughly, will restore constitutional principles and constitutional government everywhere throughout this Union. (Applause.) will withdraw the heel of the soldier from the neck of the South. (Applause.) will withdraw the Freedmen's Bureau from the control of the South. (Prolonged applause.) But it is said these results are not to follow. Ah! is that the doctrine? The Supreme Court is not to decide upon Reconstruction; that we have been told already, and told by act of Congress. Are we now to be told that the people are not to decide upon it in their sovereign capacity as electors; that when they come forward and choose a competent and reliable statesman from New York, (great applause) and a gallant associate from Missouri, (renewed applause) who carried our flag amid the smoke of battle in this very country of the South, when they choose these men upon the issue that Reconstruction is unconstitutional and evil and infamous, are we to be told that it is not to go down, that it is to undergo no change or amendment whatever, that it is to be maintained in spite of the will of the people, in defiance of their judgment? Is that the doctrine to be taught us? What is that but the very principle of the rebellion revived and embodied in a radical cry for election purposes in 1868? The men who went into the rebellion refused to accept the design of the people in the election of Mr. Lincoln in 1860. They defied the judgement of the American people; but they did it in an open and bold manner, not by words merely, but by deeds, and they put their defiance to the judgment of the American people in 1860 that Mr. Lincoln should be President of the United States; "was made good," and those who resisted the will of the people were overthrown; discomfited and beaten, they were forced to come and prostrate themselves before Federal power, to sue for forgiveness and for amnesty. Are our radical opponents now to adopt their principle and announce before hand that they will not submit to the judgment of the American people upon the subject of reconstruction and of the organization of government in this country? The people have had an opportunity to pass upon this question before this time. They had no such opportunity in 1866, when members of Congress were last chosen, nor in 1861, when the last Presidential election was held. The reconstruction laws of Congress were made of them passed in 1867. Those laws are the acts of March 2nd, March 23rd and July 19th, 1867, and of March 8th, and June 25th and 25th, of the present year, — all within the compass of a year and a half. The people have never had any opportunity to pass upon them before this time. Reconstruction was never submitted to the judgment of the people in any State of the South. It was in fact hostile to the judgment and sentiment of the people of those States. Nor was it ever submitted to the judgment of the people in any State North or West. It has never been passed upon by the people anywhere. It is a new question, as far as they are concerned. It is the work of a political majority in Congress now for the first time submitted to popular judgment, submitted before the only tribunal that can now pass upon it since the majority in Congress have deprived the Supreme Court of all jurisdiction over the subject and of the opportunity of passing it in review. Shall reconstruction stand then if it be condemned by the people? No; it will go down and disappear, and be remembered as a warning in all future time, in case our freemen North and West in a regular manner shall condemn it in the elections of 1868. (Great applause.)

Gentlemen, it is impossible to have any great inquiry set up in the earth without having certain consequences of an uncomfortable nature follow from it. Among other, uncomfortable results of reconstruction, we have before us a session of expense. It is a very expensive system, and the fall cost of it is even yet unknown. Let me give some items from the latest volumes of laws. The 7th section of the supplementary reconstruction act of March 23rd, 1867, made a general and indefinite appropriation in these words:

"That all expenses incurred by the several commanding generals or by virtue of any orders issued or appointments made by them under or by virtue of this act, shall be paid out of any moneys in the treasury not otherwise appropriated."

Besides this general appropriation, there have been several specific appropriations. By joint resolution of March 30, 1867, Congress appropriated \$500,000 to carry into effect the reconstruction

[CONTINUED ON NEXT PAGE.]