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Political.

SENATOR TRUMBULL ON THE VETO.

The consideration of the Civil Rights Bill was resumed in the United States Senate after the President's veto, on Wednesday, the 4th. The correspondent of the "Advertiser" writes:

The entire interest of Congress was centered in the Senate to-day, the floor being occupied for nearly two hours, and a half by Senator Trumbull in review of the President's late veto message and in support of the Civil Rights Bill. The speech is recorded by everybody to be one of the few great speeches of recent years, and is commented upon by members of all political views as a masterpiece of clear and concise logic.

A brief outline of the speech with some notice of the speaker is thus given by the "Common Register":

Judge Trumbull is an eminent jurist, having been for five years on the bench of the Supreme Court of Illinois, and in the U. S. Senate, a Chairman of the Judiciary Committee. He reviewed in detail the President's objections, and answered them satisfactorily from the floor of the Senate.

His decision of Chief Justice Marshall that a citizen of the United States is a citizen of an individual State. He showed by precedents in our history that naturalization need not be individual, but may be "collective," as when all the whites of Texas, or Florida, or all the States are represented in either house of Congress and through their Legislature, and that Congress must therefore ascertain whether these Legislatures are loyal. He quoted the President against himself, contrasting passages in his best considered speeches while Senator with his present opinions. He showed that the President had done, without authority, in the South, precisely what this bill proposes to do by law, and demonstrated that his course in the South was a proof of the necessity and wisdom of the bill.

Mr. Trumbull thus commenced:

"Mr. President, I am in sympathy with the President in the United States the regret expressed that he was unable to sign the bill to protect all persons in the United States in their civil rights, and secure the means for their vindication. I regret it on my own account, because the just expectations raised when the bill was introduced to the President before its introduction into the Senate have been disappointed. I regret it on the President's account, because it is calculated to alienate him from those who elevated him to power, and would gladly have rallied around his administration to sustain him in his course."

But above all, sir, I regret it for the sake of our country, and for the sake of our posterity. This Government was founded. Yet, if the bill is unconstitutional or unjust to the whole people, I would not have had the President approve it. That his provisions are not unconstitutional or unjust to the whole people, non-constitutional, I shall endeavor to show by a candid and dispassionate examination of the President's various objections.

He begins these objections with the very first lines of the bill, declaring that all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are citizens of the United States. The bill, as originally introduced did not contain this provision. It was believed by myself and many others that all native-born persons, since the abolition of slavery, were citizens of the United States. This was the opinion of the States, and the opinion adopted by his administration; the opinion adopted by his administration, and acted upon since by all departments of the executive department, 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.

The President does not object to this declaration in the bill, but constitutional. It does not purport to declare or confer any other right of citizenship than Federal citizenship. [Mr. Trumbull then made several quotations to show that Mr. Johnson was in error in respect to law and fact in his statements: "The power to confer the right of citizenship is just as exclusive as the power to confer the right of Federal citizenship with Congress. The right of Federal citizenship, thus to be conferred on the several excepted races, before mentioned, is now for the first time proposed to be given by law."

By these various resolutions, and acts of Congress, it will be observed, that Frenchmen and Spaniards, Mexicans and Indians, have at different times been made citizens of the United States; and among them some of the very classes mentioned in this bill; and yet the President tells us that this right of Federal citizenship is now for the first time proposed to be given by law.

THE PRESIDENT'S DILEMMA ANSWERED.

"If," says the President, "as is claimed by many, all persons who are native born already, by virtue of the Constitution, citizens of the United States, the necessity of the pending bill cannot be necessary to make them such." That is true; but is the President to learn now for the first time that there is to be found in the very horn-bills of the law, that an act declaring what the law is one of the most common acts passed by legislative bodies? When there is any question as to what the law is, and for greater certainty, it is the most common thing in the world to pass a statute declaring it. May opinion, is such as the opinion of the attorney general, such my opinion of the present Secretary of State; such the opinion of Mr. Lincoln's administration on all his departments; such the opinion of the President of the United States, that all native born persons not subject to a foreign power, are, by virtue of their birth, citizens of the United States. But some dispute this; but hence, for greater certainty, it is proper to pass this law; and the fact of its being a declaratory act, is not made a reason for disapproving it by the President."

"But," says the President, "the bill is unconstitutional, because it gives the right of citizenship to those who are not born in the United States, and who are not subject to any foreign power, and who are not citizens of any State."

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these States are represented here. Sir, whose fault is it that eleven States are not represented? By what fault of theirs is it that twenty-five loyal States, which have stood by this Union, and by the Constitution, are to be deprived of their rights to legislate? If the reason assigned is a good one now, it has been a good one all the time for the last five years. If the fact that some States have rebelled against the Government, are to be deprived of their rights to legislate, the right to legislate, then the criminal is to take advantage of his crime, the innocent are to be punished for the guilty.

THE RECENT PROCLAMATION.

Within a few days, the President has issued a proclamation, not of peace as the Senator from Nevada (Mr. Stewart) seemed to suppose; not a proclamation declaring that the rebellion is over, but that certain States it is over. The President does not tell us that Texas, one of the States that were in Rebellion, is in a condition to be represented here. And, if we are to wait for these eleven States, before legislation, may be had, the people of this country, the same principle would require us to wait for Texas as for the others; and she has not reorganized any form of government. Those States which have undertaken to reorganize have not yet been recognized as having a republican form of government, entitling them to representation. The Representatives chosen by most of them are persons fresh from the rebel Congress, or from the rebel armies,—men who could not take the requisite oath to entitle them to admission to seats. Are we to abstain from all necessary legislation for the nation until these States shall be admitted to representation, which, as organized, refuse to send Representatives entitled to admission, and insist on thrusting into Congress men whose hands are dripping with the blood of loyal men? Is the Vice-President of the rebel Confederacy, his colleague, one of the Senators in the rebel Congress, to come here to legislate for the loyal people of this country? Are the men who organized a government that carried on a four years' war against us,—as the result of which this nation has had to spend more than three thousand million dollars, and as a consequence of which, more than a quarter of a million of patriotic heroes have laid down their lives upon the battle field and in army hospitals,—are those men to come here to legislate for the loyal people of this country? Sir, States can only be represented through State organizations. The members of this body can only be elected by State Legislatures. Members of the other house can only be elected in pursuance of State laws. Hence, as a preliminary to any representation of a State in either house of Congress, it must first be determined whether there is a State Government; whether there is a State Legislature having authority to elect Senators, having authority to provide laws to be administered by the courts, and whether there are representatives to be elected. There certainly was a time when there were no such Legislatures in any of these eleven States; there was a time when the only organized government in any of them was hostile to the United States; when every officer in it had taken an oath of allegiance to the United States, and sworn allegiance to a government hostile thereto. Will anybody pretend that while the State Government was in such hands, it was entitled to representation in either house of Congress? If not, shall we not inquire whether it has passed out of such hands, and whether it is now a loyal government? And who but Congress is competent to make this inquiry? Mr. Lincoln in the last speech he ever made, alluding to his plan of reconstruction, said "I distinctly stated that this was not the only plan which might possibly be acceptable; and also I distinctly proposed that the President should be at no right to say when or whether members should be admitted to seats in Congress from such States."

Sir, this proposition, that no bill is to be passed because certain States are unrepresented, when it is their own fault that they are unrepresented, would, if sanctioned and acted upon, be utterly destructive of the Government.

FOREIGNERS, CHINESE, GYPSIES.

But the President tells us that the bill, in effect, proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro. Is that true? What is the bill? It declares there shall be no distinction in civil rights between any other race, or color, and the white race. It declares that there shall be no difference in the rights of a colored man, in consequence of his color, or that which is inflicted on a white man for the same offence. Is that a discrimination in favor of the negro, and against the foreigner,—a bill, the only effect of which is to preserve equality of rights?

But perhaps it may be replied to this that the bill proposes to make a citizen of every person born in the United States; and, therefore, it discriminates in that respect against the foreigner. Not so; foreigners are all upon the same footing, whether black or white. The white child, who is born in the United States, and who is not to be presumed at his birth to be the equal intellectually with the worthy, intelligent, and patriotic foreigner who emigrates to this country, and, as is suggested by a senator behind me, even the infant child of a foreigner born in this land is a citizen of the United States long before his father. Is this, therefore, a discrimination against foreigners?

The President also has an objection to the making citizens of Chinese and Gypsies. I am told that but few Chinese are born in this country, and where the Gypsies are born I never know. (Laughter.) Like Topsy, it is questionable whether they were born at all, "but just come." (Laughter.) But, sir, perhaps the best answer to this objection, that the bill proposes to make citizens of Chinese and Gypsies, and this reference to foreigners, is to be found in a speech delivered in this body by a Senator occupying, I think, the seat now occupied across the chamber by my friend from Oregon (Mr. Williams), less than six years ago, in reply to a message sent to this body by Mr. Buchanan, the then President of the United States, returning with his objections what was known as the "Homestead Bill." On that occasion the Senator to whom I allude said, "But this idea about poor foreigners, somehow or other, bewilders and haunts the imagination of a great many. I am constrained to say that I look upon this objection to the bill as a mere quibble on the part of the President, and as being had pressed for some excuse in withholding his approval of the measure; and his allusion to foreigners in this connection looks to me more like the *ad captivum* of the mere politician or demagogue than a grave and sound reason to be offered by the President of the United States in a veto message upon so important a measure as the Homestead bill."

Mr. Sumner and Mr. Johnson—Who was the Senator?

Mr. Trumbull.—That was the language of Senator Andrew Johnson, now President of the United States. (Laughter.) That is probably the best answer to this objection, though I should hardly have ventured to

use such harsh language in reference to the President as to accuse him of quibbling, of demagoguery, and of playing the mere politician; and then he goes on to say, "I do not say that this bill repeals State laws on the subject of marriage between the two races." Then for what purpose is it introduced into this message? Not surely as an *ad captivum* argument to excite prejudice,—the argument of a demagogue and politician. Mr. Johnson could not do that, having condemned such quibbles in Mr. Buchanan.

CIVIL AND POLITICAL RIGHTS.

The President further says, "If it be granted that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, it may be asked, may not Congress repeal in the same way State laws discriminating between the two races on the subject of marriage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State, then Congress can by law also declare who, without regard to color or race, shall have the right to sit as a juror or as a witness, to hold any office, and finally to give in every State and Territory of the United States."

Perhaps the best answer I could give to this would be the answer of Andrew Johnson himself. He undertook to recognize State governments in the disloyal States. Then he held out to the colored man the right of suffrage. To the blacks? No; sir, but he extended the right of suffrage to those who were authorized to vote under the laws of those States before the Rebellion; and when urged to allow loyal blacks to vote, what was his answer? That he had no power to do so, and that he finally, to his shame and discredit, yielded up the power to colored persons in their civil rights and if it be true that protection in civil rights carries with it the right of suffrage, what becomes of the position which he assumed when he extended civil rights to the negroes, that he had no constitutional power to extend to the colored man the right to vote—that it was right vested in the State which he could not interfere? But, sir, the granting of civil rights does not, and never did, in this country, carry with it political rights, or, more properly speaking, political privileges. A man may be a citizen in all respects, and yet not have the right to hold office. The right to hold office in the States depends upon the legislation of the various States. The right to hold certain offices under the Federal Government depends upon the Constitution of the United States. Mr. T. says that the States of Kentucky, Tennessee, Mississippi, and others, shown what are meant by civil rights.

"The equality of rights is the basis of the commonwealth," is said in a note to Kent; and Kent himself, in speaking of these rights says, "The absolute right to life, liberty, and the pursuit of happiness."

How is it that every person born in these United States owes allegiance to the government? Every thing that he has has been acquired by the laws of the Government of the United States, in its defence or to maintain the honor of the nation; and can it be that our ancestors struggled through a long war, and set up this Government, and that the people of our day have sacrificed American citizenship, to maintain in our hands the right of personal security, the right of personal liberty, and the right to acquire and enjoy property. These rights have been justly considered and frequently declared by the people of this country to be natural, inherent, and inalienable.

The President, in his Annual Message, says, "The American system rests on the assertion of the equal rights of every man to life, liberty, and the pursuit of happiness."

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if they could. If adequate judicial means could be provided without invading these immunities, why, let me ask, did he not adopt them? [Mr. T. then quoted orders issued the present year, by the President's authority, by Generals Canby in Louisiana, Terry in Virginia and Sickles in North Carolina, directing that "All laws shall be applicable alike to all the inhabitants." No person shall be held incompetent to sue, make complaint, or testify because of color or caste." "To secure the same equal justice and personal liberty to the freedmen as to other inhabitants, no penalties or punishments different from those to which other persons are amenable shall be imposed on freed peoples." &c.] Why, sir, here are the very provisions of this bill embodied in military orders issued under Presidential authority. And yet the President tells us there is no