

HUNTINGDON, PA.

VETO.

The President of the United States Refuses to Approve the Freedmen's Bureau Bill.—His Objections, as Transmitted to the Senate.

WASHINGTON, Feb. 19, 1863.

To the Senate of the United States:

I have examined with care the bill which has been passed by the two Houses of Congress to amend an act entitled an act to establish a bureau for the relief of freedmen and refugees, and for other purposes.

The act to establish a bureau for the relief of freedmen and refugees, which was approved in the month of March last, has not yet expired. It was thought stringent and extreme enough for the purpose in view in time of war.

The bill proposed to establish by authority of Congress military jurisdiction over all parts of the United States containing refugees and freedmen.

The source from which this military jurisdiction is to emanate is none other than the President of the United States, acting through the War Department and the commissioner of the freedmen's bureau.

The subject over which this military jurisdiction is to extend in every part of the United States includes protection to all employees, agents and officers of this bureau in the exercise of the duties imposed upon them by the bill in eleven States.

The Congress of the United States has never heretofore thought itself empowered to establish asylums beyond the limits of the District of Columbia, except for the benefit of discharged soldiers and sailors.

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A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution. Nor can any good reason be advanced why, as a permanent establishment, it should be founded for the benefit of a class of our people more than for another.

No punishment is required nor any indictment charged, the commission of a crime against the laws, but the trial must proceed on charges and specifications. The punishment will be, not what the law declares, but such as a court-martial may think proper; and from these arbitrary tribunals there lies no appeal, no writ of error to any of the courts in which the Constitution of the United States vests exclusively the judicial power of the country.

While territory and the classes of persons and offenses that are made subject to this measure are so extensive, the bill itself, should it become a law, will form part of the permanent legislation of the country.

I cannot conceive a system of military jurisdiction of this kind with the words of the Constitution, which declares that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the military when in service in time of war or public danger."

If it be asked whether the creation of such a tribunal in a State was warranted as a measure of war, the question immediately presents itself whether we are still engaged in war.

There is still further objection to the bill, on grounds seriously affecting the class of persons to whom it is designed to bring relief. It will tend to steep the mind of the freedman in a state of uncertain expectation and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension.

Undoubtedly the freedman should be protected, but he should be protected by civil authorities, and especially by the exercise of all the constitutional powers of the courts of the United States and of the States.

In truth, however, each State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor that is needed for the development of its resources.

It is no more than justice to them to believe that as they have received their freedom with moderation and forbearance, so they will distinguish themselves by their industry and thrift, and soon show the world that in a condition of freedom they are self-sustaining, capable of selecting their own employment and their own places of abode, of insisting for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools.

In this connection the query presents itself, whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support and control of five millions of emancipated slaves to agents, observers or task masters, who, appointed at Washington, are to be located in every county or parish throughout the United States, containing freedmen and refugees.

Now the case is changed, and some, at least, of the States, pending Congress by loyal representation, soliciting the allowance of the Constitutional right of representation. At the time, however, of the consideration and the passing of this bill, there was no Senator or Representative in Congress from the eleven States which are to be mainly affected by its provisions.

The very fact that reports were and are made against the good disposition of the country is an additional reason why they need and should have representation in Congress to explain their condition, reply to accusations, and assist by their local knowledge in perfecting measures immediately affecting themselves; while the liberty of deliberation would then be free and Congress would have full power to decide according to its judgment, there could be no objection urged that the States most interested had not been permitted to be heard.

The principle is firmly fixed in the minds of the American People that there should be no taxation without representation. Great burdens have now to be borne by all the country, and we may best demand that they shall be borne without murmur when they are voted by a majority of the representatives of all the people.

I would not interfere with the unquestionable right of Congress to judge and act for itself of the elections, returns and qualifications of its own members, but that authority cannot be construed as including the right to shut out, in time of peace, any State from the representation to which it is entitled by the Constitution.

At present all the people of eleven States are excluded; those who were most faithful during the war not less than others. The State of Tennessee, for instance, whose authorities engaged in rebellion, was restored to all her constitutional relations to the Union by the patriotic and unyielding of her injured and betrayed people. Before the war was brought to a termination they had placed themselves in relation with the General Government; had established a State Government of their own, and as they were not included in the emancipation proclamation, they, by their own act, had amended their Constitution so as to abolish slavery within the limits of their State.

I know no reason why the State of Tennessee, for example, should not fully enjoy all her constitutional relations to the United States. The President of the United States stands towards the country in a somewhat different attitude from that of any member of Congress chosen from a single district or State.

There always will be differences of opinion in the community, and individuals may be guilty of transgressions of the law; but these do not constitute valid objections against the right of a State to representation, and would in no wise interfere with the discretion of Congress in regard to the qualifications of members; but I hold it my duty to recommend to you in the interests of peace, and in the interests of the Union, the admission of every State to its charge in public legislation when, however insubordinate, insurgent or rebellious it may have been, it presents itself not only in an attitude of loyalty and harmony, but in the person of its representatives, whose loyalty cannot be questioned under any existing constitutional or legal test.

It is plain that an indefinite or permanent exclusion of any part of the country from representation must be attended by a spirit of disquiet and complaint. It is unwise and dangerous to pursue a course of measures which will unite a very large section of the country against another section of the country, however much the latter may be in the wrong.

The course of emigration, the development of industry and business, and natural causes will raise up at the South men as devoted to the Union as those of any other part of the land. But if they are all excluded from Congress, if in a permanent statute they are declared not to be in full constitutional relations to the country, they may think they have cause to become a unit in feeling and sentiment against the Government.

Under the political education of the American people the idea is inherent and ineradicable that the consent of the majority of the whole people is necessary to secure a willing acquiescence in legislation.

The bill under consideration refers to certain of the States as though they had "been fully restored in all their constitutional relations to the United States." If they have not, let us at once act together to secure that desirable end at the earliest possible moment.

It is hardly necessary for me to inform Congress that in my own judgment most of those States, so far at least dependent on their own action, have already been fully restored, and are to be deemed as entitled to enjoy their constitutional rights as members of the Union.

Reasoning from the Constitution itself, and from the actual situation of the country, I feel not only entitled but bound to assume that, with the Federal courts restored and those of the several States in the full exercise of their functions, the rights and interests of all classes of the people will, with the aid of the military in cases of resistance to the law, be essentially protected against unconstitutional infringement and violation.

It is not to be anticipated, though the Executive is already fully armed with the powers conferred by the act of March, 1863, establishing the freedmen's bureau, and hereafter, as heretofore, can employ the land and naval forces of the country to suppress insurrection, or to overcome obstructions to the laws, in accordance with the Constitution.

I return the bill to the Senate in the confidence that the questions and interests so important to the country will not become a law, unless, upon deliberate consideration by the people it shall receive the sanction of an enlightened public judgment.

WASHINGTON, D. C., Feb. 19, '66

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