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THE PRESIDENT'S MESSAGE.

WASHINGTON, Dec. 3, 1867.

Fellow Citizens of the Senate and House of Representatives.

The continued disorganization of the Union, to which the President has so often called the attention of Congress, is not a subject of profound and patriotic concern. We may, however, find some relief from that anxiety in the reflection that the painful political situation, although untired by ourselves, is not now in the hands of a single man.

Political science, perhaps as highly perfected in our own time and country as in any other, has not yet disclosed any means by which the power of a single man has been absolutely prevented, an enlightened nation, however, with a wise and beneficent Constitution of free government, may diminish their frequency and mitigate their severity by directing all its proceedings in accordance with its fundamental law. When a civil war has been brought to a close, it is manifestly the first interest and duty of the State to repair the injuries which the war has inflicted, and to secure the benefit of the lessons it teaches, as fully and as speedily as possible.

The expectations, however, then so reasonably and confidently entertained, were disappointed by legislation from which I felt constrained, by my obligations to the Constitution, to withhold my assent. It is, therefore, a source of profound regret that in complying with the obligations imposed upon the President by the Constitution, to give to Congress from time to time information of the condition of the Union, I am unable to communicate any definitive adjustment satisfactory to the American people, of the questions which, since the commencement of the rebellion, have agitated the public mind.

It becomes our important duty to consider whether or not it is impossible to effect this most desirable consummation. The Union and the Constitution are inseparable. As long as one is obeyed by all parties, the other will be preserved; and if one is destroyed, both must perish together.

It was ordained not only to form a more perfect Union between the States, but to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

Our country would cease to have any claim upon the confidence of men. It would make the war not only a failure but a fraud.

Being sincerely convinced that these views are correct, I could not refrain from my duty if I did not recommend the repeal of the acts of Congress under the domination of military masters. If calm reflection shall satisfy a majority of your honorable bodies that a vote referred to are not only a violation of the national faith, but in direct conflict with the Constitution, I dare not permit myself to doubt that you will immediately strike them from the statute book.

It must be noted that once they are authorized to dictate what alterations shall be made in the constitutions of the several States; to control the elections of State and legislators and State officers, members of the Senate and electors of President and Vice President by arbitrarily declaring who shall vote and who shall be excluded from that privilege to dissolve the States, or to prevent them from assembling; to dismiss judges and other civil functionaries of the State and appoint others without regard to State laws; to organize and operate all the political machinery of the States; to regulate the whole administration of their domestic and local affairs according to the mere will of a single man; to assume the responsibility of the acts of those agents sent among them for that purpose.

These are powers not granted to the Federal Government, or to any one of its branches; not being granted, it violates in the face of a positive interdiction, the Constitution forbids us to do whatever it does not affirmatively give us the power to do.

The acts of Congress in question are not only objectionable for their assumption of ungranted power, but many of their provisions are in direct violation of the direct prohibitions of the Constitution. The Constitution commands that a republican form of government shall be guaranteed to every State; that no person shall be deprived of life, liberty or property, without due process of law; arrested without a judicial warrant; or punished without a fair trial before an impartial jury.

The peculiar qualities which should characterize any people who are fit to decide upon the management of public affairs are a great deal more than ordinary wisdom. It is the glory of white men to know that they have had these qualities in sufficient measure to build upon this confident a great trust in their power to do in such hands as they are.

It transpires down all those rights in which the essence of liberty consists, and which a free government is always most careful to protect. It denies the habeas corpus and trial by jury. Personal freedom, property and life, if assaulted by the passion, the prejudice, or the rapacity of the ruler, have no security whatever. It has the effect of a bill of attainder, and is a curse and a penalty, upon whose masses, including the millions who inhabit the subject States, and even their unborn children, are being expensively and expressly forbidden, cannot be constitutionally inflicted upon any portion of our people no matter how they may have come within our jurisdiction, and no matter whether they live in States, Territories, or Districts.

I have no desire to save from the proper and just consequences of their great crime, those who engaged in rebellion against the government; but as a mode of punishment, the measures under consideration are the most unreasonable that could be invented. Many of these people are perfectly innocent. (Many kept their fidelity to the Union unimpaired to the last.) Many were incapable of any legal offense. A large proportion even of the persons called to bear arms were forced into rebellion against their will, and of those who are guilty with their own consent the degrees of guilt are as various as the shades of their character and temper.

desires with regard to Southern rebels, let us console ourselves by reflecting that a free Constitution, triumphant in war and unbroken in peace, is worth far more to us and children than the gratification of any present feeling.

Temporary and Perpetual Evils. I am aware it is assumed that this system of government for the Southern States is not to be perpetual. It is true this military government is not to be permanent, but it is through this temporary evil that a greater evil has been made perpetual. If the guarantee of the national faith can be broken provisionally to serve a temporary purpose, and in a part only of the country, we can destroy them anywhere and at any time. Arbitrary measures often change, but they are not so easily changed for the worse. It is the curse of despotism that it has no halting place, and that its limited exercise of its power brings no sense of security to its subjects; for they can never know what more they will be called to endure when its right hand is raised to strike.

Negro Suffrage. It is manifestly and avowedly the object of these laws to confer upon negroes the privilege of voting, and to disfranchise such a number of white citizens as will give the former a clear majority at all the elections in the Southern States.

The blacks in the South are entitled to be well and humanely governed, and to have the protection of just laws for all their rights of personal property, and to be treated as equals with the white race. It is the duty of the government to give them a government exclusively their own, under which they might manage their own affairs in their own way, and to be free to govern themselves, and whether we ought to do so, or whether common humanity would not require us to save them from themselves.

The man of putting the Southern States wholly, and the General Government partially, into the hands of negroes, is proposed at a time peculiarly unfavorable to the foundations of society have been broken up by civil war. Industry must be reorganized, justice re-established, public credit restored, and the people brought out of confusion. To accomplish these ends would require all the wisdom and virtue of the great men who formed our institutions originally.

How far the duty of the President to preserve, protect, and defend the Constitution, require him to go in opposing an unconstitutional act of Congress, is a very serious and important question, on which I have deliberated much, and felt extremely anxious to reach a proper conclusion.

Cost of Military Reconstruction. I would not put considerations of money in competition with justice and right, but the expense incident to reconstruction under the system adopted by Congress aggravate what I regard as the intrinsic wrong of the measure itself. It has cost, uncounted, many already, and if persisted in will add largely to the weight of taxation already too oppressive to be borne without just complaint, and may finally result in a bankruptcy of the nation.

We must not delude ourselves. It will require a strong standing army, and probably more than two hundred millions of dollars per annum to maintain the complete destruction of that liberty of which it is the most powerful conservator. I have therefore heretofore urged upon your attention the great danger to be apprehended from an untried extension of the elective franchise to any new class in our country, especially when the large majority of that class, in the hands of the people, cannot be expected to comprehend the duties and responsibilities which pertain to suffrage.

Yesterday, as it were, four millions of persons were held in condition of slavery that had existed for generations; to-day they are free men, and assumed by law to be citizens.

It cannot be presumed from their previous condition of servitude, that, as a class, they are so well informed as to the nature of our Government as the intelligent portion of the people. In the case of the latter, neither a residence of five years, and the knowledge of our institutions for the purpose of holding the office of elector, nor the principle of the Constitution, are the only conditions upon which he can be admitted to citizenship.

I yield to no one in attachment to the principle of general suffrage which distinguishes our people as a nation. But there is a limit, wisely observed by history, which makes the ballot a privilege and a trust, and which requires of those who exercise it the highest intelligence and preparation.

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Another reason for retracing our steps will doubtless be seen by Congress in the late manifestations of public opinion upon this subject. We live in a country, where popular will always enforces obedience to itself, sooner or later. It is vain to think of opposing it with anything short of legal authority, backed by overwhelming force.

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maintain the supremacy of negro governments as they are established. The sum thus thrown away would, if properly used, form a sinking fund large enough to pay the whole national debt in less than fifteen years.

It is vain to hope that negroes will maintain their ascendancy themselves. Without military power they are wholly incapable of holding in subjection the white race. I submit to the judgment of Congress whether the public credit may not be injuriously affected by a system of measures like this. With our debt, and the vast private interests which are complicated with it we cannot be too cautious of a policy which might, by possibility, impair the confidence of the world in our government.

The violation of such a pledge as was made on the 22d day of July, 1861, will assuredly diminish the market value of our promises; besides, if we now acquiesce in the violation of a pledge created not to hold the States in rebellion, as the tax-payers were led to suppose, but to expel them from it and hand them over to be governed by negroes, we shall have no right to complain if the States are not admitted to the Union, as the tax-payers were led to suppose, but to expel them from it and hand them over to be governed by negroes.

From which the North would have no great profit under a government of law, in which the rich can never be revived until it ceases and be bettered by the arbitrary power which makes all its operations unscrupulous. The rich country, the richest in natural resources the world ever saw, is worse than lost, if it be not soon placed under the protection of a free constitution.

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with the Constitution, but will certainly, if carried out, produce immediate and irreparable injury to the organic structure of the Government, and if there be neither judicial remedy for the wrongs it inflicts, nor power in the people to protect themselves without the confidence of their elected leaders; if, for instance, the Legislative Department should pass an act even through all the forms of law to abolish a constitutional department of the Government—in such a case the President must take the high responsibilities of his office, and save the life of the nation at all hazards.

It is well and publicly known that enormous frauds have been perpetrated on the Treasury, and that enormous fortunes have been made at the public expense. This species of corruption has increased and is increasing, and if not diminished will soon bring into total ruin and disgrace. The public creditors and the tax payers are alike interested in a honest administration of the finances, and neither class will long endure the large handed robberies of the recent past. For this disgraceful state of things there are several causes. Some of the most important are as follows:—As present an irresistible temptation to evade payment. The great sums which officers may win by connivance at fraud create a pressure which is more than the virtue of many can withstand; and there can be no doubt that the open disregard of constitutional obligations approved by some of the highest and most influential men in the country has greatly weakened the moral sense of those who serve in subordinate places. The expenses of the United States, including interest on the public debt, are more than six times as much as they were seven years ago. To collect and disburse this vast amount requires a pressure which is more than the virtue of many can withstand; and there can be no doubt that the open disregard of constitutional obligations approved by some of the highest and most influential men in the country has greatly weakened the moral sense of those who serve in subordinate places.

The system, never perfected, was much disorganized by the "Tenure of Office Bill" which has almost destroyed official accountability. The President may be so unscrupulously dishonest, or unfaithful to the Constitution, but under the law which I have named, the utmost he can do is to complain to the Senate, and ask the privilege of supplying his place with a better man. If the Senate be regarded as personally or politically hostile to the President, it is natural, and not altogether unreasonable, for the officer to expect that it will not do his part as far as possible, restore him to his place, and give him a triumph over his Executive superior.

The Constitution invests the President with authority to decide whether a removal should be made in any given case; the act of Congress is in substance that he shall only accuse such as he supposes to be unworthy of their trust. The Constitution makes him the sole judge in this respect, and the statute takes away his jurisdiction, transfers it to the Senate, and leaves him nothing but the odious, and sometimes impracticable duty of becoming a prosecutor. The prosecution to be conducted before a tribunal, whose members are not, like him, responsible to the whole people, but to separate constituent bodies, and whose accusation with great disfavour.—The Senate is absolutely without any known standard of decision applicable to such a case. Its judgment cannot be anticipated, for it is not governed by any rule.

The law does not define what shall be deemed good cause for removal; it is impossible even to conjecture what may or may not be so considered by the Senate. The nature of the subject forbids a clear proof of the charge by incapacity, whose evidence will support it? Fidelity to the Constitution may be understood or misunderstood in a thousand different ways; and by violent party men, in violent party times, unfaithfulness to the Constitution may even come to be considered meritorious. If the officer be accused of dishonesty, how shall it be made out? Will it be inferred from acts unconnected with public duty, from private history, or from general reputation? Or must the President await the commission of an actual misdemeanor in office? Shall he, in the meantime, risk the character and interest of the nation in the hands of men to whom he can not give his confidence? Must he forbear his complaint until the mischief is done and cannot be prevented? If his real interest in the public service should induce him to anticipate the overt act, must he move at the peril of being tried himself for the offense of slandering his subordinates?

In the present circumstances of the country, some one must be held responsible for official delinquency of every kind. It is extremely difficult to say where that responsibility should be thrown, if it be not left where it has been placed by the Constitution; but all just men will admit that the President ought to be entirely relieved from such responsibility if he cannot meet by reason of restrictions placed by law upon his action. The unrestricted power of removal from office is a very great one to be trusted even to a magistrate chosen by the general suffrage of the whole people, and accountable directly to them for his acts. It is undoubtedly liable to abuse at some periods of our history, perhaps, has been abused.

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