

Letter from the Hon. Herschel P. Johnson, of Georgia.

to the Editor of the Tribune:

Sir: Several days' absence from the city, and business engagements, have prevented an earlier acknowledgment of your courtesy, in publishing my letter of the 6th ult. I respectfully beg a place in your columns for reply.

It is very desirable that a better understanding between the Northern and Southern people should be brought about. This can be done only through the press, which your liberality, in this instance, tends to promote. Perhaps each section misunderstands the other. In the North, the South is supposed to be contemptuous, and untrue to the Union. In the South, the North is regarded as untrue to the Constitution, and determined to impose on us a reconstruction that is despotic. It may be that mutual misconception exists, and, viewing each other through the media of passion and prejudice, the obstacles to harmonious and good understanding are greatly magnified. If they could, as it were, be brought face to face, and consider the causes of disagreement and discontent in the spirit of candor and conciliation, who can say that some common ground of agreement, satisfactory to both, might not be discovered? It is in this temper I venture again to trespass upon your kind indulgence.

The quarrel between the two sections has been as bitter since the war as the war was fierce while it raged. Surely this ought not to be so. The fight having ceased, the quarrel should cease. The vanquished are entitled to magnanimity and justice, and the victorious can afford to practice these noble virtues. That war has decreed that we shall live together under the same flag. We are the successors of a common political ancestry; we have a common interest in the memory of our past career; we are inevitably linked to a common destiny. For whatever shall be the fate of the South will finally be the fate of the North. So long as we continue to be one people, under one Government, its blessings or its curses will ultimately be distributed throughout the entire extent of our territorial limits. The North cannot permanently enjoy more liberty than the South, and the misguided policy that shall oppress us, though it may, for a time, be unfelt at the North, will finally result in the overthrow of the Constitution, and end in despotism. The cancer that appears on the smallest extremity, may confine itself to the point of attack for many years, but it will vitiate the blood, and at last produce death. The North, in its power, may force its policy upon the desolated, overpowered and almost impoverished South; it may dictate to our State governments repugnant to the wishes and sentiments of the great majority of her intelligent people; it may enslave the negro race in the position of superiority and dominion over the white, by the power of the bayonet; it may open the doors of Federal legislation to members who will represent ignorance and depravity, and call this reconstruction of the Union. But I fear it will be merely crushing over the smothered fires of the volcano. Aggression never relents; its appetite is never satiated; and when it has riveted chains upon us, and has nothing more to do, think you it will pause in its march or return to the track of wisdom, justice and moderation? Not unless human nature is changed; not unless all history is a fable; not unless the philosophical relation between cause and effect has ceased. Aggression is never at rest until, like Alexander, it has accomplished its scheme of aggrandizement, and then, like Alexander, it weeps because there is no other field for conquest. The only safety is in arresting it, if possible, in the beginning.

While I thus characterize the policy of reconstruction which is being so fiercely pressed, as aggressive, I shall not omit the patriotic sentiment of its authors. I cannot but commend measures of bad statesmanship. I protest against them as oppressive and unconstitutional, whether so designed or not. I enter my feeble appeal in behalf of good government, for the equality of the States, for a Union of consent—not of force.

In my letter of the 6th ult., I called the ten States, under military government, "proscribed States." You take me up on that. Well, suppose I used the wrong term, does that prove they are not entitled to self-government? Does it show they should be put under negro dominion at the point of the bayonet? According to American ideas of liberty, the right of self-government is inherent in the people, and its disregard is tyranny.

But I think I designated them "the ten proscribed States." In your judgment they are not "proscribed," but that their non-representation in Congress is their own act, because "they went out on their own motion." It is true they attempted to "go out," but the North said they should not, and maintained their resolve by the sword. Hence these States were never out of the Union. Congress has always so held, and so legislated. The laws of taxation, passed during the war, are being enforced. The Federal Judiciary is regularly organized and performing its appropriate functions within these States. They are formally called upon as States of the Union, to ratify proposed amendments of the Constitution. There is, I believe, not a single act of Congress, from the day of secession down to the passage of the military supplementary bill, which does not recognize them as States, in the Union.

In an early stage of the war, Congress, almost unanimously, adopted the following resolution:

"Resolved, That this war is not waged, on our part, in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are

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accomplished, the war ought to cease."

From all this it appears that the war was waged to maintain the "supremacy of the Constitution, and to preserve the Union, with all the dignity, equality and rights of the States unimpaired." Hence, viewing the question from the Northern standpoint, (and surely by that you are willing to be bound,) Congress is estopped from denying that these States are in the Union. Then, if States in the Union, they are entitled to representation in Congress, in obedience to the Constitution. Being refused this right, are they not "proscribed?"

Your second comment is upon my use of the terms "Southern people," and you say the context shows that I regard the whites only as constituting the people. On the contrary, you say you "contemplate the whole people of the South," white and black, and "insist that the rights and well-being of them all should be cared for." On this point, there is no disagreement between us. We differ as to the mode in which this shall be done. You say it must be done according to the Congressional scheme of reconstruction. I object to this scheme.

I. Because it is unconstitutional, and admitted to be so by its authors.

II. Because it is in direct conflict with the resolution just above quoted. It proceeds upon the idea that the ten proscribed States are conquered States; whereas, that the resolution says the war was not waged for "conquest or subjugation." It "overthrows and interferes with the rights and established institutions of the States; whereas, according to that resolution, the war was prosecuted to maintain these. It destroys the 'dignity, equality, and rights of the States;' whereas, that resolution declares that the war was waged to 'preserve them.'"

III. Because, its inevitable effect will be, if not so intended, to place these States under the dominion of the negro race; so that, however desirable it is to have the "well-being" of all the people, white and black, "cared for," it will place the white people at the mercy of the black, who are being instructed that the latter have grievances to avenge against the former. In language, you embrace "the whole people," white and black, in the arms of your tender care; but in practice, by enforcing the Congressional scheme, it seems that the "well-being" of the whites is being disregarded.

IV. Because it is based on the assumption that Congress has the power to dictate to these States that their constitutions shall contain certain provisions, looking exclusively to the enfranchisement of the black race, and to exercise a supervision over the action of the people of these States when assembled in primary convention to organize their governments.

V. Because the principle which alone could justify such action, by Congress, as that scheme embodies, ignores the separate existence of the States, clothed with the inherent rights of self-government, and converts our Confederate system into a vast consolidation. It is true, the scheme, on its face, gives us the opinion to accept or reject. But we are distinctly informed that unless we accept it, we may expect worse terms, coupled with confiscation and more general disfranchisement.

Your third comment, being a personal animadversion upon my course, deserves a few reflections. I repeat what I said in my letter of the 6th ult., that "I never, in my whole life, cherished a sentiment or did an act of hostility to the Constitution of the United States or to the Union of the States based upon it, according to my honest opinion of its spirit and meaning." On this you remark that I repudiated the authority of the Federal Constitution, and waged a long and bloody war to disrupt the Union. This I respectfully, but emphatically, deny. Though believing in the right of a State to secede, yet I opposed the secession of Georgia to the utmost of my feeble ability, and voted against it in the convention. It is true that I signed the ordinance after it was passed, in conformity to a resolution requesting that it be signed by all the delegates. But my signature gave it no additional validity. It was the act of the convention without it. If my signature had been necessary to make it valid, I never would have signed it. But I signed it to give as much moral power to the action of the State as possible, in the hope that it might diminish the probability of a war for coercion. As far as the Union was concerned, it was done by the ordinance of secession. Opposing that, I opposed disruption. It is unjust, then, to say that I "repudiated" the Constitution. Nor did I wage war to disrupt the Union. The war, on our part, was defensive. When secession had become a fixed fact, I yielded to it as the mandate of my State, unwise and fatal as I then believed it to be, willing to share the fortunes of her noble people. And if I had not felt it to be my duty to do so, what else could I have done? Was there any recognized authority of the Union in the State of Georgia to give me protection? Do you not know that there was a total failure on the part of the Government at Washington to counteract the secession impulse? That its authority in the State was entirely overthrown? But when the war for coercion was inaugurated by President Lincoln, I sustained as far as I was able the Southern cause, believing it to be right in principle, but wrong in policy. For I did not wish "to live in a Republic whereof one section is pinned to the residue by bayonets." How can you, I respectfully ask, censure me for my course? About the 10th of November, 1860, you promulgated the

following sound sentiments, which were received with delight in the South:

"And so, if the cotton States consider the value of the Union debatable, we maintain their perfect right to discuss it. Nay, we hold, with Jefferson, to the inalienable right of communities to alter or abolish forms of government that have become oppressive or injurious; and, if the cotton States shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless; and we do not see how one party can have a right to do what another party has a right to prevent. We must ever resist the asserted right of any State to remain in the Union and nullify or defy the laws thereof; to withdraw from the Union is quite another matter. And whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep them in. We hope never to live in a Republic whereof one section is pinned to the residue by bayonets."

This language, from a gentleman of your acknowledged talents and influence, had a powerful effect upon the people of Georgia. When I warned them against the folly and danger of secession, I was denounced as untrue to my section. I was cited to your sentiments as thus expressed, and told that you were sounder than I was upon the mighty issue which then agitated the public mind. To the extent of the influence of such utterances from you, (and it was very wide,) the people of Georgia were induced to believe there would be no attempt at coercion, and if there should be, that you would never give your influence in its favor. Now, I put it to your candor, if you had been a Georgian, entertaining the opinions which you and I did as to the right of secession and the absence of any right to coerce a seceding State—though deprecating the expediency—would you not, like me, have linked your fortunes with the destiny of your State? But we both now live "in a Republic whereof one section is pinned to the residue by bayonets," and I have lived to be reproached by you for acting upon principles which you promulgated.

It is argued by many that the effect of the attempt to secede was extinction of the several governments of the seceding States—a sort of political suicide; and that the defeat of it by the Federal Government merely preserved the territorial integrity of the United States, without vivifying them. To my mind, this is a most absurd proposition. The States of this Union, by virtue of the sovereignty of their people, are self-constituted political organizations. They derived their existence from no higher power than themselves. They are unlike corporations which are created by the supreme power, and may, in various ways, forfeit their franchises. In other words, they are incapable of political suicide—in capable of forfeiting their rights of self-government. The people may voluntarily change the form of their organization. They might disband it altogether. But does even such a radical change as this deprive the people of the sovereign right to reorganize in their own way? Does it confer authority upon any other power under the sun to take them in hand and force a new government upon them without their consent? I challenge the production of a single respectable authority, ancient or modern, who has ever written upon political or international law, in support of such a doctrine. But admit, for the sake of argument, that these States, by secession, did commit an act of forfeiture; to whom did they forfeit? To whom did their right of self-government secure or revert? Will it be pretended that it was to the remaining States, or the Federal Government? What is the Government of the United States? Is it not the creature of the States? Was not its organization subsequent to that of the several original States? Is it not a Government of limited powers, defined in the Constitution? How, then, could it succeed to the rights of the several seceding States? Who ever heard of the creator forfeiting to the creature, or the principal to his agent? Where is the word or letter in the Constitution that even remotely squints at such a doctrine? Or suppose it were in the Constitution, would it not be incumbent on Congress, in reconstructing these States, to proceed according to the Constitution, and on the great principles which underlie the framework of our political system? Would they not be bound to preserve the privilege of the writ of *habeas corpus*, the sacredness of property, life, and liberty? Can they substitute for these military supremacy? Dare they ignore the sovereignty of the people of these States, and the fundamental idea that all governments derive their just powers from the consent of the governed? Do you find any authority in the Constitution for placing these States under military governors, and adopting such machinery for reorganization as subordinates the intelligent and virtuous to the ignorant and depraved? As well place the dominion over eight millions of white people in the hands of four millions of negroes?

But this theory of State suicide or forfeiture is as false in fact as it is in principle. These States never did disintegrate nor disband their organizations. They maintained governments—the same that existed at the time of Secession—in full and vigorous operation, refused to guarantee or enact them so. They complied with all

that the Executive of the United States required, and sought earnestly to return to their former position in the Union, but were rejected, with bitter abuse and denunciation, heaped upon their people as bands of rebels and traitors.

Beside, how could they commit suicide when Congress resolved they should not, and waged war for four years, according to resolution previously quoted, to prevent it—"with no purpose of conquest or subjugation, nor of overthrowing or interfering with the rights and established institutions of the States;"—but to maintain them "with all their dignity, equality, and rights unimpaired." Though States may not commit suicide or forfeiture of sovereignty to the Federal Government they may be subjugated and overthrown by tyranny and despotism; and it is in this way only that the States of the American Union can be destroyed.

Those, however, who do not maintain this theory, insist that these States have been engaged in a wicked rebellion, the suppression of which cost the Federal Government thousands of millions of treasure and hundreds of lives. The assertion of the cost is true; and, whether properly styled a rebellion or not, the remembrance of the war must bring a pang of sadness to every feeling heart. But we too have to mourn over our impoverishment, as a people, the graves of our gallant dead and the woes of widowhood and orphanage which have cast their shadows into many once happy homes. After a struggle so unnatural and so grievous between this great family of Washington's children, in which both sides exhibited heroism, courage and endurance that most challenge mutual respect, these common sorrows ought to melt the hearts of both sections into forgiveness of the past; the waters of Lethe should wash out the memory of our sufferings and we should come together in the spirit of magnanimity and justice—the only foundation on which permanent peace and prosperity can be restored. But we, the powerless and unarmed vanquished, must be punished by the triumphant victors! Can you punish States? Publicists, who treat of war powers while war rages, maintain the right of one side to punish the other. But I challenge the production of a single respectable authority to justify the punishment of the vanquished, in their character as States, after they have laid down their arms. At the time of surrender, the victor's party may dictate the terms of surrender. But it can never, thereafter, supersede others, by way of punishment, or for any purpose. Such an attempt is treacherous and despicable, and is so considered by all civilized nations. Whence, then, does Congress derive the authority to punish these States, as States? Point, if you can, to a single word in the Constitution to justify it. If individuals have committed treason, you may punish them, and it indicates the mode in which it shall be done. It must be done by the judicial tribunals, after a public trial and conviction by an impartial jury. But it is adding cruelty to injustice to punish the whole peoples of States by abrogating their governments and imposing upon them governments against their consent, thus involving the innocent with the guilty, in the odium of the alleged crime. And do you not know, there were thousands in all these States, that deprecatd and deplorable secession? and who took shelter under the Confederate flag, because there was no power here, for months after secession—ay, for years—to protect them under the "Stars and Stripes"? Such treatment derives no support from international law or the Constitution. Christianity and the civilization of the nineteenth century revolt at such a wholesale system of primitive retribution. Impartial history will brand it; the enlightened world will condemn it. The triumph of North ought not to persist in it. It is due to themselves and to the character of our Government to abandon it. True statesmanship acts cautiously, justly, upon principles, without the influence of vindictive temper.

In your eleventh comment upon my letter, you say: "There are many good men at the South, some of whom were Rebels; but public tranquility and public justice can be secured only when guaranteed by equal rights and equal laws." Yet they must be guaranteed, nay, sell; and then, capital, energy, enterprise, and prosperity, will abundantly bless the South. This I understand to be an announcement, quasi *scholastic*, that the Congressional scheme of reconstruction will be carried out at all hazards, which signifies that the negroes shall be universally enfranchised, as the means of "guaranteeing equal rights and equal laws," and that the South, if it is to prosper, will begin at the South. Do you vainly expect that the white people of the South will have "equal rights and equal laws" when subordinated to the dominion of the black race? Does it look like "guaranteeing equal rights and equal laws" to disfranchise a sufficient number of whites to secure this result? I agree with you that the scheme will be executed, and I pray that your promised good times for the South may be fulfilled. But I do not expect it, for the simple reason that the legitimate and necessary results of the programme in turning over these States to negro rule will defeat "equal rights and equal laws" forever.

In the same comment you say, "And these equal rights and equal laws" Mr. Johnson's party, when restored to power, by President Johnson, refused to guarantee or enact." To this I simply reply, that we did

all that the President required, and by our legislation, enacted the principles of the Civil Rights Bill passed by Congress. We made all men, black and white, equal before the civil law. We did not confer political rights upon the negro; first, because the victorious power, represented by Gen. Grant, at the time of surrender, did not demand it; and secondly, because we did not believe, as we do not now believe, that it is compatible with good government. The President and the Republican party, not having at that time quarreled, we were not advised that the latter would demand more at our hands. We had every reason to believe that he not only represented the Government of the United States, but also the policy of the dominant power. Still, however, if that party, in a spirit of candor, magnanimity, and justice, had offered a reasonable programme of reconstruction—one that was consistent with the avowed objects of the war, as expressed in the Congressional resolutions, previously quoted—as a finality, it would have been accepted. The occasion, as well as wise statesmanship, ought to have suggested to the Republican party the policy of the utmost frankness and explicitness of detail, coupled with the indication of a sincere desire not only to restore these States on a Constitutional basis, but, also, of good feeling and confidence. Suppose that Congress, as it could or would not admit our Senators and Representatives, had invited friendly conference with the Southern States, through their intelligent and representative men; suppose, in such conference, they had said, gentlemen, we find ourselves in an anomalous condition—one not provided for by the Constitution; you are overpowered and at our mercy, but we do not wish to deal harshly with you; four millions of slaves have been emancipated by the war; their rights and welfare must be cared for, in any scheme of reconstruction which we may adopt; it is a question deeply affecting your political and social structure, and therefore we desire your views and your co-operation in devising some scheme, just to both races and promotive of good government. Can you doubt that such a conference would have resulted in some plan which would have harmonized the country and given ample protection to the black people? Knowing the temper of the Southern mind, I am sure such a course would have been most beneficial, and that, to-day, instead of quarreling over the negro, we should have been united and cultivating a good understanding between the North and the South. But this would not do. It was undignified for the victors to hold parley with the vanquished; we were deemed vile rebels and traitors, and to be treated as a despised set of outlaws. It mattered not whether eight millions of white people were pleased or not, if by force, four millions of negroes be put over them. We have the power, and the rebels shall feel it. How sad is the temper of the times! No effort at conciliation when the well-being of the whole country demands it! The Republican party may have thought, and doubtless did think, we did not deserve it. Be it so, if you will it; but do not the higher interests of all, and the loftier claims of statesmanship, plead for it? Was it not, and is it not now, required by the very genius and spirit of our form of Government?

But the negroes have been emancipated from slavery. The Congress has conferred upon them State citizenship, without the shadow of a shade of Constitutional authority, and insist that they shall be universally enfranchised, upon the assumption that they will not be represented without it—an assumption not sustained by the theory, history, or practice of our Government. Our system has never contemplated, nor does it recognize the principle of class representation. Its representative features look to communities, and as communities are composed of all their classes, orders, and occupations each is represented when the whole is. Organized as our system is, class representation is impracticable. Our mechanics, manufacturers, corporations, foreign-born citizens, are not represented as classes, but, each being integral parts of the whole, they are represented by the representatives of the community, be it towns, counties, or States, each in its place, being subordinate to the whole. According to this theory (and right or wrong, it is our theory, and lies at the foundation of its fundamental law) there is no reason or principle that the colored race should be represented, much less that these States should now be reorganized upon a plan which will give them, as a class, the supremacy of political power. But the Republican party have resolved that this shall be so, whether just or unjust, wise or unwise. It being their fixed purpose, not to be thwarted by any means of which I can conceive, that the black people shall be enfranchised, it would be well to inquire, if there be no plan by which they may exercise the right of ballot, and be thus represented, without jeopardizing the interests and rights of the white race.

In your eighth comment on my former letter touching the superior mental capacity and cultivation of the white over the black race, you say: "No man has a right to rule another merely because of his greater mental capacity or intellectual cultivation." I do not controvert this, as an abstract proposition. But is not the converse of it entitled to consideration? Are negroes, because their skins are black and they ignorant and depraved, entitled to govern the white race, who

are superior in "mental capacity or intellectual cultivation?" You must answer in the negative, according to your own principles. Then, is it wise to force upon the Southern people, white and black, the adoption of State Constitutions and Governments which will lead to this result? Such will be the effect of the Congressional scheme of reconstruction.

Now, one word upon your proposition as a practical question. While it may be true that the educated and intelligent have no abstract right to rule the ignorant and depraved, in the sense of curtailing the rights of personal liberty, life, and property, but it is equally true that a republican government cannot exist where the political power is in the hands of the latter class. Intelligence and virtue must govern, from the necessity of the case, or the Government must fail, and fail to protect the citizens of any class. It rests upon no abstract or natural right, but upon the right of self-preservation, which is as applicable to communities as it is to individuals. Our system rests upon the maxim that the people are capable of self-government. This presupposes intelligence to know how to govern, and virtue to give that intelligence proper direction. It is the highest interest of the ignorant that the functions of government should be wielded by the intelligent. In popular governments, all that is valuable to man, socially or individually, depends upon it. It is no enslavement of the ignorant to be under such guardianship. It confers no misery upon the educated to be thus clothed with the political power of the State. But it conserves the liberty, life, and property of all.

Your tenth comment upon my previous letter, as to qualified suffrage given to negroes in the Northern States, is nothing but the correction of an error into which I fell, upon a point of fact. I stand corrected. I said what I believed to be true at the time, but I cheerfully recognize your better information. But the correction of fact does not touch the question I presented, which was that consistency required Congress, if they think it so sacred, to enforce the principle of universal suffrage in the Northern as well as the Southern States. But they fail to do it, because they dare not attempt it. The bayonet is not supreme there as it is here. You enumerate the States in which unequal suffrage obtains, and say it "soon will be in other States, New York included." But how? Is it in obedience to Congressional dictation or by the voluntary act of those States? To this we of the South have no objection. If the people of those States desire it, it is their perfect right to confer suffrage upon the colored freedmen in their midst. But as equals in the Union (which equality Congress, by its resolution, declared the war was waged to maintain and defend) have not these ten proscribed States the same right to decide this question for themselves? How can Congress consistently leave the policy of free action to the Northern but deny it to the Southern States? Do you suppose the Northern States you name would ever have this extended suffrage if by so doing they would have put themselves under negro dominion? And if that would be the effect and Congress to attempt to force it upon them, would they yield without complaint? But the down-trodden and overpowered South is forced to submit, at the point of the bayonet, and her honest complaints are construed into disloyalty and rebellion. The Northern States can afford, if they choose, to enfranchise their colored population, for they are too few in number to constitute a potent element of political power. How different is it in the Southern States? In most of them the colored population predominates; and if they did not, the Congressional scheme disfranchises a sufficient number of the whites to doom them to a helpless minority and negro domination.

To appreciate properly the "situation," we should look back to the events that have transpired. After years of bloody conflict, the Confederate forces surrendered their arms, on the simple condition that they would return to the pursuits of peace, and obey the Constitution and laws of the United States. They did so, in good faith, and from the policy which Congress had avowed in the resolution above quoted, as to their object in prosecuting the war; the people of these States never dreamed that they were to be treated as subjugated—that their State governments were to be ignored or superseded—that their "dignity, equality, and rights," as States of the Union, were to be denied; but, on the contrary, had every reason to believe that they would be permitted to resume their constitutional relations to the Union, and to be represented in the Federal Congress. But the President of the United States issued his proclamation setting forth terms on which they might do so, which terms were the abandonment of secession, the repudiation of their war debt, the repeal of all laws and ordinances in conflict with the Constitution and laws of the United States, the ratification of the amendment of the Constitution abolishing slavery, and the adoption of a like amendment to their State Constitutions. They did so in good faith, and therefore expected restoration. They regarded the President as the representative of the sentiments and policy of the North, and entertained no doubt that Congress would cheerfully accede to what had been done, and thus give harmony to the distracted country. Up to that time, there had been no breach be-

tween the President and Congress and the great Republican party. No authoritative intimation had been given that other terms would be exacted, and it remains for history to record the disappointment, chagrin, and mortification of the Southern States when they ascertained that their hopes and expectations were doomed to defeat. But the Congress and the President got into a quarrel, and Congress visited upon its wrath, as if we were responsible for the breach. Restoration has been postponed; and up to this day, Congress stands unperturbed to our admission without qualification, even if we adopt the Sherman scheme of reconstruction. It is not offered to us as an unconditional finality; prominent Republican members say it is not a finality; unless the action of these States shall exhibit satisfactory Republican majorities. Aside, therefore, from the objectionable features of the scheme itself, do you wonder that the Southern States hesitate? Can you be surprised at their earnest and decided opposition to the scheme? When Congress repudiated the Executive plan of reconstruction, it was their duty to propose one of their own promptly, cordially, and in good faith. If they had offered such a plan—constitutional and just in its terms—with the assurance that it was a finality, it would have been accepted. But they wrangled for nearly or quite two years—threatening impeachment of the President and confiscation; and at last concocted the programme now on trial; degrading, as we think, to the manhood of our people, unconstitutional in every feature, and evincing of deep hatred toward us, on the part of a majority of the Republican party. The programme will be executed even beyond the exactness of its letter and the vengeance of its spirit. How sad, that the victors refuse to be just and magnanimous in the hour of triumphant success! That, so far from listening, they become enraged, at our earnest protest—nor hear argument, nor give us utterance, even through their presses (except the *Tribune*)—much less in Congress! How lamentable that, in a time of peace, *habeas corpus* is suspended, and the civil courts prohibited from hearing our complaints—that an unarmed people are kept under the surveillance of military garrisons, at the cost of millions to the public treasury! How exceedingly mortifying that, when we plead the benefits of our common Constitution, we are branded with disloyalty and gravely told that we are without the pale of the Constitution! Oh! there will come a day of retribution! It may be that, we of the South, in the eye of the just God of nations, are unworthy to be rescued from the fate which casts its ominous shadows before us. But let the words of Him, "who spake as never man spake," read all a lesson. "Those on whom the tower of Siloam fell, think ye they were sinners above all other men? I tell you nay." We have been crushed by the fall, but we are "not sinners above all other men." Permit me to reason with your readers a little concerning the grounds on which Congress justifies its harsh policy toward the Southern States. It is asserted by its leading and most distinguished advocates that the condition of these States presents a case outside of the Constitution—one for which it does not provide. That proposition, if the States were not States in the Union, and had gotten out, as the legitimate result of the war, would be plausible. But they did not get out of the Union. They were held in, by force of arms, and Congress, as I have above shown, waged the war, not for subjugation or conquest, "overthrowing or interfering with the rights or established institutions of the States." "But to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired." Did Congress fail to succeed in the object for which it prosecuted the war? Did it preserve the Union? If it did, then it also preserved the States—these ten proscribed States—with "all their dignity, equality, and rights unimpaired." How is it possible, then, for their condition to be such as to place them beyond the benefits of the Constitution?

But suppose them to be outside of the Constitution, whence does Congress derive power to reconstruct them at all? Congress has no power not conferred by the Constitution. It has no inherent powers; it can exercise none but such as are delegated to it by the several States that formed the Constitution. It is true, the Constitution does not provide for secession, for no government provides for its own disintegration. The right of secession is not to be found in the Constitution, but it results from the very nature of the compact between the States. I cannot put it in better language than you did in your language previously quoted: "The right to secede may be a revolutionary one, but it exists, nevertheless." The Constitution, not having provided for secession, did not provide for coercion; and I cannot put this proposition in any better language than you did, in the same extract: "We do not see how one party has a right to do what another party has a right to prevent. We must ever resist the asserted right of any State to remain in the Union and nullify or defy the laws thereof. To withdraw from the Union is quite another matter." Therefore you being judge, the right of secession exists; and, yourself being judge, the right of coercion does not exist. Hence the war waged by the Federal government was unauthorized. No wonder, then, that the present condition of these States is anomalous. They are coerced States—"pinned to the residue by bayonets" unconstitutionally employed. Hence, they are reduced to their present anomalous condition by the wrongful action of the Federal Government. But does that justify Congress in doing any and everything to and with the overpowered States which passion may debate? Does one wrong justify another? or do two wrongs make a right?

But I will concede, for the sake of argument, that secession was wrong upon principle, and that Congress had the right to resort to coercive measures. (Concluded on fourth page.)