

nothing but chaos, then that State would no longer exist as an organization, but that has not been the case. It is not a question of great communities, for they always have constitutions and forms of government that may not be a constitution or a form of government adapted to its relation to the government of the United States, and that would be an evil to be remedied by the government of the United States.

That is what we have been trying to do for the last four years. The practical relations of the governments of these States with the government of the United States were wrong, and were wrong in that they were not responsible to the government. They denied that they were States of the Union; but their denial did not change the fact that they were States of the Union, and there was never any time when their organizations as States were destroyed. A "dead State" is a solecism; a contradiction in terms; an impossibility. There are, I confess, rather metaphysical distinctions, but I do not reach them. Those who assert that a State is destroyed whenever its constitution is changed, or whenever its practical relations with this government are changed, must be held responsible for the metaphysical metaphysics which will necessarily be involved in the discussion.

I do not know, sir, that I have made any view on this subject to the gentleman from Pennsylvania (Mr. Kelley), who has questioned me upon it, and I am still more doubtful whether then, if they are intelligible, he will concur with me. I regard these States as just as truly within the jurisdiction of the Constitution, and, therefore, just as really and truly States of the Union, as they were before the war. Their practical relations to the government of the United States have been disturbed, and we have been endeavoring to restore them to what they were before the war. The military in the field has given us the means of doing this.

We can now re-establish the practical relations of these States to the government. Our actual jurisdiction over them, which they deny, is already restored. The conquest we have achieved is a conquest over the rebellion, not a conquest over the States, whose authority the rebellion had for a time, subverted. For these reasons, I think, the views submitted by the gentleman from Pennsylvania (Mr. Stevens) upon this point are unsound.

Let me next cite some of the consequences which it seems to me must follow the acceptance of his position. If, as he asserts, we have been warring with an independent power with an independent constitution, we can now talk of treason in connection with our recent conflict, or demand the execution of Davis, or anybody else, as a traitor. Certainly, if we were warring with an independent power, we should never talk of the treason of those who were opposed to us in the field. If we were in war with France, and we were warring with Emperor Napoleon, certainly we could not talk of him as a traitor, or as liable to execution.

I think that by adopting any such assumption as that of the honorable gentleman we surrender the whole idea of treason and the punishment of traitors. I think, moreover, that we are, in fact, practically recognizing the doctrine of State sovereignty—the right of a State to withdraw from the Union and to break up the Union at its will and pleasure. I do not see how, upon these premises, we can escape the conclusion, if the States that engaged in the late rebellion constituted themselves by their ordinance of secession, or by any of these acts which we are now discussing, a separate and independent power, I don't see how we can deny the principles on which they professed to act, or refuse assent to their independence.

I have heard no clearer, no stronger statement of the doctrine of State sovereignty as paramount to the sovereignty of the nation than would be made in such a position. Whether he intends it or not, the gentleman from Pennsylvania (Mr. Stevens) actually assents to the extreme doctrines of the advocates of secession, and the States.

Mr. Niblack (Ind.)—I beg to inquire of the gentleman whether the theory of the gentleman from Pennsylvania, which he is combating, would not, if carried to its legitimate consequences, make those who resisted the confederacy in the insurrectionary States guilty of treason to the confederacy of the States, and, if so, how would he defend them?

Mr. Raymond—I was just going to remark that another of the consequences of this doctrine, as it seems to me, would be our inability to talk of loyal men in the South. Loyal to what? Loyal to the independent power, as the United States would become under those circumstances? Certainly not. Simply loyal to their own government, and gentlemen who are loyal may choose to call them, from that to which they would owe allegiance to a foreign and independent State.

Now, there is another consequence of the doctrine, which I shall not dwell upon, but simply suggest. If that Confederacy was an independent power, a separate nation, it had the right to contract debts, and to sit upon the throne and conquer that independent power, according to the theory of the gentleman from Pennsylvania we would become the successors of the United States, and we must pay them. Sir, this is not simply a theory or a claim thrown out in debate. It is one advanced on behalf of the Government of Great Britain as against us.

Mr. Raymond was here interrupted by Mr. Jencks (R. I.), with whom he had a long colloquy on this subject.

Mr. Raymond then proceeded—Now, sir, I have dwelt upon these points longer than I intended. I do not think that the doctrine has been combated as fully as it should be by any considerable number of the members of this House. I certainly do not think that the States are to be treated as provinces—as simply so much territory to be taken by us by no other title than that of conquest. I think we are to deal with them as States, having State governments, and subject to the jurisdiction of the United States, sitting under the constitutional control of the National government; and that in our dealings with them we are to be guided and governed, not simply by our sovereign will and pleasure as conquerors, but by the restrictions and limitations of the Constitution of the United States, necessarily, as we are restrained and limited in our dealings with all other States of the American Union.

In answer to an inquiry, Mr. Raymond said, I do not think the gentleman from Ohio (Mr. Davis) has anything to do with this. I am merely alluding to the matter. I might have elaborated it when I said that because we had granted to these States, as a Power we had war, the rights usually accorded to nations at war, we were not therefore precluded from proceeding against them as traitors.

The decision of the Supreme Court to which I have alluded, referred, if I have understood it aright, asserts that we have the right to proceed against them as traitors, rather, that we had the right to exercise against them both the powers of sovereignty and of belligerents; that the one did not exclude the other.

Now, if, according to the view I have presented, we are to deal with these States as States within the Union, the next question that recurs is, how are we to deal with them? The gentleman from Ohio (Mr. Finck), who preceded me, took the ground that they had only to resume their places and their powers in the national government; that their representatives have only to come into this hall and take their seats without question and without conditions of any sort. I cannot concur, sir, in this view. I do not think these States have any such rights. On the contrary, I think we

have a full and perfect right to require certain conditions, in the nature of guarantees for the future, and that right rests primarily and technically on the surrender we may and must require at their hands. The rebellion has been defeated. A defeat always implies a surrender, and, in a technical sense, a surrender implies more than a transfer of the arms used on the field of battle. It implies, in the case of civil war, the surrender of the principles and doctrines, of all the weapons and agencies by which the war has been carried on. The military surrender was made on the field of battle to our general, and the representatives of the commander in chief of the armies of the United States. But this is not all. They have still to surrender.

Mr. Raymond, in response to an inquiry, said: well, it seems important to the gentleman from Rhode Island, or to anybody else, I am quite willing to make the addition to my remarks which he suggests, will say, I am in a position to speak on the field of battle they surrendered to the generals who were in command of the armies, as agents of the President of the United States, and the representatives of the people of the American people. If that explanation is satisfactory to the gentleman I am very happy to make it, and perhaps I am obliged to him for having suggested to me to state it a little more specifically and accurately than I did at first. Now there must be the end of the war a similar surrender to the political field of battle. That surrender is due as an act of justice from the defeated party to the victorious party.

It is, I think, and we have a right to exact it as a guaranty for the future. Why do we demand the surrender of their arms by the vanquished in every battle? We do that, and we do not demand the surrender of their arms by the vanquished in every battle? Why do we seek, on our fall, a similar surrender of the principles on which they fought? It is that they may never again be the basis of a controversy. Why do we demand the surrender of the United States. Now, what are the principles which should thus be surrendered? The principle of State sovereignty is one of them. It is the corner stone of the rebellion, at once its animating spirit and its fundamental basis.

Deeply ingrained as it was in the Southern heart, it must be surrendered. The ordinance in which it was embodied must not only be repealed—the principle itself must be abandoned, and the ordinance so far as this war is concerned, be declared void. Why do we seek, on our fall, a similar surrender of the principles on which they fought? It is that they may never again be the basis of a controversy. Why do we demand the surrender of the United States. Now, what are the principles which should thus be surrendered? The principle of State sovereignty is one of them. It is the corner stone of the rebellion, at once its animating spirit and its fundamental basis.

Mr. Bingham (Ohio)—The gentleman will not mind to make the inquiry whether, if that were done to-day by South Carolina, and the people of that insurgent State returned to all their powers in this Union, they could not blot it out of memory by every construction that has ever been given to the operation of the Constitution of the United States upon any State maintaining its relations to this government? What guaranty would that be?

[An interesting colloquy occurred between Messrs. Raymond and Bingham, and between Mr. Jencks and Mr. Raymond, a report of which is omitted from want of room.]

Mr. Raymond said, in conclusion, I cannot assent to the intimation thrown out by the gentleman from Pennsylvania (Mr. Stevens), that the President concurred in the views he had expressed, or that he had handed the whole subject of pacifying the States lately in rebellion, and of restoring to the States the practical exercise of their functions as members of the Union, to the hands of Congress. I can find no warrant in his messages for believing that he intended to abandon duties which are evidently in his judgment devolved upon him as Executive in the government, and as commander-in-chief of the armies of the United States.

On the contrary, I find him repeating in clear and explicit language the steps he has taken to restore the faithful energy of the general government and the States. "That end, Provisional Governors," he says "have been appointed for the States, convocations called, Legislatures elected, Legislatures assembled and Senators and representatives chosen to the Congress of the United States; at the same time the Courts of the United States, as far as could be done, have been re-opened. Pending the restoration of the United States may be enforced through their agency."

The blockade has been relieved and the custom-house re-opened in part of the country, so that the revenue of the United States may be collected. The post-office department renews its ceaseless activity, and the general government is enabled to communicate promptly with its officers and agents. The Courts bring security to persons and property. The opening of the ports to foreign commerce renews the facilities of social intercourse and of business.

He has exercised his power of pardon. He has invited the States lately in rebellion to participate in the ratification of the Constitutional amendment securing the perpetual peace and slavery. This done, he says it will remain for the States to re-assume their places in the Union, and thereby complete the work of restoration.

"Here it is for you, fellow-citizens of the Senate and House of Representatives, to judge, each of you for yourselves, of the elections, returns and qualifications of your members." All but this has been done in the exercise of his functions, and in the performance of his duties as President of the United States, and as commander-in-chief of their armies. The admission of members of Congress, and the restoration of the judicial branch of the civil authority of the government, are necessary and proper to the deliberations and action of Congress.

Mr. Chairman—I am here to act with those who seek to complete the restoration of the Union; as I have acted with those who, in the last four years who have sought to roughen its integrity and prevent its destruction, I shall say no word, and do not act, and give no vote to recognize its division, or to postpone or disturb its rapidly approaching harmony and peace. I have no right and no disposition to lay down rules by which others shall govern and regulate their conduct. Now, for myself, I shall endeavor to act upon this whole question in the broad and liberal temper which its importance demands.

We are not conducting a controversy in a court of law. We are not seeking to enforce a remedy for private wrongs, nor to settle a score of private grief. We have great communities to be dealt with, and interests of great States, to deal with, and we are bound to deal with them in a large and liberal spirit.

It may be for the welfare of this nation that we shall cherish towards the millions of our people lately in rebellion feelings of hatred and distrust, that we shall nurse their bitterness their infamous treason, and naturally and justly engendered, and make that the basis of our future dealings with them. Possibly we may best teach them the lessons of liberty by inflicting upon them the worst excess of despotism.

Possibly they may best learn to practise these lessons by admitting and emulating our republican institutions, and by joining at our hands the absolute rule we denounce in others. It may be best for us and for them that we discard, in all our dealings with them, all obligations and requirements of the Constitution, and assert as the only guarantors and masters.

I confess I do not sympathize with the

sentiments or the opinions which would dictate such a course. I would exact at their hands all needed, and all just guarantees for their future loyalty to the Constitution and the laws of the United States. I would exact from them, or impose upon them, through the consent of the Congress, or by enlarging and extending, if necessary, the scope and power of the Freedmen's Bureau for the proper care and protection for the helpless and friendless freedmen so lately their slaves.

I would exercise a rigid scrutiny into the character and loyalty of the men who they sent to Congress before they allowed them to participate in the high prerogatives of legislation for the nation. But I would seek to ally rather than stimulate the animosity between them, and that we should see to it, to which the war has given rise, both for our own sake as well as for theirs. I would not visit upon them a policy of confiscation, and I would not see that we should have a practical conduct of every civilized nation on the face of the globe.

I believe it important for us, as well as for them, that we should cultivate friendly relations with them; that we should see the promotion of their interests, as part and parcel of our own. We have been their enemies in war—in peace let us show ourselves their friends. Let us show that we have been destroyed, that prolific source of all our alienations, all our hates and all our dislikes there is nothing longer to make us foes. They have the same interests, the same hopes, the same aspirations that we have. They are one with us. We will share their sufferings, and they will share our advances. Let us not only be punished as no community was ever punished before for the treason they have committed.

First, the day will come ere long when all traces of this great conflict will be effaced, except those which mark the blessings that follow in its train. I hope and believe we shall soon see the day when the people of the Southern States will show us, by evidences that we cannot mistake, that they have returned in all sincerity and good faith to their allegiance to the Union; that they intend to join henceforth with us in promoting its prosperity, in defending the banner of glory, and in fighting the battles of democracy and freedom not only here, but wherever the issue may be forced upon our acceptance.

I rejoice with heartfelt satisfaction that we have in these seats of power in the Executive department, and in these halls of Congress, men who will co-operate for the attainment of these great and beneficent ends. I trust they will act with wisdom. I know they will act from no other motives than those of patriotism and love of their fellow-men.

Mr. Jencks (R. I.) made a few remarks to show the law and the facts in the case, he concluded by saying that for one he would do his duty, but did not wish to be compromised by the speeches which had been delivered by the gentleman from Pennsylvania and New York, or any other State, when there was no practical question before the House for its consideration.

The gentleman from Ohio (Mr. Bingham) accepted the invitation of the French government to be represented at the Exposition at Paris in 1867, approving what has already been done by the gentleman from Pennsylvania and New York, or any other State, when there was no practical question before the House for its consideration.

At a subsequent stage of the proceedings Mr. Schenk (Ohio) moved to reconsider the subject of reference, desiring it to go to the Committee on Claims.

Pending the question, the House, in pursuance of the joint resolution, adjourned over until the 29th of January next.

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