

Veto Message of the President on the Freedmen's Bureau Bill.

To the Senate of the United States: I have examined with care the act 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 expired. It was thought stringent and extreme enough for the purpose in view in time of war.

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 their duties.

No previous presentation is required, nor any indictment against the commission of a crime against the laws, but the trial must proceed on charges and specifications.

I cannot conceive a system of military jurisdiction of the 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, excepting cases arising in the land and naval forces, or in the military when in service in time of war or public danger."

The power that would be thus placed in the hands of the President is such as is entrusted to any one man. If it is asked whether the creation of such a tribunal is a State was warranted as a measure of war, the question immediately presents itself, whether we are still engaged in war.

I have no reason to suppose, and I do not understand to be alleged, that the act of March, 1865, has proved a defect in the purpose for which it was passed, although at that time, and for a considerable period thereafter, the government of the United States remained unacknowledged in most of the States whose inhabitants had been involved in the rebellion.

throughout the whole country by an amendment of the Constitution of the United States, and practically its eradication, receiving the assent and concurrence of most of those States in which it had at any time had an existence.

The third section of the bill authorizes a general and unlimited grant of support to freedmen, their wives and children. Succeeding sections make provision for the rent or purchase of the erection, for their benefit, of suitable buildings for asylums and schools, the expenses to be defrayed from the treasury of the whole people.

Pending the war many refugees and freedmen received support from the Government, but it was never intended that they should henceforth be fed, clothed, educated and sheltered by the United States.

Large appropriations would, therefore, be required to sustain and enforce military jurisdiction in every county or parish on the Potomac to the Rio Grande.

There is still further objection to the bill on grounds affecting the rights 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 recklessness as to the consequences of his conduct.

Undoubtedly the freedman should be protected, but he should be protected by the 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, such State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor of the freedmen, and for the development of its resources.

I cannot but add another very grave objection to the bill. The Constitution imperatively declares, in connection with taxation, that each State shall have at least one representative, and fixes the rule for the number to which in future times each State shall be entitled; it also provides that the Senate of the United States shall be composed of two Senators from each State, and, with peculiar force, that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

shall be entitled; it also provides that the Senate of the United States shall be composed of two Senators from each State, and, with peculiar force, that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The principle is firmly fixed in the minds of the American people that there should be no taxation without representation in Congress, and hence no tax should be levied upon them by the country, and we may best demand that they should be borne without murmur when they are voted by a majority of the people.

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The bill under consideration refers to certain States, which are not to be fully restored, and are to be deemed as entitled to enjoy their constitutional rights as members of the Union.

Should this expectation unhappily fall, which I do not anticipate, then the Executive will be obliged to issue a proclamation, conferred by the act of March, 1865, establishing the Freedmen's Bureau, and hereafter, as heretofore, he can employ the land and naval forces, or to overcome obstructions to the laws, in accordance with the Constitution.

I return the bill to the Senate, in the earliest possible moment, in the hope that a measure involving 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.

ANDREW JOHNSON. WASHINGTON, D. C., February 19, 1866.

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