RECONSTRUCTION.

Governor Morton's Great Speech.

The Republican Policy Vindicated.

AN EXHAUSTIVE AND UNANSWERABLE ARGUMENT

Mr. President: If I had not been retarded by my honorable friend from Wisconsin (Mr. Doolittle) in the debate yesterday I should not desire to rise at this late hour (Delaware), especially at this time. I fear that I shall not have the strength to say what I wish to.

The issue here to-day is the same which prevails throughout the country, which will be the issue of this canvass, and perhaps for years to come. To repeat what I have had occasion to say elsewhere, it is between two paramount ideas, each struggling for supremacy. One is, that the war to suppress the rebellion was right and was an exercise of the right to protect the civil and political rights, and can only be restored to this Union upon such conditions as the nation may prescribe for its future safety and prosperity. The other idea is, that the rebellion was not sinful, but was right; that those engaged in it forfeited no rights, civil or political, and have a right to take charge of their State government and to resume their seats in the presidential in Congress just as if there had been no rebellion and nothing had occurred. The issue to be tried in the coming fall is between the existing State governments established under the policy of the President of the United States in the rebel States and the plan of reconstruction reported in Congress.

When a surveyor first enters a new territory he endeavors to ascertain the exact boundaries and delineate of a given spot, and from that can safely begin his survey. I will endeavor to accompany a proposition in this debate upon which both parties are agreed, and start from that proposition. That proposition is, that at the end of the war, in the year 1865, the rebel States were in a condition of rebellion, started out with a distinct recognition of the supremacy of this clause of the Constitution, and that he (Mr. Johnson) acted upon it. It is true that he recites in this proclamation that he is the Commander-in-Chief of the army of the United States, and at the same time he puts his plan of reconstruction not upon the exercise of the military power which he called to his aid, but on the execution of the guarantee provided for the clause of the Constitution to which I have referred. He appoints a Governor for North Carolina, and for those other States, the office being civil in its character, but military in its effects. That Governor has all the power of one of the district commanders, and, in fact, far greater power, for I was confronted upon General Pope or General Sheridan, or any general in command at a distinct point, for it further provides:

That the military commander of the department and all officers and persons in the military and naval service, and assist the said Provisional Governor in carrying into effect this proclamation.

We see then agreed upon the second proposition, that the power of the United States to reconstruct a republican form of government at once applied where the rebellion was found in the condition in which they were at the end of the war. Then, sir, being agreed upon these two propositions, we are brought to the question as to the proper form of exercising this power and by whom it shall be exercised. The Constitution says that the United States shall guarantee to every State in this Union a republican form of government; why the phrase "United States" here is meant the Government of the United States, and not the United States can only act through the Government, and the clause would mean precisely the same if it read "The Government of the United States shall guarantee to every State in this Union a republican form of government."

Then, as the Government of the United States is to execute the guarantee, the question arises, what constitutes the Government of the United States? The President does not constitute the Government; the Judiciary does not constitute the Government; the Judiciary does not constitute the Government; and all together constitute the Government, and as this guarantee is made to the United States, the Government of the United States, I follows necessarily that the Government of the United States is to execute the guarantee without assuming that it was a republican form of government. Congress could not of itself assume to execute the guarantee without assuming that it was the Government of the United States; nor could the judiciary, without a like assumption. The act must be the act of the Government, and therefore, it must be a legislative act, a law passed by Congress, submitted to the President for his approval, or perhaps, in a proper case, subject to be reviewed by the judiciary.

Mr. President, that this is necessarily the case from the simple reading of the Constitution, as one to me cannot be for a moment denied. The President, in assuming to execute this guarantee himself, in assuming to be the Government of the United States, which he claimed to be, not, but only one of its co-ordinate branches; and, therefore, as this guarantee must be a legislative act, it follows that the President, in doing it, usurped the power of the Government. Then, sir, being agreed upon these two propositions, we are brought to the question as to the proper form of exercising this power and by whom it shall be exercised. The Constitution says that "the United States shall guarantee to every State in this Union a republican form of government," and the clause would mean precisely the same if it read "The Government of the United States shall guarantee to every State in this Union a republican form of government."

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