The Pittsburgh Gazette.

MONDAY, FEBRUARY 19, 1866.

RECONSTRUCTION.

SPEECH OF HON. THOMAS WILLIAMS, OF PENNSYLVANIA,

In the House of Representatives, February 15th, 1866, on the Reconstruction Policy of the President.

(CONTINUED FROM SATURDAY.)

It has been said, however, by way of quieting the public fears, that, these plans were merely experimental, and that no harm could come of them, because, under the Constitution Congress must be the judge at last of the qualifications and eligibility of those who might present themselves for admission to seats in that body. The work accomplished, we are now awakened to the fact that the power referred to here, is only that of each House acting separately upon the qualifications of its own members. While the Executive assumes the right himself of founding new governments by a new law declaring who shall vote, and settling by telegraph the terms of their constitutions, he is pleased to claim in his recent message for these creatures of his own—other but still the same—with their vitalities repaired, that contain only—the right to resume, of course, and, without inquiry into his work or theirs, the places which by an ingenious fiction they are supposed to have before held in both branches of the national Legislature, making, as he says, "the work of restoration thereby complete;" while we are instructed in terms of unusual emphasis that then it will be for us, "each of us for ourselves" to proceed to judge of the smaller matters of the law in regard to "the elections, returns, and qualifications of our own members." These instructions are, perhaps, somewhat unusual, and possibly not that kind of information precisely to which the Constitution refers, but I do not quarrel with them on grounds of etiquette, even though the advice may seem gratuitous, and the jealousy of a British Parliament might have regarded it as a breach of privilege. They are not, it is true, exactly in accordance with the tenor of the authorized report of Mr. Stearns, which did convey the opinion that we might "check these new governments at any stage, and oblige them to confess their errors," unless it was intended to affirm that power only as the special prerogative of the Executive himself. They are, however, the official utterances, and the apology assumes, of course, that there is no question of legislation involved. With this interpretation, which means nothing or nothing left to Congress but to register the edicts and ratify the work of the Executive. Taking it, however, to be otherwise, they are still not less obnoxious to objection. It may be conceded that States have been admitted, here without any precedent legislation, though none, I think, where they were organized under the direction of the military power, and none, certainly, without the concurrent vote of the two Houses. By these, moreover, who think that these States were never out, it will be insisted, in accordance with the express provision of the Constitution, that the members will be only regarded as a denial of rights. But the mere negative of either House upon the question of their admission is a power greatly inferior to that which presides over their organization and prescribes the way in which the formative process is to be regulated—just as infer. If the process indeed by the Committee is in the hands of the Executive is to the initiative of the Legislature. The builders will accordingly to the law, and as it pleases, so will the structure be. As we saw, we must expect to see the "stones not gathered, no foundations, or lips from thistles." Thus, privileged class is to elect the delegates, their work is to be in accordance with the principle of their origin, and will be submitted, if submitted at all, for approval or rejection to the same parties who inspired it; and if the government so framed is to be recognized because it proposes to be a representative one, the right of declaring its whole constitutional law might as well be conceded to the Executive as that of declaring a part of it, and assembling a convention to ratify his work. There is, however, no occasion, however, for experiments of this sort, whose only tendency is to invest in the action of the legislative power, or to bring about a mischievous conflict between the two branches of the Government. If he is properly a legislative and not an executive function—as nobody can successfully deny—the President has his veto, at all events, upon the action of Congress. He cannot invert the order and change the constitutional relation by initiating an act of legislation, and leaving to Congress only a negative voice thereon, particularly in cases where the powers would be himself are expressly endowed with the power to restore the State to its constitutional relation with the Federal Government, and to present such form of government as will entitle it to the guarantee of the United States and where, of course, it is expected that their work shall be conclusive.

It will be said, perhaps, in reply to all this, that the objection here was not to found a State government, but to affirm the legal validity of the old, regained the privilege of altering and amending their original forms of government, free to assume them to their constitutional relations, and entitle them to the benefit of the guarantee.

It is not to be disputed that these are part of the objects stated in the proclamations. I will not argue that this was done by way of protest against the logical conclusion from their premises, from the whole character of the paper itself, and the assumption of power which it involved that the measure was a revolutionary one—a government de facto in its place, beyond. I shall be excused, however, for suggesting that it was unfortunate that the advisers of the President should have, in his politic, old Nestor—should have overlooked in this departure from his usual practice, that could be easily have been excused in a junior leader in the Northern States. He had obviously forgotten the recital on which these proclamations rest—the postulate that "the revolutionary progress of the rebellion had deprived those States of all civil government whatever," and the declaration that the purpose of these conventions was to "place the loyal citizens of these Territories not "to alter or amend" their constitutions but "to organize," or construct new, where the original government was admitted to have perished. Whenever he shall be able to explain how a constitution can exist in a Government that has been altogether destroyed, or why he should have created the process of organization as a mere process of repair, I should be glad to hear from him. The man who reaches such conclusions from his premises, will have "no narrow frith to express." I hope I shall not be considered unfaithful, however, in suggesting that a so this inconsequential logic looks to me as if it was the effect of an unhappy struggle to escape the consequences of a blunder which was felt to be necessary in order to raise the rights of the President; and is then discarded, after having served that use, in order to remove the case from the jurisdiction of Congress. It will require something more, I think, than either the subtlety of a northern sophism, or the exploded metaphysics of a Kentucky Statesman, to reconcile any one step in the action of the Government, with the idea of the continuing existence of the States.

In the same spirit, however, apparently, that prompted the softening down of an organization into a mere question of alteration and amendment, there is a studied avoidance of a phraseology that has found acceptance here without even provoking criticism. We called this heretofore, in our simplicity, by the harmless name of "reconstruction." The Attorney General, protests like Bardolph, "by this light I know not the phrase," and straightway our nomenclature falls into disrepute. Well, I am ready to admit, if necessary, in the language of the same dramatic personage, that it is "a soldier-like word, and of exceeding good command." It is the merest hypercritism not to object to its application to the adjustment of our relations with the revolting States; but whatever difference there may be here, it is impossible that there can be any disparaging of the term in the hands of the Executive is to the initiative of the Legislature. The builders will accordingly to the law, and as it pleases, so will the structure be. As we saw, we must expect to see "stones not gathered, no foundations, or lips from thistles." Thus, privileged class is to elect the delegates, their work is to be in accordance with the principle of their origin, and will be submitted, if submitted at all, for approval or rejection to the same parties who inspired it; and if the government so framed is to be recognized because it proposes to be a representative one, the right of declaring its whole constitutional law might as well be conceded to the Executive as that of declaring a part of it, and assembling a convention to ratify his work. There is, however, no occasion, however, for experiments of this sort, whose only tendency is to invest in the action of the legislative power, or to bring about a mischievous conflict between the two branches of the Government. If he is properly a legislative and not an executive function—as nobody can successfully deny—the President has his veto, at all events, upon the action of Congress. He cannot invert the order and change the constitutional relation by initiating an act of legislation, and leaving to Congress only a negative voice thereon, particularly in cases where the powers would be himself are expressly endowed with the power to restore the State to its constitutional relation with the Federal Government, and to present such form of government as will entitle it to the guarantee of the United States and where, of course, it is expected that their work shall be conclusive.

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