

# Royston's Journal.

BY S. J. ROW.

CLEARFIELD, PA., WEDNESDAY, JUNE 13, 1866.

VOL. 12.—NO. 40.

## SPEECH OF HON. G. W. SCOFIELD OF PENNSYLVANIA.

In the House of Representatives, April 28, 1866.

The House, as in Committee of the Whole on the State of the Union, having under consideration the President's annual message—

Mr. SCOFIELD said:

Mr. SPEAKER: What is the whole amount of disloyal population in the Southern States? I do not include in this inquiry persons who have been stigmatized as "sympathizers" or "copperheads," much less any other portion of the Democratic party, but only those who sought to divide the country into two republics and who now regret the failure of their enterprise. The whole amount of white population in the eleven Confederate States is 5,097,524. Deducting from this amount the estimated number of loyal people in those States, and adding the disloyal scattered through the other five slave States, will give the answer to my question. Making this deduction and addition from the most reliable data within my reach, I conclude that the disloyal population in the whole South will not exceed, if indeed it will equal, five million in all.

If the eleven Confederate States were readmitted now (the Constitution and laws remaining unamended) what amount of representation in Congress and the Electoral College would this five million be entitled to claim? They would certainly have these eleven States. There could hardly be a doubt about Kentucky. For if the loyal men of that State, sustained by the power of the Federal army and the persuasion of Federal patronage, with the young disunionists absent in the South, and the old ones disfranchised at home, could scarcely hold their own, what could we expect them to do when these young men have returned, the disfranchising laws have been swept away, the army removed or palsied by orders, and Federal patronage at least uncertain? This would give them twenty-four Senators. There are four more States that belonged to the slaveholding class, Delaware, Maryland, West Virginia, and Missouri. Is it any stretch of probabilities to suppose that two more Senators will be picked up somewhere in these four States by the Confederate element? I fear there will be more. This will give them twenty six Senators.

In the House of Representatives this population will have as large, if not larger, proportionate representation. By the apportionment of 1861, fifty-eight Representatives were assigned to the eleven Confederate States. These States will be so distracted by the hostile sentiment of their several Legislatures that not one true Union man can be elected. To the other five slaveholding States twenty-six were assigned by the act of 1861. If any one will take the trouble to look over these districts, I think he will come to the conclusion that even if the laws disfranchising rebels in Maryland, West Virginia, and Missouri remain in force, not less than half of these will be controlled by the influence and votes of the late secessionists. This gives them seventy-one Representatives in the House. But even this large number must soon be increased. The two-fifths of the four million freedmen which were not counted in the representative basis of the last census must be counted in the census of 1870, and (other things remaining the same) add to that number thirteen members more; so that the five million disloyal population, as soon as their full power can be felt through the elections, will have at least twenty-six Senators and eighty-four Representatives and one hundred and ten votes in the Electoral College. This is a low calculation. When we consider the earnestness, or rather the ability, ambition, and courage of their leaders, we may well apprehend that the number will be even greater. But this number is their own—legitimate and certain under the laws as they stand. Supposing the entire population of the United States to be thirty five million now, this five million will be just one seventh of the whole, but will have more than one third the representation in both Houses of Congress, and more than one third of the Electoral College. The same amount of loyal population at the North is represented by only about half that number. If by factions or party divisions among the loyalists of the country, they could contrive to secure one-sixth more of the representation, they would have a majority of the whole, and be able to control Federal legislation, elect the President, and distribute his patronage.

When these States are admitted and these people come to have the unabridged control of this two-fold representation, how will they desire to use it? I do not inquire how they possibly may use it, nor even how they now expect or intend to use it, but how, if unrestrained by a united North, it would be their interest and desire to use it. For the perpetuation of the Union? I fear not. They have come back to the Union, they would remember, only by coercion. To them it is a forced bride. They submit to it, but they do not, because they cannot, embrace it in their hearts. The soldiers maimed, wives widowed, and children orphaned in their bad cause appeal to their leaders for the promised support, but the Union has no pensions for them. The fortunes invested in Confederate faith see no hope of realization in the Union. Hatred of the North and its anti-slavery majorities, the original motive for secession, is ten times stronger now than in 1861, and is backed up by \$4,000,000,000 of debt, damages, and pensions, which, as they insist, could, in a separate government, be levied by an expert duty upon the cotton-consuming world. The life-habits of these people, their pride, aristocracy, wealth, and power were all the outgrowth of an institution which might possibly be revived in a separate republic, but which is forever gone in the Union. "Confederacy" is a word that must long be enshrined in their hearts by the tender memories of their fallen kindred, but it must live, as they well know, in the history, traditions, and ballads of the Union, associated with perjury, dishonorable crime, and cruel war. If they should profess to love the Union we could not believe them. It is so unnatural that it would be easier to believe they were hypocrites than that they were monsters.

But they are neither hypocrites nor monsters. They do not love the Union, and do not pretend to. It is untruthful men of our own section that pervert for them. The same class of men that misrepresented the feelings of the North before the war, and thus deceived the South and goaded them into rebellion, now misrepresent the feelings of the South to deceive the North and lure it into irretrievable surrender. Before the war they deceived the South and betrayed the North; but now it is reversed, they deceive the North and betray the loyal South. The same perfidious breath that carried South the untruthful story of northern hate, and thus prompted the war, comes back now with another story, equally untruthful, of southern love. They tell us that the disloyal South is a gentle bride, impatient for the nuptials, when they know that she submits to them with loathing. Have they not laid down their arms? Is the argumentative inquiry, "No, sir; their arms were taken from them. Have they not submitted? No, sir; they were defeated in battle. There is nothing in their past conduct nor present attitude that justifies the use of the word submission. Prisoners of war have been taken, but they were released on parole; rebel armies have been dispersed, but they have been reorganized as State militia; rebel State governments have been overthrown, but again revived and restored to the old possessors; and forfeitures of life and estates have been remitted, but that is all. Call this clemency, privilege, triumph, victory, what you please, but do not call it submission, with which it has not one shade of meaning in common. We do not need to call witnesses to prove that these people are hostile to the Union and its interests. The history of the human race proves it. Whoever attempts to prove the contrary must first show that they are unlike any other people whose passions, struggles, and defeats are recorded in the annals of the world.

2. This population when fully restored to the Union, the Constitution and laws remaining unamended, will hold more than one third of its representative power and the supreme control of at least thirteen States.

3. They will be interested to use that power for the division of the Union; and, failing in that, for the repudiation of its military and financial obligations.

Now, what is to be done? If these States are denied representation, it violates the fundamental principle of republican government. If allowed a double and hostile representation, the Union itself must be destroyed or preserved at the expense of another war.

Three remedies are proposed:

1. Disfranchise some portion of the rebels.

2. Allow all the rebels to vote, but neutralize their disunion sentiments by enfranchising the blacks in these States.

3. Equalize representation by taking as its basis either the number of voters or the population, minus the disfranchised classes; so that these States shall have no more representation in proportion to their represented people than the old free States have.

Either proposition would require an amendment to the Constitution, to be accepted by the rebel States as a condition, precedent to their restoration. It is also proposed to couple with either proposition a second amendment, prohibiting the assumption of rebel debts and claims either by States or the United States.

The third proposition has commended itself to much the largest number of Union members, and the amendments to that effect have already passed this House by more than a two-thirds vote. This, then, so far as this House is concerned, is the Congressional plan of reconstruction. All we ask of the rebel leaders, who are wrongly charging us with having no policy at all, but desiring to exclude them for an indefinite period, is a little time to put in form of fundamental law these pledges of future peace. For five years they have been out upon plague-infected seas. Can they not tarry at quarantine for a single session?

Stripped of all disguises, herein lies the main disagreement. Shall these States be recognized at once in their present temper, without guarantees of any kind and with a twofold representation? It is not whether they shall be represented at all; to that we all agree. There may be a little question of time; a difference of a few weeks or a few months, and that is all. Shall they be represented twice over, once in their own names and once in the name of the negroes? Shall they come in upon a representative basis that clothes a white man of the South with almost as much again political power as a northern man controls? That gives two white voters in South Carolina as much voice in the selection of a President and in the legislation of this house as five voters in Pennsylvania possess? That practically gives to one seventh of your population, disloyal at that, more than one third of your power? That, sir, is the great question before this House and the American public.

It is an effort on the part of the Opposition to carry into the politics of the country the old problem by which sixteen is made the majority of forty-nine. In England it is called the system of "rotten boroughs." It has long been the subject of political strife between the free and slave-labor counties of Maryland, Virginia, and Tennessee. And when it is everywhere else abandoned as a pernicious and anti-republican theory of representation, we are asked to make it the basis of reconstruction in the model republic.

The enactment of these two simple and brief amendments, or others similar in purpose, is so absolutely necessary for the preservation of the Republic and the discharge of its obligations to its soldiers and creditors, and is so just and even generous to the insurgents, that they ought to receive assent of every Union man. The opposition does not dare to discuss their merits. While some deny that we have any plan of reconstruction, others assail it with insidious and deceptive objections. Some of these I propose to notice here.

First of all, they complain of the suspension of time. Five months have passed, and not a rebel admitted is the complaining accusation. The opposition are impatient. They cannot wait. Come in at once, say they, to the "erring brethren." Do not wait to drop your side arms or exchange your disloyal garments. Bills to protect the loyal men of the South against your pretended violence are pending now, come and help defeat them. We will soon have bills to enlarge pensions and equalize bounties to the soldiers you have maimed and the widows you have made; your advice and votes will be needed. A bill to give bounty land to the "boys in blue" could not be defeated nor the "butternuts" included without you. A bill to lift the burdens of taxation from the industry of the country and place it upon your foreign confederates, through exported cotton, will need your attention. Hurry up your organizations. Do not wait to heal lips blistered with a double oath of broken fealty before you kiss the Holy Evangelists with another. We have buried our sons and are languishing to clasp the hands of their murderers. When once admitted, deny that you ever tried to break up the Government, but swear on all occasions that the Lincoln party were and are the traitors.

The complainants have only themselves to blame for much of this delay. Except for their persistent opposition the amendment would have been submitted months ago to the Legislatures then in session in the loyal States, and been assented to, without doubt, by the constitutional number. Except for their own opposition they might now be welcoming back their long-mourned friends to seats in these Halls. But they would consent to nothing that did not re-

turn them greater in numbers, and more malevolent in purpose. Hence the delay. *Hinc illae lacrimae.*

Next we are told that it conflicts with the "President's policy." What is the President's policy? I aver, first, that the President, when last authoritatively heard from, was in favor of the principle embodied in each of the proposed amendments. Of the first one, because he required the Confederate States to adopt it; of the second one, because he has repeatedly declared himself in favor of making the number of voters the basis of representation. I aver, second, that he does not consider the status of the States such, that their assent to constitutional amendments cannot be required as conditions precedent to their restoration, because he directed Mr. Seward to inform these States that their assent to the amendment proposed in the last Congress was "inadvisable" to restoration; and because he has not himself dealt with them as if they were States already in the Union. When the confederacy fell they were in full operation under governments originally organized in the Union. Governors, Legislatures, judges, and a full set of county and township officers were at work under constitutions once declared to be republican in form by the United States. These governments were regular unless you assent to the doctrine of forfeiture, for they had political continuity, what the church people call apostolic succession. Yet they were destroyed by the President's order and new ones extemporized in their stead.

From that time to this, in these States, the breath of the President has been the law of the land. Mr. Johnson went much further in this direction than his predecessor. Mr. Lincoln established governments, only in States where he found none existing before, but Mr. Johnson first destroyed existing governments and then supplied their places with those of his own creation. So, both by words, and actions which speak louder than words, the President assents to every principle involved in the congressional policy of reconstruction. Indeed, the two policies could not well conflict, because they relate to different subjects. The one creates or revives State organizations, the other renews their Federal relations. When these organizations were complete, and the States ready to apply to Congress for a return to the Union, the President's policy was ended. His work was all done. The rest was for Congress. So he directed his Secretary of State to inform Governor Sharkey, July 24, 1865, Governor Marvin, September 12, 1865, and so he informed us in his annual message. If he has changed his policy since then it is hardly worth while to inquire what it is now, for his principles are written in water.

I do not wish to disguise the fact that while he approves the amendments and believes the power exists to require their adoption, he does not believe that we are so ready to give up the power. He thinks it unnecessary to insist upon any terms additional to those imposed by himself. It is in this opinion that his old persecutors, the defeated enemies of the Union, the foiled plotters of his assassination, have taken heart, and with cruel malice conspired with northern sympathizers to pursue him with their unrelenting friendship. Their last hope for the destruction of this country lies in the seduction of its friends. War failed them, they resort to diplomacy. The President was not much moved by their threats, will he be seduced by their flattery? If so, let me assure those of our friends who are disposed to suppress their own convictions in hope to detain him and his patronage in a little select court party, that they might as well exercise a reasonable liberty of opinion. For if he ever determines to trust his political future to anybody besides the great earnest, triumphant Union organization that elected him, he will have sense enough to put them aside as mere nobodies in popular strength, heartless friends and harmless enemies, as courtiers always are, and push straight for the "southern brothered," rebelled opponents of a permanent and peaceful Union. In that event his children and friends may well rejoice that the past, at least, is secure. His patriotic thoughts of the last five years will still live, although only to reprove him.

Again, it is said by way of excuse, "Why not admit such Union men as Fowler, Stokes, and Maynard, of Tennessee?" Because it is not a question about men. Shall a disloyal district, while it is still in a disloyal spirit, be declared entitled to representation with only half as many represented people in it as we require for a district in the North? That is the question. Captain Semmes ran up the Union flag when he wished to decoy an unarmed merchant vessel under the power of his guns, but replaced it with the pirate emblem when he had secured his victim. The names of these patriots are hung out to-day to secure representation to a rebel constituency behind them, but they will be hauled down at the first election and rebels put up in their stead. You may think you are only recognizing the Union flag, but when it is too late you will find yourselves along side the Alabama and in the power of its pirate crew.

But it is said in reply, "We will not admit disloyal men even if elected." How can you help yourselves? If a whole delegation from South Carolina, for instance, present themselves to the Clerk of the last House and ask to be placed on the roll, prior to organization, and tender him the certificate of their election signed by the Governor and sealed with the great seal of that most sovereign State, shall the Clerk say which is loyal and which not? I suppose not. After the organization, in which all have participated, and all have been qualified and taken their seats, will you get up an inquisitorial committee to explore the secret recesses of their consciences and be father confessors to their sins? "No, but the iron-clad oath will exorcise them." Do you not know, sir, that almost every man

who is in favor of admitting these States without conditions is also in favor of repealing that oath? They already denounce it as an odious and unconstitutional test. The Secretary of the Treasury and the Postmaster General, backed up by a message from the President, ask its repeal so far as regards their Departments, thus making rebels as eligible as Union soldiers to appointments here, and under such lead I expect to see it swept away, and so do most of the gentlemen who are now urging us to lay aside a real safeguard and trust to this cobweb of a morning.

But suppose we could in this way contrive to dictate to these people who they should and who they should not elect, what kind of representation would that be? We say to them, "you are free to select your representatives, but mind that you select such as suit us, not yourselves." You call that representation? I call it obedience. We propose to extract the venomous fang of the serpent before he is unaged, and you to bind him with test oaths afterward. Suppose, again, you could manage to exclude in this way those who had been engaged in the rebellion, do you not know that a rebel constituency could find a fit representation outside that list, and all the more dangerous on that account? If they had none at home they could colonize from the North.

Again, magnanimity is invoked as a shield of desecration. A great nation, it is said, can afford to be magnanimous. Of course it can; but let us see how this is. For four years these people made war upon us without cause or even plausible excuse. Before they began it, we begged them in great humility to withhold from the country this terrible desolation. In tears we warned them of the punishment that must follow. Our entreaties and warnings were received. Our entreaties and warnings their telegraph informed us, "with peals of laughter." They fired upon us while we were yet upon our knees begging for peace and union. The contest once begun, was conducted on our part with great forbearance and within the strictest military law. We even returned for awhile their fugitive slaves. On their part it was conducted not only with the condemned system of cruel guerrilla and piratical warfare, but with fire, poison, yellow fever, and assassination. The estates of Union men within their power were confiscated, and have never yet been restored, and Union men were hung for treason to their pretended government.

You tell us they have suffered. So have we. Peace has come at last; business prosperity will return; the insignia of mourning will be laid aside; but in the heart of every family there is an unspoken sorrow that will sadden life even to the grave. Now we are admonished to be magnanimous to the authors of all this suffering. I accept admonition, but I submit that we are so already. The law condemned them to death, and we have pardoned them. Their estates were forfeited, and we have restored them. Not a traitor has been hung; not one convicted; not one tried; not a dozen arrested; but many have been honored as rulers in States they only failed to ruin. The high-sounding eloquence of the gentleman from New York, [Mr. Raymond], calling upon us to admire the "courage and devotion" with which these bad men prosecuted a cruel war against our kindred, our homes, and our country for four years, has scarcely subsided when our tears are invoked over their self-inflicted sufferings. Thus at the end of the avenue we are alternately called upon to admire and pity them, while at the other the green seal is kept hot with its work of clemency—clemency often unsolicited, sometimes compelled. We have even ordered historic inscriptions to be erased from captured cannon at West Point, that the boys educated at the expense of a Government their fathers could not quite destroy might not be irritated. What more can we do? What more can gentlemen ask in the name of magnanimity? "Give to this one seventh of your population more than one third of your political power?" Is that what you ask, and call it only magnanimity to the false men of the country? Call it rather treachery to the faithful, or if that sounds too harsh, call it submission, surrender, what you like, but for the sake or truth let no one call betrayal of country and friends magnanimity to enemies.

Again, sir, the effort to cut off the excess of this unpatriotic and sectional representation ascribed to party motives. Is it not the opposition exposed to the same charge? Is it not the Democratic party as anxious to secure friends as we are to avoid enemies? For the last five years they have been beaten everywhere. Every election has proved to them that they were growing small by large degrees. "Would to God that night or rebels would come!" has been their daily prayer. Does their haste to embrace the misguided brethren come solely from pure love and affection? Is it not possible that their passion is somewhat like that of—

"The immortal Captain Wettle,  
Who was all for love and a little for the bottle?"

Is it not possible that they look a little to party, too? That they long not only for the alliance but the leadership was generally able and always consistent, however unwise. It was not under that lead that they proclaimed both secession and coercion unconstitutional; that the war for the Union was constitutional, but that there was no constitutional mode of conducting it; that an army should be raised, but volunteering was impracticable and drafting unconstitutional; that it was right to raise money, but wrong to tax or borrow; that they were opposed to emancipation, but not in favor of slavery. It was not under that lead that Andrew Johnson was denounced as Lincoln's strap when he consented to be provisional governor of a State from which the old Governor and Legislature had run away, and cheered as a patriot when he drove out the Governors and Legislatures of half a dozen States and supplied their places with appointees

of his own. It is not probable that, tired of their contradictory and hypocritical position, they crave the undissembled leadership of Breckinridge and Hunter, Davis and Toombs, as much as we can possibly dread it?

As another excuse for opposition to this plan of restoration it is said there are other inequalities in representation that ought to be removed as well as this. An honorable gentleman from Pennsylvania complains that the six eastern States have each two Senators, while New York and other large States have no more. It is true that some of the eastern States are small; but the Constitution provides that each State, whether large or small, shall have two Senators; and it further provides that while that instrument may be amended in other respects, with the assent of three-fourths of the States, in this respect it shall not be amended without the assent of all the States. But why point only to the eastern States to illustrate the inequality of senatorial representation? The best illustration of it is not to be found there. The population of these States is 3,135,223. In the South you can find a smaller population with a larger representation in the Senate. The population of Arkansas, Texas, Florida, South Carolina, West Virginia, Maryland, and Delaware is only 3,032,761. Here are seven States with more than 100,000 less population than the six eastern States, one third of that being negroes, with fourteen Senators, two more than New England. Why did not the gentleman make his point on these States? Was it because the eastern States are free and loyal and the others were slaveholding, and in part disloyal? And why, just in this connection, does he complain that bounties are paid for catching fish? He never complained when higher bounties were paid for catching men and women for the southern market. These are the old complaints of the South, warmed over, in anticipation of its return, groundless, no doubt, but if ever so just, furnishing no good excuse for allowing to the complaints a twofold representation in this House.

Once more we are reminded that taxation and representation should go together. True, sir, but that would not entitle them to a double representation, nor deprive Congress of a reasonable time for deliberation as to the extent of the right and the best mode of securing it. But if it is meant that they are entitled on the score of taxation to instantaneous, unconditional, and disproportionate representation, I must beg leave to inquire, where are the immense taxes paid by them, upon which to base extraordinary claims? The loyal people of the country have been paying burdensome taxes, a million per day, imposed by their misconduct, but when and where have they paid taxes? For the last five years they have paid none, and the amount they are just now beginning to pay is too trifling for argument. If the right of representation could be acquired by imposing taxes upon others or by robbery of the Government, their claim would be indisputable. They robbed the southern post offices of money, stamps, and mails; the arsenals and military and naval depots of ammunition, arms, and clothing; the custom-houses and sub-treasuries of goods, bonds, and money; and the New Orleans mint of \$600,000 in gold, and have never made restitution. But they have paid very few taxes, and long before they will be called upon to do so a fair and adequate representation will be accorded them.

But they have still another argument—the one relied upon when all others fail, their refuge from confiscation in every other field of debate—and that is what they call the constitutional argument. When they find themselves unable to maintain in discussion the propriety of allowing the disloyal population a twofold representation, the half to represent themselves and the other half to misrepresent the loyal people, white and black, in their midst; when they are no longer screen themselves behind the "President's policy," words of indefinite meaning; when their aspersion upon our motives is repelled by showing that they have as strong party interest in forming an alliance with the rebels as we possibly can have in trying to prevent it; when their taxation theory is demolished by a report from the Secretary of the Treasury, they fall back upon the constitutional right of States to representation. They will retreat no further. This is their last ditch in debate. And here,

"In Dixie's land  
They take their stand,  
To live or die for Dixie."

Mr. Speaker, we are in an anomalous condition. The Constitution does not especially provide for the difficulties with which we are surrounded. Our fathers could not believe that so large a portion of the American people could be so barbarized by slavery as to undertake such stupendous crime. They did not provide for what they could not foresee. There are no precedents on file to guide us. This is the first disunion rebellion. Ours will be the first precedent in reconstruction, and the last—only if it is justly and wisely made. There are objections, plausible or otherwise, to every theory that has been or can be advanced as to the status of these States. My colleague [Mr. Stevens] said that their present position was very much like that of California after the Mexican war. A score or more of speeches have been made to show that there are objections to this theory. The gentleman from Ohio [Mr. Shellabarger] suggested that these State governments had perished in the rebellion, and that now new ones, republican in form, should be originated by Congress. Objections were raised to this theory. The gentleman from New York [Mr. Raymond] suggested that new governments must be originated and proper guarantees and conditions could be imposed, but these things should be done by the Commander-in-Chief of the Army and Navy as the terms of sur-