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BY S. J. ROW.

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THE ISSUE!

SENATOR MORTON'S GREAT SPEECH.

Delivered January 24, 1868.

Mr. President, if I had not been referred to by my honorable friend from Wisconsin (Mr. Doolittle) in the debate yesterday, I should not desire to speak on this question, 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 the supremacy. One is, that the war to suppress the rebellion was right and just on our part; that the rebels forfeited their civil and political rights, and can only be restored to them 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 governments and be restored to their representation in Congress just as if there had been no rebellion and nothing had occurred. The immediate issue before the Senate now 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 presented by Congress.

When a surveyor first enters a new territory he endeavors to ascertain the exact latitude and longitude of a given spot, and from that point he safely begins his survey; and so I will endeavor to ascertain a proposition in this debate upon which parties are agreed, and start from that proposition. That proposition is, that at the end of the war, in the spring of 1865, the rebel States were without State governments of any kind. The loyal State governments existing at the beginning of the war had been overturned by the rebels; the rebel State governments erected during the war had been overturned by our armies, and at the end of the war there were no governments of any kind existing in those States. This fact was recognized distinctly by the President of the United States in his proclamation under which the work of reconstruction was commenced in North Carolina in 1865, to which I beg leave to refer. The others were mere copies of this proclamation. In that proclamation he says:

"And whereas, the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government;

Here the President must be allowed to speak for his party, and I shall accept this as a proposition agreed upon on both sides; that at the end of the war there were no governments of any kind existing in those States. The fourth section of the fourth article of the Constitution declares that "the United States shall guarantee to every State in this Union a republican form of government." This provision contains a vast, undefined power that has never yet been ascertained—a great supervisory power given the United States to keep the States in their orbits, preserve them from anarchy, revolution, and rebellion. The measure of power thus conferred upon the Government of the United States can only be determined by that which is requisite to guaranty or maintain in each State a legal and republican form of government. Whatever power, therefore, may be necessary to enable the Government of the United States thus to maintain in each State a republican form of government is conveyed by this provision.

Now, Mr. President, when the war ended and these States were found without governments of any kind, the jurisdiction of the United States, under this provision of the Constitution at once attached; the power to reorganize State governments, to use the common word, to reconstruct, to maintain and guaranty republican State governments in those States, at once attached under this provision. Upon this proposition there is also a concurrence of the two parties. The President has distinctly recognized the fact that its jurisdiction attached when those States were found without republican State Governments, and he himself claimed to act under this clause of the Constitution. I will read the preamble of the President's proclamation:

"Whereas, the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and domestic violence, and whereas the President of the United States is, by the Constitution, made Commander in Chief of the Army and Navy as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas, the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government; and whereas, it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina in securing them in the enjoyment of a republican form of government;

I read this, Mr. President, for the purpose of showing that the President of the United States, in his policy of reconstruction, started out with a distinct recognition of the applicability of this clause of the Constitution, and that he based his system of reconstruction upon it. It is true he recites in this proclamation that he is the Commander in Chief of the Army of the United States; but at the same time he puts his plan of reconstruction, not upon the exercise of the military power which is called to its aid, but on

the execution of the guarantee provided by the clause of the Constitution to which I have referred. He appoints a Governor for North Carolina and for these other States, the office being civil in its character, but military in its effects. This Governor has all the power of one of the district commanders, and, in fact, far greater power than was conferred upon Gen. Pope or Gen. Sheridan or any general in command of a district; for it is further provided:

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

We are then agreed upon the second proposition, that the power of the United States to reconstruct and guarantee republican forms of government at once applied when those States were 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." By the phrase "United States" here is meant the Government of the United States. The United States can only act through the Government, and the clause would mean precisely the same thing 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 this guarantee, the question arises, what constitutes the Government of the United States? The President does not constitute the Government; the Congress does not constitute the Government; the judiciary does not constitute the Government; but all three together constitute the Government; and as this guaranty is to be executed by the Government of the United States, it follows necessarily that it must be a legislative act. The President could not assume to execute the guarantee without assuming that he was the United States within the meaning of that provision, without assuming that he was the Government of the United States. 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, and 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 seems to me cannot be for a moment denied. The President, in assuming to execute this guarantee himself, is assuming to be the Government of the United States, which he clearly is not, but only one of its co-ordinate branches; and, therefore, as its co-ordinate branches, it follows that the President to execute the guarantee was without authority, and that the guarantee can only be executed in the form of a law, first to be passed by Congress and then to be submitted to the President for his approval, and if he does not approve it then to be passed over his head by a majority of two-thirds in each House. That law, then, becomes the execution of the guarantee and is the act of the Government of the United States.

Mr. President, this is not an open question. I send to the Secretary and ask him to read a part of the decision of the Supreme Court of the United States in the case of Luther vs. Borden, as reported in Howard.

The Secretary read as follows:—"Whereas, the Constitution of the United States, as far as it is provided for an emergency of this kind, and authorized the General Government not to interfere in the domestic concerns of a State, has treated the subject as political in its nature and placed the power in the hands of that department."

The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and domestic violence, and whereas the President of the United States is, by the Constitution, made Commander in Chief of the Army and Navy as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas, the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government; and whereas, it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina in securing them in the enjoyment of a republican form of government;

Mr. Morton. In this opinion of the Supreme Court of the United States, delivered many years ago, the right to execute the guarantee provided for in this clause of the Constitution is placed in Congress and nowhere else, and therefore the necessary reading of the Constitution is confirmed by the highest judicial authority which we have.

Mr. Johnson. Do you read from the opinion delivered by the Chief Justice?

Mr. Morton. Yes, sir; the opinion of Chief Justice Taney. He decides that this power is not judicial; that it is one of the high powers conferred upon Congress; that it is not subject to be reviewed by the Supreme Court, because it is political in its nature. It is a distinct enunciation of the fact that this guarantee is not to be executed by the President, or by the Supreme Court, but by the Congress of the United States, in the form of a law to be passed by that body and to be submitted to the President for his approval, and should he disapprove it, it may

become a law by being passed by a two-thirds majority over his head.

Now, I will call the attention of my friend from Wisconsin to some other authority. As he has been pleased to refer to a former speech of mine to show that I am not quite consistent, I will refer to a vote given by him in 1864 on a very important provision. On the 1st of July, 1864, the Senate having under consideration, as in Committee of the whole, "a bill to guarantee to certain States whose governments have been usurped or overturned a republican form of government," Mr. Brown, of Missouri, offered an amendment to strike out all of the bill after the enacting clause and to insert a substitute, which I will ask the Secretary to read.

The Secretary read as follows:—"That when the inhabitants of any State have been declared in a state of insurrection against the United States by proclamation of the President, by force and virtue of the act entitled 'an act to provide for the collection of duties on imports, and for other purposes,' approved July 13, 1861, they shall be and are hereby declared to be incapable of casting any vote for electors of President or Vice President of the United States, or of electing Senators or Representatives in Congress until said insurrection in said State is suppressed or abandoned, and said inhabitants have returned to their obedience to the Government of the United States, and until such return to obedience shall be declared by proclamation of the President, issued by virtue of an act of Congress hereafter to be passed, authorizing the same."

Mr. Morton. The honorable Senator from Wisconsin voted for that in Committee of the whole and on its final passage. I call attention to the amendment, which declares that they shall be—

"incapable of casting any vote for electors of President or Vice President of the United States, or of electing Senators or Representatives in Congress until said insurrection in said State is suppressed or abandoned, and said inhabitants have returned to their obedience to the Government of the United States, and until such return and obedience shall be declared by proclamation of the President, issued by virtue of an act of Congress hereafter to be passed, authorizing the same."

Recognizing that a state of war shall be regarded as continuing until it shall be declared no longer to exist by the President, in virtue of an act of Congress to be hereafter passed. I am glad to find by looking at the vote that the distinguished Senator from Maryland [Mr. Johnson] voted for this proposition, and thus recognized the doctrine for which I am now contending; that the power to execute the guarantee is vested in Congress alone, and that it is for Congress alone to determine the status and condition of those States, and that the President has no power to proclaim peace or to declare the political condition of those States until he shall first have been thereunto authorized by an act of Congress.

I therefore, Mr. President, take the proposition as conclusively established, both by reason and authority, that this clause of the Constitution can be executed only by Congress; and taking that as established, I now propose to consider what are the power of Congress in the execution of the guarantee, how it shall be executed, and what means may be employed for that purpose. The Constitution does not define the means. It does not say how the guarantee shall be executed. All that is left to the determination of Congress. As to the particular character of the means that must be employed, that, I take it, will depend upon the peculiar circumstances of each case; and the extent of the power will depend upon the other question as to what may be required for the purpose of maintaining and guarantying a loyal republican form of government in each State. I use the word "loyal," although it is not used in the Constitution, because loyal is an inhering qualification, not only in regard to persons, who are to fill public offices, but in regard to State Governments, and we have no right to recognize a State Government that is not loyal to the Government of the United States. Now, sir, as to the use of means that are not prescribed in the Constitution, I call the attention of the Senate to the eighteenth clause of section eight of the first article of the Constitution of the United States, which declares that:

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or any department or officer thereof."

Here is a declaration of what would otherwise be a general principle anyhow, that Congress shall have the power to pass all laws necessary to carry into execution all powers that are vested in the Government under the Constitution. As Congress has the power to guarantee or maintain a loyal republican government in each State, it has the right to use whatever means may be necessary for that purpose. As I before remarked, the character of the means will depend upon the character of the case. In one case it may be the use of an army; in another case perhaps it may be simply presenting a question to the courts, and having it tested in that way; in another case it may go to the very foundation of the Government itself. And I now propose this proposition: that if Congress, after deliberation, after long and bloody experience, shall come to the conclusion that loyal republican State governments cannot be erected and maintained in the rebel States upon the basis of the white population, it has a right to raise up and make voters of a class of men who had no right to vote under the State laws. This is simply the use of the necessary means in the execution of the guarantee. If we have found after repeated trial that loyal republican State governments, governments that shall answer the purpose that such governments are intended to answer, cannot be successfully founded upon the basis of the white population, because the great majority of that population are disloyal, then Congress has a right to raise up a new loyal voting population for the purpose of establishing these governments in the rebel States.

Now, sir, when it is claimed that these governments are legal, let it be remembered that they took their origin under a proceeding instituted by the President of the United States in the execution of this guarantee, when it now stands confessed that he could not execute the guarantee. But even if he had the power, let it be further borne in mind that those constitutions were formed by conventions that were elected by less than one third of the white voters in the States at that time; that the conventions thus formed by a small minority even of the white voters; and that those conventions have never been submitted to the people of the States for ratification. They are no more the constitutions of those States to-day than the Constitutions formed by the conventions now in session would be if we were to proclaim them to be the Constitutions of those States without having submitted them to the people for ratification. How can it be pretended for a moment, even admitting that the President had the power to start forward in the work of reconstruction, that those State Governments are legally formed by a small minority, never ratified by the people, the people never having had a chance to vote for them. They stand as mere arbitrary constitutions, established not by the people of the States, but simply by force of executive power.

And, sir, if we shall admit those State to representation on this floor and in the other House under those constitutions, when the thing shall have got beyond our keeping and they are fully restored to their political rights, they will then rise up and declare that those constitutions are not binding upon them, that they never made them, and they will throw them off, and with them will go those provisions which were incorporated therein, declaring that slavery should never be re-

quired to find in the Constitution a particular grant of power for this purpose; but we find a general grant of power authorizing us to use whatever means may be necessary to execute the first; and we find that the Supreme Court of the United States has said that the judgment of Congress upon the question shall be conclusive, that it cannot be reviewed by the courts, that it is a purely political matter; and therefore the determination of Congress, that raising up colored men to the right of suffrage is a means necessary to the execution of that power, is a determination which cannot be reviewed by the courts, and is conclusive upon the people of the country.

The President of the United States, assuming that he had the power to execute this guarantee, and basing his proclamation upon it, went forward in the work of reconstruction. It was so announced, if not by himself, at least formally by the Secretary of State, Mr. Seward, that the governments which he would erect during the vacation of Congress were to be erected as provisional only; that his plan of reconstruction and the work that was to be done under it would be submitted to Congress for its approval or disapproval at the next session. If the President had adhered to that determination I believe that all would have been well, and that the present state of things would not exist. But, sir, the Executive undertook finally to execute the guarantee himself without the co-operation of Congress. He appointed Provisional Governors, giving to them unlimited power until such time as the new State governments should be elected. He prescribed in his proclamation who should exercise the right of suffrage in the election of delegates. And allow me for one moment to refer to that. He says in his proclamation:

"No person shall be qualified as an elector, or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, 1865, which was issued on the same day and was a part of the same transaction—

"and is a voter qualified as prescribed by the Constitution and laws of the State of North Carolina in force immediately before the 20th day of May, 1861."

The persons having the right to vote must have the right to vote by the laws of the State, and must, in addition to that, have taken the oath of amnesty. The President disfranchised in voting for delegates to the conventions from two hundred and fifty thousand to three hundred thousand men. His disfranchisement was far greater than that which was done by Congress. In the proclamation of amnesty he says:

"The following classes of persons are exempted from the benefits of this proclamation":

He then announced fourteen classes of persons:

1. All who are or shall have been pretended civil or diplomatic officers, or other domestic or foreign agents, of the pretended Confederate Government.
2. All persons who have voluntarily participated in said rebellion, and the estimated value of whose taxable property is over twenty thousand dollars.
3. And twelve other classes, estimated to number at least two hundred and fifty thousand men, while the disfranchisement that has been created by Congress does not extend perhaps to more than forty-five or fifty thousand persons at the furthest. These provisions, therefore, under the authority of the President, were to call conventions; they were to hold the elections, and they were to count the votes; they were to exercise all the powers that are being exercised by the military commanders under the reconstruction acts of Congress. After these constitutions were formed the President went forward and accepted them as being loyal and republican in their character. He authorized the voters under them to proceed to elect Legislatures, members to Congress, and Legislatures to elect Senators to take their seats in this body. In other words, the President launched those State governments into full life and activity without consultation with or co-operation on the part of Congress.

Now, sir, when it is claimed that these governments are legal, let it be remembered that they took their origin under a proceeding instituted by the President of the United States in the execution of this guarantee, when it now stands confessed that he could not execute the guarantee. But even if he had the power, let it be further borne in mind that those constitutions were formed by conventions that were elected by less than one third of the white voters in the States at that time; that the conventions thus formed by a small minority even of the white voters; and that those conventions have never been submitted to the people of the States for ratification. They are no more the constitutions of those States to-day than the Constitutions formed by the conventions now in session would be if we were to proclaim them to be the Constitutions of those States without having submitted them to the people for ratification. How can it be pretended for a moment, even admitting that the President had the power to start forward in the work of reconstruction, that those State Governments are legally formed by a small minority, never ratified by the people, the people never having had a chance to vote for them. They stand as mere arbitrary constitutions, established not by the people of the States, but simply by force of executive power.

And, sir, if we shall admit those State to representation on this floor and in the other House under those constitutions, when the thing shall have got beyond our keeping and they are fully restored to their political rights, they will then rise up and declare that those constitutions are not binding upon them, that they never made them, and they will throw them off, and with them will go those provisions which were incorporated therein, declaring that slavery should never be re-

stored and that their war debt was repudiated. Those provisions were put into those constitutions, but they have never been sanctioned by the people of those States, and they will cast them out, not being their act and deed, as soon as they shall have been restored to political power in this Government. Therefore, I say that even if he concedes that the President had the power, which he has not, to start forward in the execution of this guarantee, there can still be no pretense that those governments are legal and authorized and that we are bound to recognize them.

The President of the United States, in his proclamation, declared that those governments were to be formed only by the loyal people of those States; and I beg leave to call the attention of the Senate to that clause in his proclamation of reconstruction. He says:

"And with authority to exercise, within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations with the Federal Government."

Again speaking of the army:—"And they are enjoined to abstain from in any way hindering, impeding or discouraging the loyal people from the organization of a State government as herein authorized."

Now, sir, so far from those State governments having been organized by the loyal people, they are organized by the disloyal; every office passed into the hands of a rebel; the Union men had no part or lot in those governments; and so far from answering the purpose for which governments are intended, they failed to extend protection to the loyal men, either white or black. The loyal men were murdered with impunity; and I will thank any Senator upon this floor to point to a single case in any of the rebel States where a rebel has been tried and brought to punishment by the civil authority for the murder of a Union man. Not one case I am told can be found. Those governments utterly failed in answering the purpose of civil governments; and not only that, but they returned the colored people to a condition of quasi-slavery; they made them the slaves of society instead of being, as they were before, the slaves of individuals. Under various forms of vagrant laws, they deprived them of the rights of freemen, and placed them under the power and control of their rebel masters, who were filled with hatred and revenge.

But, Mr. President, time passed on. Congress assembled in December, 1865. For a time it paused. It did not at once annul those governments. It hesitated. At last, in 1866, the constitutional amendment, the fourteenth article, was brought forward as a basis of settlement and reconstruction; and there was a tacit understanding, though it was not embraced in any law or resolution, that if the Southern people should ratify and agree to that amendment, then their State governments would be accepted. But that amendment was rejected, contemptuously rejected. The Southern people, counseled and inspired by the Democracy of the North, rejected that amendment. They were told that they were not bound to submit to any conditions whatever; that they had forfeited no rights by rebellion. Why, sir, what did we propose by this amendment? By the first section we declared that all men born upon our soil are citizens of the United States—a thing that had long been recognized by every department of the Government until the Dred Scott decision was made in 1857. The second section provided that where a class or race of men were excluded from the right of suffrage they should not be counted in the basis of representation—an obvious justice that no reasonable man for a moment could deny; that if four million people down South were to have no suffrage, the men living in their midst and surrounding them, and depriving them of all political rights, should not have members of Congress on their account. Say the justice of the second clause has never been successfully impugned by any argument, I care not how ingenious it may be. What was the third clause? It was that the leaders of the South, those men who had once taken an official oath to support the Constitution of the U. S. States, and had afterwards committed perjury by going into the rebellion, should be made ineligible to any office under the Government of the United States or of a State. It was a very small disfranchisement. It was intended to withhold power from those leaders by whose instrumentality we had lost nearly half a million lives and untold treasure. The justice of that disfranchisement could not be disproved. And what was the fourth clause of the amendment? That this government should never assume nor pay any part of the rebel debt, that it should never pay the rebels for their slaves. This was bitterly opposed in the North as well as in the South.

How could any man oppose that amendment unless he was in favor of this Government assuming a portion or all of the rebel debt and in favor of paying the rebel party North and South opposed that most important and perhaps hereafter to be regarded as vital amendment hereafter to be regarded as vital in principle, as they had been before by declaration, to the doctrine that this Government was bound to pay for the slaves, and that it was just and right that we should assume and pay the rebel debt.

This amendment, as I have before said, was rejected, and when Congress assembled in December 1866, they were confronted by the fact that every proposition of compromise had been rejected; every half-way measure had been spurned by the rebels themselves, and they had nothing left to do but to begin the work of reconstruction themselves; and in February, 1867, Congress for the first time entered upon the execution of the guarantee provided for in the Constitution by the passage of the reconstruction law. A supplementary bill was found necessary in March; another one in July, and I believe another is found nec-

essary at this time; but the power is with Congress. Whatever it shall deem necessary, whether it be in the way of colored suffrage, whether it be in the way of military power—whatever Congress shall deem necessary in the execution of this guarantee is conclusive upon the courts, upon every State, and upon the people of this nation.

Sir, when Congress entered upon this work it had become apparent to all men that loyal State governments could not be erected and maintained upon the basis of the white population. We had tried them. Congress had attempted the work of reconstruction through the constitutional amendment by leaving the suffrage with the white men, and by leaving with the white people of the South the question as to when the colored people should exercise the right of suffrage, if ever; but when it was found that those white men were as rebellious as ever, that they hated this Government more bitterly than ever; when it was found that they persecuted the loyal men, both white and black, in their midst; when it was found that Northern men who had gone down there were driven out by social tyranny, by a thousand annoyances, by the insecurity of life and property, then it became apparent to all men of intelligence that reconstruction could not take place upon the basis of the white population, and something else must be done.

Now, sir, what was there left to do? Either we must hold these people continually by military power, or we must use such machinery upon such a new basis as would enable loyal republican State governments to be raised up; and in the last resort—and I will say Congress waited long, the nation waited long, experience had to come to the rescue of reason before the thing was done—in the last resort, and as the last thing to be done, Congress determined to dig through all the rubbish, dig through the soil and the shifting sands, and go down to the eternal rock, and there, upon the basis of the everlasting principle of equal and exact justice to all men, we have planted the column of reconstruction; and, sir, it will arise slowly but surely, and "the gates of hell shall not prevail against it." Whatever dangers we apprehend from the introduction of the right of suffrage to seven hundred thousand men, just emerged from slavery, were put aside in the presence of a greater danger. Why, sir, let me say frankly to my friend from Wisconsin that I approached universal colored suffrage in the South reluctantly. Not because I adhered to the miserable dogma that this was the white man's Government, but because I entertained fears about at once entrusting a large body of men just from slavery, to whom education had been denied by law, to whom the marriage relation had been denied, who had been made the basest and most abject slaves, with political power. And as the Senator has referred to a speech which I made in Indiana in 1865, allow me to show the principle that actuated me, for in that speech I said:

"In regard to the question of admitting the freedmen of the Southern States to vote, while I admit the equal rights of all men, and that in time all men will have the right to vote, without distinction of color or race, I yet believe that in the case of four million of slaves, just freed from bondage, there should be a period of probation and preparation before they are brought to the exercise of political power."

Such was my feeling at that time, for it had not then been determined by the bloody experience of the last two years that we could not reconstruct upon the basis of the white population, and such was the opinion of a great majority of the people of the North; and it was not until a year and a half after that time that Congress came to the conclusion that there was no way left but to resort to colored suffrage to all men except those who were disqualified by the commission of high crimes and misdemeanors.

Mr. President, we hear much said in the course of this debate and through the press about the violation of the Constitution. It is said that in the reconstruction measures of Congress we have gone outside of the Constitution, and the remark of some distinguished statesman of the Republican party is quoted to that effect:

"Sir, if any leading Republican has ever said so he spoke only for himself, not for another. I deny the statement *in toto*. I insist that these reconstruction measures are fully within the powers of the Constitution as any legislation that can be had, not only by reason, but by authority. And who are the men that are so much about the violation of the Constitution, and who pretend to be the especial friends of that instrument? The great mass of them only three years ago were in arms to overturn the Constitution and establish that of Montgomery in its place, or were their northern friends, who were aiding and sympathizing in that undertaking."

I had occasion the other day to speak of what was described as a constitutional Union man—a man living inside of the Federal lines during the war, sympathizing with the rebellion, and who endeavored to aid the rebellion by insisting that every war measure for the purpose of suppressing it was a violation of the Constitution of the United States. Now, these men who claim to be the especial friends of the Constitution are the men who have sought to destroy it by force of arms, and those throughout the country who have given them aid and comfort. Sir, you will remember that once a celebrated French woman was being dragged to the scaffold, and as she passed the statue of liberty she exclaimed: "How many crimes have been committed in thy name?" and I can say to the Constitution, how many crimes against liberty, humanity and progress are being committed in thy name by these men who, while they loved the Constitution, and sought its destruction, now, for party purposes, claim to be its special friends.

My friend from Wisconsin yesterday compared what he called the Radical party of the North to the Radicals of the South, and