

AMERICAN CITIZEN.

"Let us have Faith that Right makes Might; and in that Faith let us, to the end, dare to do our duty as we understand it!"—A. LINCOLN.

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SPEECH OF HON. THOS. WILLIAMS In the House of Representatives, Feb'y 10th, 1866. On the Reconstruction Policy of the President.

From the Pittsburgh Commercial.

We have received the speech of Hon. Thomas Williams, of the 23d District, on Reconstruction, delivered on the 10th inst. On account of the great length—over nineteen columns of the Globe—we do not think it advisable to publish entire, which we intended to do. We will secure it more readily, and thereby do Mr. Williams more justice, by printing extracts embracing the most prominent points, and giving a liberal abstract of the rest in order to preserve the thread of the argument from the beginning to the end. The speech is regarded as Mr. Williams' greatest effort, and we have no doubt that there are many of his friends here who will be glad to get it in the form we present it this morning.

Mr. Williams began with the allusion to the course he had taken in Congress nearly two years ago on the question of the relations that had been produced by the war. By the infirmity of faith his course then had been thought to be premature; but Congress thought otherwise, and passed a bill, which did not, however, meet the approval of the Executive because it interfered with a plan of his own that had not proved acceptable to it, and the question was adjourned without advice from that body, and in such a way as to leave the field open for experiments with which it was not in condition to interfere.

The people by their representatives—the law making power—are here again to decide for themselves what shall be done with the Territories that have been conquered by their arms. While it is agreed on all hands that they shall eventually be readmitted to the Union, it is not pretended by any that they can come back of their own volition and without our consent. Our power to exclude them does not depend upon our right to determine the qualifications of our own members. There is an organic law forbidding their return, which can only be supplied by a new organization.

The first inquiry is, what is the position of these Territories as it has been affected by the progress and results of the war, which has just been determined by their enforced submission to the authority of the nation?

So far as armed resistance is concerned the war is at an end. The defeated communities lie conquered and helpless and in social ruins at our feet, deprived of all the organism that was essential to the maintenance of their old relations to the Union. The civil law of the Union is withdrawn, and its military power is all that remains to hold these States in subjection to our authority. The President, feeling that they were not in a condition to be trusted to themselves, instead of sheathing the sword, has preferred to await the usual period of our assemblage, and appointed his lieutenants and predecessors to govern them in the meantime with the aid of armies and the arbitrary rule of martial law. Our first duty is to relieve that officer, and to furnish some security to the conquered people by the substitution of a gentler rule. He did not question the exercise of such a sovereignty in the absence of Congress, as he had previously maintained that these States had ceased to be members of the Union, and had passed into the condition of territories. Had they continued to be States until their resistance ceased, they would have at once resumed their constitutional rights unimpaired, and all that has been done since would have been clearest usurpation.

Taking them, however, to have been 'deprived,' in the language of the proclamations, of all civil government whatever, it was a legitimate interference of the Executive that they had not only forfeited their franchise, and lost their property in slaves, but placed themselves in a condition where they were no longer entitled even to the benefit of the constitutional guarantee without a new birth. The idea of any State, except that of nature, without any civil government whatever, is as incomprehensible to me as that of a State being in the Union, or indeed anywhere, that is admitted to have no existence whatever.

No more would I be inclined to quarrel with those who, starting from these premises, are still disposed to insist that these States were never out. The difference is perhaps only the result of a want of precision in the use of terms, or a diversity of opinion in regard to their meaning. Mr. Burke has furnished us with a distinction here that meets the case precisely. "The word State," he remarks in his letter to Sir Hercules Langrishe, on the subject of the extension of the elective franchise to the Irish Catholics, "is one of much ambiguity. Sometimes it is used to signify the whole commonwealth, comprehending all its orders, with the several privileges belonging to each. Sometimes it signifies only the higher, and ruling part of the commonwealth, which is commonly called the government." In the former of these senses, it is not to be doubted that these communities still exist, and are in the Union, or, because their territories belong to it, and their people owe it allegiance. In the latter, however—and that is the one that connects them with our political system as the proclamations concede—they are admitted by the same proclamations to have been destroyed, and, of course, to be nowhere.

There can be no dispute between the President and his Northern friends as to the posture of these dilapidated members.

By his treatment he has practically regarded them as conquered provinces.—Mr. Williams deprecated the fallacious doctrine which had encouraged the disaffected in the North and the unrepentant rebels in the South that these disorganized States have never ceased to be members of the Federal Union. That is the present theory of every traitor, North and South, who has been insisting for four long years of war on the rights as well as the facts of secession. With a surer sense of pardon, they can afford to risk their plea of belligerency upon which they claimed immunity for their crime, if it will restore them to their rights.—Grant that secession was not a fact, and if they cannot invalidate the war and the debt made by it, they will stagger your courts with the question, by what authority you have deprived the people of a State in the Union by proclamation and without judgment of law, or of their franchises and property. Once in, they will insist that all your intermediate acts as well as theirs are nullities.

The next inquiry is whether they are in a condition to return, and what agencies and terms through and upon which the consummation is to be effected. This question more than any other belongs to the people of the loyal States. Eleven of the columnar supports of our political edifice are lying around us in ruins. Who is to lift these columns to their places? The questions arising out of this are problems which might well embarrass the profoundest of our statesmen, and will require the wisdom of the nation to solve.

The war itself was nothing in comparison with the suspension of the rebellion, if the loyal States proved true to themselves. The only real danger was in the process of reconstruction. Although the rebellion, so far as armed resistance is concerned, is over, we still tread on the ashes of an unextinguished volcano. If these State governments have been destroyed and must be organized anew, nothing short of an act of Congress can hurry them to this. To heal the wounds inflicted by a four years' civil war, is not the work of a day. We must begin at the bottom and work slowly to the surface.

The President, acting on the prevalent idea that it is the duty of the Government to take the initiative in the process of restoration, without waiting for an expression from the people of the rebel States, has, in the recess of this body, ordered their organization, and has "indicated his plan in a series of proclamations, which are all of the like tenor, though differing in some respects from the plan of his predecessor." It was presumed that this would conform to the law he prescribed, and having completed that, he, although admitting the alternate decision to rest with Congress alone, would recommend and enforce their admission with all the power he could lawfully exert.

The proclamations rest on the idea of assuring to all these States a republican form of government. They do not declare the war to be at an end, but the contrary. Mr. Williams makes the following analysis of the propositions contained in the proclamations:

"1. They admit the continuing existence of a state of war, and profess to rest on the two-fold authority of the President as Commander in Chief of the Army and Navy of the United States, as well as supreme civil executive magistrate of the Union.

"2. They declare the people of these States to have been deprived of their own acts of all civil governments whatever.

"3. They confess the necessity of a new organization for the purpose of restoring their constitutional relations with the Federal Government, and presenting such form of Government as will entitle them to the benefit of its guarantees, and therein admit that they are not so entitled in their present condition.

"4. They concede that the new organization must receive its impulse and direction from without, and be assisted by the co-operative action of the Federal authorities.

"5. Confessing, however, that these States are not now entitled to the benefit of the constitutional guarantee, they assert, in effect, that under it the Federal Government is bound to place them in a position which will enable them to claim it, and assume that the fulfillment of that guarantee, is purely executive function, to be performed in such a way as the judgment of the President may determine.

"6. They direct accordingly, the assembling of conventions at the earliest practicable day, and define and ascertain the qualifications of the voters.

"7. In fixing these qualifications, they adopt a standard that is entirely new, by limiting the franchise, not to the white men generally, but to such only of the people who were invested with that prerogative under the government that is admitted to have been destroyed as are loyal, and will swear to support, not the Constitution only, but all laws and proclamations during the rebellion having reference to the emancipation of slaves.

and is in direct contradiction of the premises on which these proclamations rest.

"9. They look, moreover, to the employment of the military arm in the execution and enforcement of the scheme of restoration which they will involve."

These were evidences either that the proclamations had not been properly digested, or that the case might profitably have been transferred from the "other end of the avenue" to the proper forum—Congress—which is vested with the exclusive power of legislating for the Territories and the admission of new States.

A state of war is utterly irreconcilable with such an organization as the genius and texture of our Government demand. A republican State cannot exist without the spontaneous volition of the majority of the people. A minority Government, sustained by arms, would be the merest mockery of a republic; and so long as it needs an army or a Federal legate—by what name soever called—to govern it, it is not in condition to govern itself. The President holds the Territory by military law—a power that is absolute, and it is folly to talk of restoring civil government by the people, for he is supreme.—The power he wields is above and silences the law, and he is essentially a dictator, whether his motive be good or bad. Our fathers were jealous of military law, and made it subordinate to the civil.—Conventions assembled, voters named and Congressmen elected by it, are its creatures and a republic organized by it, cannot be the product of a free people.—Freedom recoils at the idea. It will not do to say that the sword bearers were not present in the body. When the fiat went forth to the North Carolina sinner to repudiate the rebel debt, every knee went down in humble submission to the Commander in Chief. The rebel General and Governor of Mississippi, Humphreys, stated in a recent message that it was under the pressure of Federal bayonets that the people of that State had abolished slavery. These so-called constitutions are dictated by the Executive as a conqueror. Governor Orr, of South Carolina declared that the State Convention had "done all that the President had requested to be done." General Hampton of that State declined to run for Governor because he might embarrass the Executive in his benevolent designs in favor of the South. He did not approve all that the Convention had done, but advised acquiescence, as the President had shown a disposition to protect the South against Northern radicals. When Hampton talks about "the radicalism of the North," we know he means the Union party that fought down the rebellion and elected the President. The President answers this presentation by informing us that we have nothing to do with the terms of settlement.

It is urged that this is a measure of peace, to enable loyal people there to disperse with armies. If such was the purpose there can be no permanent peace without continued protection, as is the case in Tennessee. The idea is, if not to declare the disloyal majority our masters, to free them of our authority in the hope of peace and submission in the future.—This is not peace. The victory is not always to the strong. The demon spirit which animated the rebellion, and caused all the crimes committed by it during the war, ending with the murder of our President, "still lives" unrepentant, unsubdued, ferocious and devilish as ever. The battle still rages under a new phase.

As to the admission that the seceded States have been deprived of all civil government. Taking the word State as contradistinguished from that of government, it may be admitted that they are still in the Union. It must then signify the territory, or the people, or both. It cannot be the territory only, for it would constitute to be a State; nor the people only, because that would make them a State.—In this sense it is a compound idea, one element of which is necessarily a loyal people. It is enough for my purpose that their political organizations have been destroyed. The proclamations say that they have been deprived of all civil government. He cannot affirm a condition of anarchy, as he maintains that they are still in the Union, and subject to its laws. It is admitted that they have not the power of self-resurrection—that they must receive impulse from without. The President has undertaken to give the impulse, and the question remains, where the power resides and how it is to be exercised. The proclamations assume that the power is an executive one, on the ground that each State Government must be reorganized in form and that it is the President's duty to execute the law. If this be true the President must be the United States, or that this executive agreement is a law that can be enforced by the sword only. But it is not true. Congress itself has not yet decided what a republican form of government is in the meaning of the clause or how it is to be erected in case of overthrow. In the former plan the power was conferred on a title of the voters, who might take the oath of allegiance and forswear slavery. In the present one it is confined to the loyal men who had voted before without reference to number, though it was clear that there was scarcely a loyal man in those States that was not excluded. There is no higher act of sovereignty than that which founds or reconstructs a State and prescribes its laws. The man that makes the law makes the law, and is a dictator. In the extremity of a late such a power is necessary for its safety, and the President was right to govern the conquered territories by martial law in the recess of Congress. The occasion for these things has passed away. But there

never was anything in the power to warrant the erection of a State by executive proclamation.

The object in bringing these new governments to our doors at the opening of the session was to anticipate the reaction of Congress. The President like his predecessor had his plan; he had a right to his opinions. But being a Southern man, a citizen of one of the offending States, he was not likely to think as do the twenty millions of the loyal States who fought the great battle. He had never declared strongly against slavery except as it was in antagonism to the Union. He had been loyal and faithful under great trials and for that was the choice of the Union party for the second office in the Republic. The bloody hand of treason opened the way for his succession to the duty.—Although it was his right and first to urge his opinion upon Congress, he should have taken no step without us. He has taken a difficult course, by treating with the rebels directly. I regard his course as a challenge to Congress and the free North upon a question of jurisdiction.

Mr. Williams then referred to the great importance of meeting the assumption of executive power promptly. The great discretion of the President, his immense patronage during the war, had given to the belief that it was he, and neither Congress or the people, who had saved the nation, and that it was his business to restore the parts. His claim of power in the proclamation of December, 1865, provoked no animadversion here, and the House bill failed on a second trial. The press and politicians of the nation have been silent, only complaining in whispers that he has extended suffrage to the black man.

People inquire only what does the President intend and the Associate Press by daily bulletins reports every phase of the imperial pulse. The time has come to rectify these errors, and assert the powers of this body.

"With the highest admiration of the constancy and heroism of the present Executive under the severest trials, and with every disposition to support his Administration so far as fidelity of my own high trust will allow, I cannot consent that a question like this, in which the interests of so many generations are involved, shall be withdrawn from the people of the loyal States, who have suffered and sacrificed so largely, and settled by the decision of any one or even seven men, no matter whether they come or what positions they may hold. No more can I allow myself to be instructed here, that while the power of setting the terms of readmission is with the President, I have no jurisdiction as an American legislator except to register the acts that he has done, and then humbly inquire as a member of this House only, whether the candidates who present themselves for admission here have complied with the mere formalities which his Legislatures have prescribed. It is here only—in these halls that American liberty can live.—They are her strong tower of defense, her last refuge and abiding place. Here are her altars, and here her priesthood. It is only here, too, that our own great State, whose blood has been poured out like rain, and whose canonized dead are now sleeping on every battle field of freedom, has been called into counsel during the last four years. She has no voice elsewhere. On the theory of the President and the results of his experiments she has given out no uncertain sound. She bids her sons whom she has placed on guard at the Capitol in this hour of the national trial, stand firmly, as did her heroes in the bloody trench, by their trusts as Representatives, and resist with jealous watchfulness every attempt from whatever quarter to encroach. If the performance of this duty should involve a difference with the Executive of her own choice, while she would deplore the necessity she will expect her Representatives to take counsel from those who sent them here, alike unawed by the frowns and unseduced by the blandishments of power. I dread the conflict, which is not a new one in the world's history, but I cannot choose but meet it when it comes; and I have a trust that we shall yet be able to discuss the great question of the times, and to settle it, too without prejudice, and in utter oblivion of the fact that the Executive has any theory on the subject.

It has been said that these plans were merely experimental, and that Congress must at least judge of the eligibility of its members. It appears, however, that the power referred to us is only that of each House to act separately as to its individual members. The President having founded the new governments, claims for his own creation the right to resume, of course, and without inquiry into his work or their places they held before among us, making, as he says, "the work of restoration thereby complete," and instructs us then it will be our duty to judge of the smaller matters of the law—the election, returns and qualifications of our own members." Nothing is left to Congress but to register the edicts and ratify the work of the Executive. The speaker objected strongly to the course of the President, and said that he might as well have prescribed the whole law to the South as a part of it. There is no occasion for experiments which tend to a conflict between Congress and the President. The function is legislative and not executive—the President having his veto only.

The reply may be made to this that the object was not to found a new State, but to alter and amend the old form of government and to restore it to its former relations to the Federal authority. The proclamations state these as a part of the object; but the records upon which

they rest say that the States have been deprived of "all civil government," and authorize the conventions not to "alter or amend" but to "organize." The expressions "reconstruction" and "restoration" were then commented on. Mr. Williams would accept either, but preferred the former. The latter is sufficient to imply, if not destruction, at least displacement. The revolting States, have defected from their orbits, gathered round into exile, and ceased to be parts of our system, or to be obedient to our laws. They compose a part of our system de jure only, but not in fact. Something must be done to reestablish their former relations. They cannot do it themselves. The mere repeal of their secession ordinances is not sufficient. The Executive thinks that by their treason the people have forfeited the right of self-government, that to this extent their constitutions as they stood before the rebellion are abrogated, and that their sovereignty has elapsed—but not to us. A committee of the last House insisted that it returned to the conquered people. The President claims it for himself, and has acted accordingly.

The President says the State still lives, with only an "impaired vitality," although its government has been destroyed, and it is contended that he has power to restore all its parts and former vitality, and to lead it forth as full and perfect as it was before the rebellion. Let us examine the question. If the acts of the State had been simply an excess of power, this view might be correct. But here the fundamental law was changed, whether rightfully or not is not the question.—True one of the stated objects is to enable them to restore themselves. But this is inconsistent with the grounds on which the proclamations rest. If these States were still in the Union, no process of restoration to their rights was necessary, because they were entitled to them by the Constitution. It is because they are not that the President proposes making them so by his own act, without our agency. If these State constitutions are in force as they existed before secession, because all that has been enacted since in violation of Federal law is simply void, what then was the occasion for any amendment? In that case they may return at any time without any legislation. As a question of amendment they may amend or not, and if they are in the Union there is no power there to say what or when they shall amend. The Executive admits that something must be done to restore their original status. We agree in thinking that by the war the slaves have been emancipated, and suffrage destroyed with the government.—Emancipation is a question for the courts, and cannot be drawn in here except by assuming that these States are out and must be formerly re-admitted. Then you may prescribe terms. Without that you must open when they knock without inquiry as to their constitutions.

Taking it that their constitutions require to be amended, how is it to be done? Not by the Executive, for he has no more power to set up a new class of electors in South Carolina than in Massachusetts. The only way is in accordance with their own law, which must have survived if any part of their constitution did. To ignore the law, as do the proclamations, is revolutionary. The people had not asked for the privilege of coming back, although it is urged that the proclamations were intended to enable them to do the work for themselves. It was not essential that they should come back until they were ready for it. The proclamations were imperative not permissive. Suffrage was more than a right—a duty. The white men who could take the oath must reconstruct the State.

Mr. Williams then discussed the way in which the power claimed by the President has been exercised. If the function were merely an executive one it could extend no further than permission to the people to instruct. To say you should or should not vote was more than an executive act. In the absence of all government, as the proclamations admit, all were remitted to the natural equality recognized in the Declaration of Independence which had been suspended by the force of civil institutions, which had then ceased to exist. The negro, whether bond or free, previously held the same rights as the white man, and neither could deny to the other the right to vote. All privileges of estate and complexion had disappeared with the constitutions which established them. It cannot be said that it was not right for the President to confer the privilege on this particular class.

"It was not his to confer on anybody, white or black. If he had left the election to the citizens who owed allegiance, paid taxes, and were subject to bear arms, they must have voted without distinction of color. The only question was, not whether he could confer it but whether he could take it away. He has taken it away from others—from all who were not qualified under the old constitution, and from all who are disloyal or refuse the oath to support the laws and proclamations in regard to slavery. The old government with their black codes, which were the fruitful nurseries of treasonable sentiment, and have destroyed themselves by hurrying their people into the rebellion, are alleged to furnish the rule and standard of electoral fitness, on the hypothesis that there is something left of them that still lives, like the tail of a defunct reptile after the very life has been crushed out of its body, and are only to undergo alteration and repair at the hands of the same cunning workmen who had destroyed their machinery altogether. It is the same class precisely that is to renovate the work. True, it is with the condition of loyalty, and a new

oath, superadded. But who are the loyal? Not certainly those who committed treason against the nation by waging war against it, or giving aid and counsel to its enemies? But if they are excluded who are to be the voters, when the only class that proved true to its allegiance is precisely the one which was excluded under the old regime that is now sought to restore? How many of the original voters, beyond those who were driven into exile, have stood by the old flag in the hour of trial? Was it a majority—was it even a tithe? Can there be as many such men found as would have saved Sedition from destruction? We know that there cannot, because we know that they would not have been tolerated on Southern soil. We know it, too, from the declaration of the Governor of Virginia, that unless the law that disfranchised the traitors only from January, 1864, was repealed, there would not be men enough left to organize the State. And it is seriously proposed that the power of erecting governments, in order to enable these States to resume their places in the Union, shall be vested in a score of men out of a population counting by millions? But how is the question of loyalty to be determined? Not by oath, because that is merely cumulative, and is not offered either as a test, or by way of purgation for the past offenses.—If as a test, the word might as well have been omitted altogether. How then? Is there a virtue in the amnesty which works not only oblivion for the past, but converts a pardoned traitor into a loyal man? Is it by judgment of law on conviction of Crime? Is it by attainer on proclamation by the Executive? Is it by a trial *in pais* or by comparators at the hustings? If the old constitutions are still in force, either by construction of law or by virtue of the proclamations, the exclusion even of those who may be impeached of disloyalty looks amazingly like the forfeiture of a legal franchise, without judgment and without law, and is too high a power to be exercised by any other than the sovereign.

"But there is another condition superadded by way of abridgment of the right; and that is the execution, even from the loyal, of the oath to support the proclamations and laws relating to slavery.—No friend of the country will of course object to any wholesome limitations upon the privilege; but if it was not competent to the President, not to confer, but only to permit it to the black man, what authority was there to limit it in this way to the white man? Neither the Constitution of the United States nor that of any of the States has ever required an oath of this sort from the voter. If he could impose this, what was there to prevent him from swearing them to the observance of all acts of Congress and all proclamations, or requiring them to swear that they had never given any aid or countenance to the rebellion? If he could disfranchise the unconvinced traitor, what was there to prevent him from enfranchising the loyal man who has become free? But what is the security which it furnishes? How long is the obligation to endure? Did it bind the members of the conventions? And if these bodies have defined the qualification in a different way, are the voters now free?"

The effect of the programme is to recommit these governments into the hands of the very men who hurried them into rebellion, upon the only condition of a new oath of fealty after having broken a previous one, and to surrender the field to the conquered as soon as it is won.—But there is nobody in the loyal States willing to release all the securities, rights and advantages gained by the war, upon such terms. Our past experience teaches us that these people have never kept faith with us. Those who were most forward in abjuring their allegiance here, will be the first to violate their new made vows by swearing themselves back into legislative power and honor. Will you surrender your few faithful white allies and thousands of friends among the blacks to these unrepentant rebels? If you are wise you will not be content with such professions as have been purchased by necessity. Security is much more to be desired than punishment, and you must render them unable to deceive you again.

If the function be executive, how does the performance square with the object sought to be attained? "The obligation is to assure a government that shall be republican. The meaning of this is that it shall be a government of the people. The process adopted, in direct contravention of the principles of the message, is to lodge the power in the hands of a privileged class, the same that held it before, distinguished only by the accident of color, although with a disloyalty to the Union that was almost universal, and composing, in some instances, a minority of the whole population. Does this look like a fulfillment of the obligation, or even a squint in that direction? The form, it is true, is republican, because it looks to representation by election. But that is not the test; if it were, every constitutional monarchy in Europe might be brought within the category. It is the distinction of classes, the permanent limitation of the right of suffrage to a favored few, that makes the difference between the aristocratic and republican forms, and there is none other. In this case the right is confined to the loyal white man who will take the oath. This, however, if not an oligarchy, or Government of the few, is at least an aristocracy or government of classes, and furnishes a perfect exemplification of just that species of legislation which is so earnestly reprobated in these passages of the message where the President informs us that—this Government springs from and was made for the peo-

ple; that it should, from the very consideration of its origin, be strong in its power of resistance against the establishment of inequalities; that "monopolies, perpetuities, and class legislation are contrary to the genius of a free Government, and ought not to be allowed; that there is no room for favored classes or monopolies, and that 'we shall fulfill our duty as legislators by according equal and exact justice to all men, special privileges to none.' I'll have found occasion to commend his practice at the expense of his theory upon the question of State sinlessness and State immortality, subscribing as I do most heartily to these axioms of political science. I shall feel myself compelled to adjust the account by following his advice in opposition to his practice here. "Class legislation" and "special privileges" of a sovereign character are the distinguishing features of his plan, and it is, therefore, by the erection of an aristocracy that the guarantee of a republic to be made good."

Whether these States be in or out of the Union, the President, by his effort to provide them with Governments, admits that they are without them. The same result would have followed the condition of change in the slave. A Government is not Republican that not only denies to the majority of its citizens a share in its administration, but refuses their testimony and interdicts them in the pursuit of knowledge. The speaker quoted from Burke in regard to the exclusion of classes, and said that in America office would stand on the same ground as franchise.

Mr. Williams contended that the elective franchise is a natural right, although he had in Congress heard it called a political right. "Our institutions are free because they allow us the privilege of governing ourselves, and we are freemen for no other reason than that we are armed with the ballot for our protection as citizens. Strip me of that and I am at your mercy. You may deal gently with me, but that makes no difference. You may as well deny me all rights of a citizen—because they are all political—as that one, which is necessary to protect the residue. You must either settle the principle that this is a white man's Government, or share all political privileges with men of all complexions."

"The proclamation has made the negro nominally free. He counts in the representation. He pays taxes, and must bear arms if necessary, and he has done it.—No sensible man now pretends to doubt that he is a citizen, or can doubt it in view of these considerations. The interference of the Executive is put expressly on the ground of the obligation of the national authority to secure a republican form of government to each of the States. To effect this, it is essential that a majority be allowed to enjoy the political rights of governing, and that all should share alike in its direction. To put any class under the State would be to deprive them of the rights of citizens, and to reduce them in the words of the authority just cited, to a state of civil servitude.—It is essential, moreover, that it should rest, in the language of the Declaration, on 'the consent of the governed.' An establishment that does not conform to these principles is not republican, whether the power be lodged with the *oligoi* or the *aristoi*. No matter as to its forms.—We are not to be cheated by appearances or names. It was more than the mere form that the Constitution intended to secure. And yet the process here ignores all these things, and rests either upon the dimmest perceptions of free government, or upon the Southern theory that the negro is not a man, or that this Government was only intended for white men. If the proposition were to exclude all men of Celtic blood, what a sensation would it not produce among the democracy? If the difference, however, is only against the African, consistency would require that he should also be excluded from the enumeration hereafter. With the end of the divine institution, the three-fifths clause, which stipulated for a representation, not of or for him, who was not then a man, but for his master, has ceased to operate. If the freed slave is now a citizen, he has the right to all the privileges, as he is confessedly subject to all the duties which that relation involves. If instead of rising from the fractional value to that of an integer, he is no longer a member of the State, he must cease to owe any other than a domiciliary allegiance, and the idea of a representation founded on his existence here, must be exploded forever. And from this dilemma there is no escape. If he is a citizen, the elective franchise is his right. If he is not, representation on that basis is logically inadmissible."

The effect of this oligarchic process is to restore the governing class as before without any check upon it.—This we cannot afford to do. Fortunately there is a loyal element among them which helps us to bring them back, and may be used in keeping the peace by restoring to them the rights of which they have been deprived. If a State government is not Republican in form, we have full power to make it so. This power cannot be exercised by the President, neither by a refusal upon the part of Congress to admit, for that would be non-performance, but by an act of legislation, to enforce which will be the President's duty.—These States being without Governments, it is our duty to supply them with new ones, republican in form. If their black population insists upon a government that shall admit them to the rights of citizenship we cannot evade performance upon the plea of a want of constitutional power.—According to our practice and the spirit of our institutions the duty should be left to the people themselves, in the first instance, but if they fail to do it, I know of no other way than for Congress