

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 desertion. A great nation, it is said, can afford to be magnanimous. Of course it can; but let us see how. 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 in the rebel capital, so 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. Our 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 consigna 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 the admonition, but I submit that we are 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 hounded 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 had 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 this 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 contemned. 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 on 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 to harsh call it submission, surrender, what you like, but for the sake of 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 is ascribed to party motives. Is not the Opposition exposed to the same charge? Is 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 the 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 of the South? They must remember that this 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 there was no constitutional mode of conducting it; that an army should be raised, but volunteering was impracticable and drafting was 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 satrap 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. Is it 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 I further provide that while that instrument may be amend-

ed 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 2,135,334. 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 1,000,000 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 gentlemen 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 complainants a twofold representation in his House.

One 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 such 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 \$800,000 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 discomfiture 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 can no longer screen themselves behind the "President's policy," words of indefinite meaning; when their aspersions 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 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] suggested 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. SHELBARGER] suggested that these States government 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 surrender. Objections have been raised to that theory also. Others still take the position that inasmuch as new Constitutions and new governments have been established in these States originating in an irregular or revolutionary manner, that it is the duty of Congress, under the fourth section of the Constitution, to see that they are republican in form, and in the discharge of that duty, require such conditions or guarantees as the safety of the Union, in their judgment, demands. This, too, is objected to.

An honorable gentleman from Pennsylvania at the other end of the Capitol, with some self conceit, as it seems to me, sets down all these reconstruction suggestions or theories as mere whimsies. He has a plan of his own to restore the Union and get rid of traitors. It is simple in theory and cheap in execution. He will execute it himself with only the aid of a constable. Whenever a rebel shows his head, he and his constable will pounce upon him like a Buchanan marshal on a flying negro. He will put him where no rebel ever went before with his consent—in the old Capitol prison. If the honorable gentleman really thinks that his plan is practicable, why does he not set about its execution? His intended victims swarm through the Capitol and the White House, and two or three dozen of them are asking admission to Congress. There are objections to this theory. Indeed it has been tried. It was Buchanan's plan for suppressing the rebellion, but it failed.

Now, sir, the theory of the Opposition, based upon the second and third sections of the first article of the Constitution, under which members from the rebel States are to be admitted to these Halls without our leave, is that the right of a State to representation cannot be forfeited or lost so long as these two sections remain unaltered. Is there no objection to this theory? Why, it conceals the right of representation during the whole war. Their members could have entered this Capitol at any time and voted as the interest of the confederacy required. If the war had lasted fifty years instead of four the right would have run through all that time. Nor would it have ceased if our armies had been overpowered and the confederacy left unvanquished. After one hundred years of separation, they might still vote for President and send members to Congress. Unless you admit the doctrine, of forfeiture, you cannot avoid this conclusion. Aside from this doctrine nothing but an amendment of the Constitution could deprive them of this right. But the Constitution could not be amended, because these eleven States are more than one fourth of the whole, and the assent of some of them would be necessary for an amendment; and to deprive them of Senators the assent of every one would be necessary.

The advocates of this theory, to avoid this result, concede that the right of representation would be forfeited by success. But how? The Constitution is not changed by the result of a battle. There it is, just as it was before. If they lost nothing by defeat would they by success? They lost nothing by Secession and they were successful war, you say, because these were unconstitutional. Can they lose anything then, by victory? would not that be unconstitutional also? "But we would acquiesce." Well suppose we should; would not acquiescence be unconstitutional and void? Where in the Constitution are we authorized to acquiesce in a division of the Republic? If their ordinance of secession was void would not our consent to it be equally void? If the ordinance was void can it be rendered more so by defeat or less so by victory? Some of the advocates of this theory, to avoid this reasoning concede that the right of representation is forfeited or suspended during "contumacy." This cruel word to characterize the great rebellion is not original with me. It is the word maliciously chosen by our conservative friends who are determined to make treason odious. I wish the printer to inclose it with inverted commas, that such severity of language may not be ascribed to me. But who is to decide when the suspension begins and when it ends? The State? If so, that is no suspension at all. A right that can be taken up and laid down at pleasure cannot be said to be suspended. Is Congress the judge? Then I submit that by secession from the United States, by the formation of a new confederacy, by four years of terrible war and five of scornful refusal, these States would become a little contumacious, and Congress would be justified in suspending their rights until the legislation necessary to make representation fair and equal could be agreed upon and passed. And that is all that anybody here proposes to do.

This appeal to the Constitution for authority to band the Government over to the unrepentant plotters of its destruction, is but a continuation of the policy pursued by the Opposition for the last five years. During that period they have raised a cry about the Constitution many times, but always in opposition to good measures or in advocacy of bad ones. When it was first proposed to coerce the rebellion and save the Union, and at every following step toward apparent success, they cried, "unconstitutional." It was unconstitutional to raise an army or march into the sacred soil of the South. It was unconstitutional to issue bills of credit to meet the expenses. It was unconstitutional to close a rebel port or arrest a rebel spy, to proclaim martial law in a rebel country, or to appoint a provisional governor for conquered Louisiana or abandoned Tennessee. Look back through the debates of the Opposition; there is nothing constitutional but slavery and rebellion, nothing so unconstitutional as coercion and emancipation. Judging from these debates, the Constitution was especially framed to repress liberty, punish fidelity to the Union, shield oppression, and honor treachery and great crime. These war measures are all unconstitutional now. Great light is thrown upon the Constitution by the surrender of Lee. The gleam of successful bayonets illumines the dark understanding of pro-slavery quibblers. But alas! the light of success shines only on the past. All the future is still unconstitu-

tional. The "unconstitutional" disunion, abolition war" is rendered constitutional by the victory of our soldiers, but the effort to secure to the country the fruits of that victory by appropriate legislation is unconstitutional as ever.

Here I close my defense of the republican policy of restoration. Shall that policy, be adopted? Not by this Congress it is said, because enough conservative republicans will unite with the opposition to defeat it. It is hoped that a Congress can be elected next fall which will repeal the test oath and admit the rebel States without guarantees or conditions of any kind and with a representation always excessive and now enlarged by emancipation. Without the enlargement (which will not be attained until after the next census) the eleven confederate states will have eighty votes in the Electoral College, controlled by the late insurgents, namely:

- Alabama.
- Arkansas.
- Mississippi.
- Texas.
- Louisiana.
- Florida.
- Georgia.
- North Carolina.
- South Carolina.
- Virginia.
- Tennessee.

They will need seventy-seven more to elect a President. Kentucky, Missouri, Maryland, and Delaware, States with strong confederate sympathies, will, it is claimed, furnish thirty-one, while the other forty-six can be made up by the Democrats of New Jersey, New York, and Connecticut. The classification of votes by which the President would thus be elected, would stand—confederates 80, semi-confederates 31, Democratic 48. This Presidential scheme will undoubtedly fail, and yet it is the only one that has the slightest chance of success. If the Union party can be beaten at all, it must be by this or some similar combination. Suppose it successful then, what would be the character of the new Administration? Four members of the Cabinet would belong to the eighty confederate votes and the other three to the seventy-seven from the northern and border States. All presidential appointments at home and abroad must be made on the same line of division.

If, as is alleged, this combination could also carry a majority of Congress, the confederates would have a majority of that majority, and in caucus (giving their allies the Clerk) would demand the Speakership and a majority of all committees, such as the Ways and Means, Claims, and Pensions, to which their peculiar interests might be referred. Pensions must then be surrendered or divided with confederate claimants; service in the Union Army would be an impediment to political success, and the Treasury, supplied by the industry and economy of the North, would be steadily absorbed in confederate demands. Then your creditors might court their worthless bonds and learn exactly how much it cost them to reclaim their fugitive masters. Then the pensionless widows and orphans of our valiant dead might bemoan in poverty and neglect the ingratitude of a Republic saved by a husband's and father's blood. And then our surviving soldiers must conceal their honorable scars to save a humble position in the capital they helped to preserve—for the enemy! Then, sir, we all see, feel, and realize what the Opposition, in different phraseology, constantly assert, that the object of the war was to force the rebels to become our rulers.

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