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UNITED STATES OF AMERICA.









# RECONSTRUCTION AND NEGRO SUFFRAGE.

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## S P E E C H

OF

# GOVERNOR O. P. MORTON,

AT RICHMOND, INDIANA,

ON THURSDAY EVENING, SEPTEMBER 29TH, 1865.

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At a meeting of the citizens of Wayne county, Indiana, at Richmond, on Thursday evening last, to receive a flag presented to them in behalf of the State, for having made the largest contributions of money and supplies to the Indiana Sanitary Commission, Governor Morton spoke as follows:

MR. PRESIDENT AND LADIES AND GENTLEMEN—Some six months ago this banner, which it is proposed to present to you, should have been given to the citizens of Wayne county, and especially to the citizens of Wayne township, as a testimonial of great esteem for the contributions they have made in behalf of the soldiers. The distinguished honor has fallen on Wayne county of having contributed more for the relief of the sick and wounded soldiers, in the field, to the Indiana State Sanitary Commission, than any other county in the State, and it was promised a long time ago, that to the county contributing the most, a banner should be presented as a testimonial of regard from the soldiers and the Sanitary Commission for such liberal contributions. As I have something, however, to say in regard to the general politics and condition of the country, I have been advised, upon consultation with my friends, to speak first of these subjects, and, at the conclusion of what I shall have to say, the presentation will take place.

### FAVORABLE CONDITION OF THE COUNTRY.

I desire, in the first place, to remark that to me the general condition of the country is most promising and favorable. I know there are those who take gloomy views of what is called the work of reconstruction, but to me the prospect seems highly encour-



aging. The war terminated suddenly, and the submission on the part of the people of the Southern States has been more complete, and sudden, than I had expected. From all I can learn, I believe that all ideas of secession and further resistance to the Government of the United States, or the continuance or re-establishment of the institution of slavery, are effectually and forever banished from the minds of the great majority of the Southern people. There is much exasperation of feeling down there, and there will be for months to come. There are many persons who take narrow views of this war, who, smarting under the humiliation of defeat, are deeply exasperated, and are uttering disloyal speeches, and making threats for the future; but for the great body of the Southern people, and especially that class of men who control Southern politics, I believe all further ideas of secession, or the establishment of the Southern Confederacy, are effectually banished, and that there is now no more danger of secession in South Carolina or Georgia, than there is in the State of Indiana.

We cannot expect that the people of the rebel States have come to love us, or that they will come to love us in a few years. We cannot expect that a people who have been so completely subjugated, that have so nearly lost everything they had, should come to love us, and live in harmony with us, in the length of time that has elapsed since the close of the war. But the great point now to be considered is the question whether there is any longer in the Southern States an intention to secede from the Union and resist the authority of the Government of the United States, or to establish a Southern Confederacy. I say I believe that that idea has been extinguished forever. Things have changed very much in the South from what they were before the war, and if there are those in the North who expect that parties will resume their old relations—that one of the parties of the North can ever sustain again to the South the relation which it sustained before the war began—if such expectations are cherished, they had better be banished at once and forever. Slavery, the tie that bound that party together, North and South, has gone, never to be restored, and instead of being but one party in the South, substantially as we had before the war, we shall hereafter have divided parties in the South, as hitherto we have had in the North, and I should not be surprised myself, if, in the course of a few years, the Southern States, such as South Carolina, Georgia, Alabama, and other States I might mention, should become the most radical States in the Union; and I should not be at all surprised if even the State of South Carolina should grant the right of suffrage to her colored population before Indiana does to hers.

PRESIDENT JOHNSON.

Mr. Johnson was elected by the Union party of this nation,



and is entitled to have that party support his Administration, unless he shall commit some important error, or shall depart, in some important and vital particular, from the principles upon which he was elected. An impression has gotten abroad in the North that Mr. Johnson has devised some new policy by which improper facilities are granted for the restoration of the rebel States, and that he is presenting improperly and unnecessarily hurrying forward the work of reconstruction, and that he is offering improper facilities for restoring those who have been engaged in the rebellion to the possession of their civil and political rights. It is one of my purposes here this evening to show that so far as his policy of amnesty and reconstruction is concerned, he has absolutely presented nothing new, but that he has simply presented, and is simply continuing the policy which Mr. Lincoln presented to the nation on the 8th of December, 1863. Mr. Johnson's Amnesty Proclamation differs from Mr. Lincoln's in some restrictions it contains, which Mr. Lincoln's did not contain. His plan of reconstruction is absolutely and simply that of Mr. Lincoln, nothing more or less, with one difference only, that Mr. Lincoln required that one-tenth of the people of the disloyal States should be willing to embrace his plan of reconstruction, whereas Mr. Johnson says nothing about the number, but, so far as it has been acted upon yet, it has been done by a number much greater than one-tenth.

I believe the one thing that has contributed more to cast suspicion upon Mr. Johnson's plan than anything else, is the fact that it has been, to a great extent, indorsed by the Democratic party. That may be regarded by very many as a suspicious circumstance, but I am sure Mr. Johnson is not responsible for it. The Democratic party could not live another year upon the policy on which they have been acting—the policy of opposition to the war, and against the suppression of an insurrection aimed at the life of the Government. Now that the cause of the Union has triumphed, the Democratic party finds that it can no longer stand upon its old ground; and hence in New York, in the recent Democratic convention, they not only adopted a Union platform, but with one single exception they nominated Republicans for the offices, and that exception was John Van Buren, who had been everything by turns and nothing in particular.

#### JOHNSON AND LINCOLN COMPARED.

I propose for a few moments to contrast the plan of reconstruction adopted by Mr. Johnson with that proposed by Mr. Lincoln in 1863, and we shall find several very important consequences, at least so far as the public mind is concerned, to flow from this comparison. Mr. Lincoln, in his policy of reconstruction presented to Congress in his message of December 8, 1863, prescribed an oath of allegiance to be taken by those who were entitled to take it under the proclamation. I propose to read that oath, and

contrast it with the one which Mr. Johnson's proclamation requires. It is in the following language:

"I do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will in like manner abide by and faithfully support all acts of Congress passed during the existing rebellion, with reference to slaves, so long and so far as not repealed, modified or held void by Congress, or by decision of the Supreme Court, and that I will in like manner abide by and faithfully support all proclamations of the President made during the existing rebellion, so long and so far as not modified or declared void by the decision of the Supreme Court, so help me God."

That is Mr. Lincoln's oath, as prescribed in his proclamation. I will now read Mr. Johnson's oath, and you will find it is more stringent than Mr. Lincoln's, inasmuch as he leaves out this clause: "So long and so far as not modified or declared void by the decision of the Supreme Court." Mr. Lincoln's oath was objected to because it was said it might perhaps leave room for mental reservations referring to the action of Congress and the Supreme Court. Mr. Johnson's oath says:

"I do solemnly swear or affirm, in the presence of Almighty God, that I will henceforth faithfully defend the Constitution of the United States and the Union of the States thereunder, and that I will in like manner abide by, and faithfully support, all the laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves—so help me God."

Mr. Johnson required that oath to be taken, leaving out the provision Mr. Lincoln made, which was said by many to weaken it. Mr. Lincoln excluded certain classes of persons from the benefit of his amnesty. I shall read in your hearing the classes of persons whom Mr. Lincoln would not permit to take the oath, nor have the benefit of amnesty, except as they might first receive special pardon from him. They were:

"1. All who are, or shall have been, pretended civil or diplomatic officers or otherwise, or domestic or foreign agents of the pretended Confederate government.

"2. All who left judicial stations under the United States to aid the rebellion.

"3. All who shall have been military or naval officers of said pretended Confederate government, above the rank of Colonel in the army or Lieutenant in the navy.

"4. All who left seats in the Congress of the United States to aid the rebellion.

"5. All who resigned or tendered resignations of their commis-

sions in the army and navy of the United States, to evade their duty in resisting the rebellion.

“6. All who have engaged in any way in treating otherwise than lawfully as prisoners of war, persons found in the United States service, as officers, soldiers, seamen, or in any other capacity.”

Mr. Johnson, in his Amnesty Proclamation, first makes the same exceptions that Mr. Lincoln does, and in the same language, and he afterwards goes on to specify eight other classes whom he excludes from the benefit of the Amnesty, which I will now read. I will commence in Mr. Johnson's Proclamation where he leaves off quoting from Mr. Lincoln's:

“7. All persons who have been or are absentees from the United States for the purpose of aiding the rebellion.

“8. All military or naval officers in the rebel service who were educated by the Government in the military academy at West Point, or at the United States Naval Academy.

“9. All persons who held the pretended offices of Governors of States in insurrection against the United States.

“10. All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military lines into the so-called Confederate States, for the purpose of aiding the rebellion.

“11. All persons who have engaged in the destruction of the commerce of the United States upon the high seas, and all persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States.

“12. All persons who, at the time when they seek to obtain the benefit thereof, by taking the oath herein prescribed, are in military or civil confinement or custody, or under bond of the military or naval authorities or agents of the United States, as prisoners of war, or persons detained for offenses of any kind, either before or after their conviction.

“13. All persons who have voluntarily participated in said rebellion, and the estimate value of whose taxable property is over twenty thousand dollars.

“14. All persons who have taken the oath of amnesty as prescribed in the President's proclamation of December 28, or the oath of allegiance to the Government of the United States since the date of said proclamation, and who have not thenceforward kept and maintained the same inviolate; provided, that special application may be made to the President for pardon by any person belonging to the excepted classes, and such leniency will be liberally extended as may be consistent with the facts and the peace and dignity of the United States.

“The Secretary of State will establish rules and regulations for



administering and recording said amnesty oath, so as to insure its benefit to the people, and to guard against fraud.

“In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.”

#### MR. LINCOLN'S PLAN.

So that Mr. Johnson has restricted from taking the oath eight classes permitted by Mr. Lincoln, and so far his plan is more stringent than Mr. Lincoln's was. Mr. Lincoln, in his plan of reconstruction, declared all persons should have the right to vote for delegates to the conventions which might be called in the States to form State constitutions, who had taken the oath prescribed by him, and who were lawful voters according to the laws of the State in which they resided before the passage of the ordinance of secession. Mr. Johnson has made precisely the same condition. Mr. Lincoln provided for the appointment of Provisional Governors, giving to them the power of calling State conventions, with a view of forming State constitutions, for the purpose of being received back into full practical relations with the Government. Mr. Lincoln did the same. Each required that the constitutions thus formed should be republican in form. Mr. Lincoln put forth no requirement or condition that was not equally contained in Mr. Johnson's proclamation. Their plans of amnesty and reconstruction cannot be distinguished from each other, except in the particulars I have already mentioned, that Mr. Johnson restricts certain persons from taking the oath, unless they first have a special pardon from him, whom Mr. Lincoln permitted to come forward and take the oath without it; and in the further difference before mentioned, that Mr. Lincoln required one-tenth of the people of the State to show a willingness to take the oath, while Mr. Johnson has said nothing whatever about that. This was Mr. Lincoln's favorite policy. It was presented by him to Congress, on the 8th of January, 1863, accompanied by a message. In the course of the next year, 1864, on several occasions, Mr. Lincoln distinctly presented, again and again, this policy of amnesty and reconstruction, to the people of the South. It was his settled and favorite policy at the time he was nominated for re-election by the Union Convention at Baltimore, last summer; and in that convention the party sustained him, and strongly indorsed his whole policy, of which this was a prominent part. Mr. Lincoln was triumphantly and overwhelmingly elected upon that policy and soon after his election, in December, 1864, in his last annual message to Congress, he again brings forward this same policy of his, and presents it to the nation. And again, on the 12th of April, only two days before his death, he referred to and presented this policy of amnesty and reconstruction. That speech may be called his last speech, his dying words to this people, and I desire to refer to it. You remember the occasion. It was after Rich-

mond had been evacuated. It was the day after they had received the news of Lee's surrender. Washington City was illuminated. A large crowd came in front of the White House and Mr. Lincoln spoke to them from one of the windows. He referred to the organization of Louisiana under his plan of amnesty and reconstruction, and, in speaking of it, he gave the history of his policy. He said:

"In my annual message of December, 1863, and accompanying the proclamation, I presented a plan of reconstruction, as the phrase goes, which I promised, if adopted by any State, would be acceptable, and sustained by the Executive Government of the nation. I distinctly stated that this was a plan which might possibly be acceptable, and also distinctly protested that the Executive claimed no right to say when or whether members should be admitted to seats in Congress from such States.

#### REBELS CAN NOT HOLD OFFICE.

I want to make one remark right here. It is said, that under Mr. Johnson's policy of reconstruction, the men who originated and carried on the rebellion can be returned to seats in Congress as Senators and Representatives. The gentlemen who talk that way forget that on the 2d of July, 1862, Congress passed an act, which has never been repealed, and is now in full force and effect, prohibiting any person from holding any Federal office, high or low, great or small, who has directly or indirectly been concerned in this rebellion, and there is no danger of the rebel leaders going into Congress, unless the members of that body shall prove recreant to their trust and fail to enforce a law now unrepealed upon the statute books. Mr. Lincoln referred to the act of Congress, and said distinctly, that he claimed no power to influence the admission of members of Congress, and no power to bring forward a man and put him in office who had been disfranchised and rendered ineligible by an act of Congress. Mr. Johnson has never for a moment claimed that he could do such a thing. The act of Congress was binding upon Mr. Lincoln, and it is no less binding upon Mr. Johnson, and it has not been proposed by the plan of either to interfere with the operation of a statute, or bring any man into Congress or into the possession of any Federal office who has been made ineligible by law.

#### MR. LINCOLN AGAIN.

"This plan," says Mr. Lincoln, speaking of his plan of reconstruction—

"The plan was, in advance, submitted to the Cabinet, and approved by every member of it. One of them suggested that I should then apply the Emancipation Proclamation thereto, ex-

cept in parts of Virginia and Louisiana, and that I should drop the suggestion about apprenticeship for freed people, and that I should omit the protest against my own power in regard to admission of members of Congress, but even he approved every part and parcel of the plan which has since been employed or touched by the action of Louisiana."

Here Mr. Lincoln, just before his death, gives the history of his plan of reconstruction. He says it was submitted to every member of his Cabinet—and who were the members of his Cabinet at that time? Chief Justice Chase, Edwin M. Stanton and William H. Seward were among them, and surely the indorsement of such men as these must give additional weight to any measure. Mr. Lincoln goes on:

"The new Constitution of Louisiana, declaring emancipation for the whole State, practically applies the proclamation to that part previously exempted. It does not adopt apprenticeship for freed people, and is silent, as it could not well be otherwise, about the admission of members to Congress. As it applied to Louisiana, every member of Congress fully approved the plan of the message. I received many commendations of the plan, written and verbal, and not a single objection from any professed emancipationist, until after news was received at Washington that the people of Louisiana had begun to move in accordance with it, from about July, 1864."

In conclusion, upon this subject, he used the following language:

"Such has been my only agency in the Louisiana movement. My promise is made, as I have previously stated, but as bad promises are better broken than kept, I shall treat this as a bad promise, and break it whenever I shall be convinced that keeping it is adverse to the public interest. But I have not yet been so convinced."

Now we find Mr. Lincoln, just before his death, referring in warm and strong terms to his policy of amnesty and reconstruction, and giving it his indorsement, giving to the world that which had never been given before—the history of that plan and policy—stating that it had been presented and indorsed by every member of that able and distinguished Cabinet of 1863. Mr. Lincoln may be said to have died holding out to the nation his policy of amnesty and reconstruction. It was held out by him at the very time the rebels laid down their arms.

Mr. Lincoln died by the hand of an assassin, and Mr. Johnson came into power. He took Mr. Lincoln's Cabinet as he had left it, and he took Mr. Lincoln's policy of amnesty and reconstruction as he had left it, and as he had presented it to the world only two days before his death. Mr. Johnson has honestly and faithfully attempted to administer that policy, which had been bequeathed by that man around whose grave a whole world has gathered as mourners.



I refer to these facts for the purpose of showing that Mr. Johnson's policy is not a new one, but that he is simply carrying out the policy left to him by his lamented predecessor—a policy that had been indorsed by the whole nation in the re-election of Mr. Lincoln, and had been promulgated to the whole world nearly one year before the time of his last election.

#### THE HENRY WINTER DAVIS BILL.

I want to remark one thing more upon that subject. I want to refer to the action of Congress in reference to the question of reconstruction. You will remember that some time in the month of April, Henry Winter Davis, a very distinguished Congressman, from Maryland, introduced a bill called the Winter Davis bill. It provided a plan for the reconstruction of the rebel States, to bring them back into practical relations with the Government. It differed from the plan of Mr. Lincoln's in some important respects, one of which was that, in electing delegates to the State Convention that was to reorganize the State Government, he allowed no man to vote who had been concerned in the rebellion in any way. I want to call your attention very briefly to that bill, and show you how far Congress was committed by its own direct action to the main points in Mr. Johnson's policy of reconstruction. This bill, a copy of which I have here, provided for the appointment of Provisional Governors in these States, just as Mr. Lincoln's plan had done, and as Mr. Johnson now does. It provided that these provisional governors might call State Conventions for the purpose of forming State Constitutions, and in this particular, also, it conformed to Mr. Lincoln's plan. It then went on to define the question of the right of suffrage for delegates to these conventions. It provided that the delegates shall be elected by the loyal white male citizens of the United States of the age of twenty-one years, and resident at the time in the county, parish or district, in which they shall offer to vote.

#### CONGRESS OPPOSED TO NEGRO SUFFRAGE.

I call your attention to the fact that Congress itself, only a little over a year ago, when it assumed to take the whole question of reconstruction out of the hands of the President—expressly excluded the negro from the right of suffrage in voting for the men who were to frame the new constitutions for the rebel States. Not only that, but it went on to state what the constitutions should contain, and provided that if the constitutions to be formed by these conventions should conform to the provisions of this bill, then those States should be entitled to come back at once. What were these conditions? They only required that the constitution should contain three things: first, it shall contain a provision to the effect that no person who has held or exercised any office, civil or

military, except offices merely ministerial, and military offices below the grade of Colonel, State or Confederate, under the usurping power, shall vote for, or be a member of, the Legislature, or Governor. In other words, the bill required that these conventions should exclude from the right of suffrage in the South all persons who had been in the rebel army above the rank of Colonel, thereby conceding, very plainly, that they might give the right of suffrage to all persons below that rank. The bill provides, secondly, that involuntary servitude must be forever prohibited, and the freedom of all persons guaranteed in such States; and that no debt or obligation created by or under the sanction of the usurping power, shall be recognized or paid by the State.

These were all the conditions that were imposed upon the constitutions to be framed under the Henry Winter Davis bill. It simply required, if you please, that the constitution of South Carolina should not give the right of suffrage to any man who had held office in the rebel army above the rank of Colonel; that involuntary servitude should be abolished, and that they should not assume any Confederate debt; but it did not require that any provision be made to confer the right of suffrage upon the negro at any time. It did not require that they should make provision for the education of the negro, or for giving him the right of testifying in courts of justice, or for preserving, in any particular way, what may be called his civil rights. Mr. Lincoln, as you remember, refused to sign that bill. He put it in his pocket. Though it had received a majority in both Houses, being passed in the House by a vote of seventy-four to sixty-six, and by a much larger vote in the Senate, it failed to become a law. Some of you may, perhaps, remember the angry manifesto put forth, in consequence of Mr. Lincoln's course in that matter, by Mr. Davis and Mr. Wade, and you will not forget that the result was to create strife and division in the ranks of the Union party.

#### JOHNSON AND LINCOLN AGAIN.

If Mr. Lincoln had not refused to sign that bill, there would today be an act of Congress on the statute books absolutely prohibiting negroes from any participation in the work of re-organization, and pledging the Government in advance to accept of the constitutions that might be formed under the bill, although they made no provision for the negro beyond the fact of his personal liberty. If that bill had become a law, and the rebel States had formed their constitutions under it, simply guaranteeing the negro his personal liberty, but making no provision for suffrage or any other rights, they could present their members of Congress and you could not keep them out, except by trampling on one of the acts of Congress. But Mr. Lincoln refused to sign it, giving his reason for doing so, and it is only another act for which we ought to thank him. So that while Mr. Lincoln did not require negro suffrage in

his plan of reconstruction, we here have a solemn act of Congress absolutely prohibiting the negro from any participation in the reconstruction of the Southern States. Now, how is it with Mr. Johnson? Mr. Lincoln required that they should come back to the Union with constitutions free from slavery. Mr. Johnson has said so time and again—he said it to the South Carolina delegation. He said to the Freedmen's delegation: "It is one condition of the re-admission of these States that slavery shall be forever extinguished, and that the rights of the freedmen shall be preserved and respected." I am very glad to see that many of the Southern States are making commendable progress in this matter of the abolition of slavery. I see that the convention in Alabama has adopted, by eighty-three to three, a provision forever abolishing and prohibiting slavery in that State—and not only so, but requiring the Legislature to make provision for the protection of the freedmen in the enjoyment of their civil rights. [Applause.]

#### NEGRO SUFFRAGE.

I come now to speak more properly on the subject of negro suffrage. The Constitution of the United States has referred the question of suffrage to the several States. This may have been right, or it may have been wrong. I merely speak of the subject as it stands, and say that the question of suffrage is referred by the Constitution to the several States. It first provides that such persons as had a right to vote by the laws of the State for a member of the most numerous branch of the State Legislature, should have a right to vote for members of Congress. It then, in another provision, declares that the State may, in any manner they may see proper, appoint or elect their Presidential Electors, so that the whole question of suffrage has, by the Constitution, from the beginning, been referred to the several States. Now, it has been proposed by some to avoid the operation of this provision by excluding members of Congress from the Southern States until such time as they shall incorporate negro suffrage in their State constitutions—to say to them—"We will keep you out of your seats until such time as the State from which you come shall amend its constitution so as to provide for negro suffrage."

#### "CONQUERED PROVINCES."

This is one way in which to avoid the force of the constitutional provisions. There is another plan, and that is the theory which regards these States as being out of the Union, and holding them as conquered provinces, subject to the jurisdiction of Congress like unorganized territory; saying that Congress has the power to provide for calling conventions in these States just as in the Territory of Dacotah, and may prescribe the right of suffrage, and determine who shall vote in electing delegates to these conventions, just as in



the Territory Dacotah; that it may then determine whether it will accept the constitution offered, as might be determined in the case of any other Territory.

I will not stop to argue this question at length, but I will say this, that from the beginning of the war up to the present time, every message of the President, every proclamation, every state paper, and every act of Congress, has proceeded upon the hypothesis that no State could secede from the Union; that once in the Union, always in the Union. Mr. Lincoln in every proclamation, went on the principle that this war was an insurrection — a rebellion against the Constitution and laws of the United States; not a rebellion of States, but a rebellion of the individuals, the people of the several Southern States, and every man who went into it was personally and individually responsible for his acts, and could not shield himself under the action or authority of his State. He went on the principle that every ordinance of secession, every act of the legislatures of the rebel States in that direction, was a nullity, unconstitutional and void, having no legal force or effect whatever, and that as these States were according to law, in the Union, their standing could not be affected by the action of the people — that the people of these States were personally responsible for their conduct, just as a man is responsible who violates the statute in regard to the commission of murder, and to be treated as criminals, just as the authorities thought proper — that the people of a State can forfeit their rights, but that so far as their action is concerned, in a legal point of view, they had no power to affect the condition of the State in the Union. Every proclamation and every act of Congress have proceeded upon this hypothesis. Mr. Buchanan started out with the proposition that this was a rebellion of States. He said we could not coerce a State. Our reply was, we have nothing whatever to do with States, we will coerce the people of the States, holding every man responsible for his conduct.

This was our answer to Mr. Buchanan. Upon this hypothesis we have just put down the rebellion. But it is now proposed by some that we shall practically admit that the Southern States did secede — that they did go out of the Union — that the work of secession was perfect, was accomplished — that the States are out of the Union, that a government *de facto* was established, and that we now hold these States as conquered provinces, just as we should hold Canada if we were to invade it and take possession of it. As a consequence of this doctrine, Jeff. Davis cannot be tried for treason, not because he is not a traitor — not a violator of the law, but the head of a government *de facto* — the ruler of a conquered province, and we have no more power to try him for treason than we would to try the Governor of Canada, for such an offence, in case he should fall into our hands during a hostile invasion of his territory. That is what this doctrine leads

to. It leads to a thousand other evils and pernicious things never contemplated in the nature of our government.

#### THE REBEL DEBT.

Another consequence which would flow from the admission of that doctrine, (and I propose to argue that at some other time,) would be that we would be called upon to pay the rebel debt. If we admit that these States were out of the Union for one moment, and were to be regarded in the light of belligerents, it would be insisted upon at once that when we took them back we took them with their debts, as we would take any other conquered province or State. I do not propose to argue that question any further at this time.

#### COLONIZATION.

The question of negro suffrage is one which threatens to divide us to some extent, and is surrounded with many practical difficulties. I reject in advance all schemes of colonization, as they are impracticable, whether upon this continent or any other continent. We have no right to insist upon colonizing the negro. He is an American, born in this country, and he has no other country. When he desires to emigrate he has a perfect right to do so, but his emigration must depend upon his own volition. I believe that the time will come when every man in the country, white and black, will have the right of suffrage, and that suffrage should not depend upon color—that there is nothing in that which should make a distinction. I believe that in the process of years, every man, whatever his color, whether in Indiana or in South Carolina, will come to enjoy political rights. [Applause.]

#### NEGRO SUFFRAGE.

The right to vote carries with it the right to hold office. You cannot say that the negro has a natural right to vote, but that he must vote only for white men for office. The right to vote carries with it the right to be voted for. When that right is conferred, you can make no discrimination, no distinction against the right to hold office, and the right to vote in a State carries with it the right to vote for President and members of Congress, and for all Federal officers. The right of suffrage being conferred in South Carolina, for State purposes, under our Constitution, as I have before pointed out, carries with it the right to vote for President and Vice President and members of Congress.

#### THE CONDITION OF THE NEGRO.

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 millions 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. Let us consider for one moment the condition of these people in the Southern States. You cannot judge of the general condition of the freedmen and negroes upon the plantations by what we hear of the schools established at Hilton Head, Norfolk and other places, where a few enthusiastic and philanthropic teachers are instructing the negroes. I have no doubt many of them are making rapid progress, but these are only as one in many thousands. Ninety-nine out of every hundred of the negroes in the South live on the plantations, and you cannot judge of the condition of the great mass by those who live in the towns. You must consider the condition of the whole mass. What is that condition? Perhaps not one in five hundred—I may say one in a thousand—can read, and, perhaps, not one in five hundred is worth five dollars in property of any kind. They have no property, personal or real. They have just come from bondage, and all they have is their own bodies.

Their homes are on the plantations of these men, and they must depend for subsistence on the employment they receive from them. Look at their condition. As I said before, only one in five hundred that can read—many of them until within the last few months never off the plantation; most of them never out of the county in which they live and were born, except as they were driven by the slave-drivers. Can you conceive that a body of men, white or black, who have been in this condition, and their ancestors before them, are qualified to be immediately lifted from their present state into the full exercise of political power, not only to govern themselves and their neighbors, but to take part in the Government of the United States. Can they be regarded as intelligent or independent voters? The mere statement of the fact furnishes the answer to the question. To say that such men—and it is no fault of theirs, it is simply their misfortune, and the crime of the nation—to say that such men, just emerging from this slavery, are qualified for the exercise of political powers, is to make the strongest pro-slavery argument I ever heard. It is to pay the highest compliment to the institution of slavery.

What has been our practice for many years? We have invariably described slavery as degrading to both the body and the soul. We have described it as bringing human beings down to the level of the beasts of the field. We have described it as a crime, depriving the slaves of intellectual and moral culture, and of all the gifts which God has made the most precious. If we shall now turn round and say that this institution has been a blessing to the negro instead of a curse; that it has qualified him for the right of suffrage, and the exercise of political power, we shall



stultify ourselves, and give the lie to those declarations upon which we have obtained political power.

#### INDIANA AND THE NEGROES.

Let me inquire for a single moment, in what condition is Indiana to urge negro suffrage in South Carolina, or in any other State? Let us consider the position we occupy. We have, perhaps, twenty-five thousand colored people in this State. Most of them can read and write; many of them are very intelligent and excellent citizens, well to do in the world, well qualified to exercise the right of suffrage and political power. But how stands the matter? We not only exclude them from voting, we exclude them from testifying in the courts of justice. We exclude them from our public schools, and we make it unlawful and a crime for them to come into the State of Indiana at any time subsequent to 1850. No negro who has come into our State since 1850, can make a valid contract; he cannot acquire title to a piece of land, because the law makes the deed void, and every man who gives him employment is liable to prosecution and fine. I sent out the 28th Indiana colored regiment, recruited with great difficulty and at some expense. It has been in the field two years. It has fought well on many occasions, and won the high opinion of officers who had seen it. We got credit on our State quota for every man who went out. Yet, according to the constitution and laws of Indiana, more than one-half of the men in that regiment have no right to come back again, and if they do come back they are subject to prosecution and fine; and any man who receives them, or employs them, is also liable to punishment. Now, can Indiana, in this condition—with twenty-five thousand colored men in her borders, to whom she denies suffrage and political power, and almost all civil rights—with what face, I say, can Indiana go to Congress and insist upon giving the right of suffrage to the negroes in the Southern States? If her Congressmen ask to do this, they will naturally be asked in turn, what have you done with these people in your own State? You have had them for many years. You have long had an opportunity to make this issue as to whether they ought to have these rights. Their mental and moral condition is much superior to that of the great mass of the freedmen in the Southern States.

What have you done? You have done nothing. I ask you, what would be the moral strength of any politician presenting these questions in Congress? I ask how any member of Congress from Indiana, who has not made the issue at home, can present himself, and urge the right of Congress to enfranchise the negroes in the Southern States? It may be said there are only a few of them in Indiana, and it is not important. But if the few who are here have a right, moral or natural, to the franchise, when you refuse it to the few you refuse it to all. When you refuse it to

twenty-five thousand, you violate sound principles just as much as if you refuse it to five millions. I tell you, these Northern States can never command any moral force on that subject until they shall first be just to their negroes at home.

#### MR. SUMNER'S VIEWS CONSIDERED.

I now come to the consideration of the question of the admission of negroes to the right of suffrage. I will consider more particularly the plan of Mr. Charles Sumner, a man of great ability, and one whom I consider a very pure man. I will read from a speech Mr. Sumner recently made at a State convention in Worcester, Massachusetts. I will read copious extracts from that speech for the purpose of showing his position. I refer to his speech simply because I regard him as the most perfect and able representative of that class of men who are opposed to the policy of President Johnson on that subject, and I refer to it for no other purpose. He says:

“Meanwhile, we must follow Congress in the present exclusion of all the rebels from political power. They must not be voted for, and they must not vote. On this principle I take my stand. Let them buy and sell; let them till the ground; and they may be industrious and successful. These things they may do; but they must not be admitted at once into the co-partnership of our Government.”

I do not like that word “co-partnership.” We are not a co-partnership, but a nation.

“As well might the respectable Mr. Ketchum reinstate his son at once in the firm which he has betrayed, and invest him again with all the powers of a co-partner. The father received the son with parental affection, and forgave him; but he did not invite the criminal to resume his former desk in Wall street. And yet, Edward Ketchum, who had robbed and forged on an unprecedented scale, is as worthy of trust in the old banking house as our rebels in the Government of the country. A long probation will be needed before either can be admitted to his former fellowship. The state of outlawry is the present condition of each, and this condition must not be hastily relaxed.”

Then he goes on to discuss one or two other questions. Again:

“In obtaining guarantees we must rely upon acts rather than professions, and light our footsteps by the ‘lamp of experience.’ Therefore we turn from recent rebels to constant loyalists. This is only ordinary prudence. As those who have fought against us should be disfranchised, so those who have fought for us should be enfranchised, and thus a renovated State will be built secure on an unflinching and natural loyalty. For awhile the freedmen will

take the place of the master, thus verifying the saying that the last shall be first and the first shall be last. In the pious books of the East, it is declared that the greatest mortification at the day of judgment will be when the faithful slave is carried into Paradise, and the wicked master sent to hell; and this same reversal of conditions appears in the gospel when Dives is exhibited as suffering the pains of damnation, while the beggar of other days is sheltered in Abraham's bosom."

And again: "All these guarantees should be completed and crowned by an amendment to the Constitution of the United States, especially providing that hereafter there shall be no denial of the electoral franchise, or any exclusion of any kind, on account of color or race, but all persons shall be equal before the law. At this moment, under a just interpretation of the Constitution, three-fourths of the States, actually co-operating in the National Government, are sufficient for this change. The words of the Constitution are that amendments shall be valid to all intents and purposes, when ratified by three-fourths of the Legislatures of the several States, or, according to practical sense, by three-fourths of the States that have Legislatures. If a State has no Legislature, it cannot be counted in determining this quorum, as it is not counted in determining the quorum of either House of Congress, where precisely the same question occurs. Any other interpretation recognizes the rebellion, and plays into its hands by conceding its power, through rebellious contrivance, to prevent an amendment to the Constitution essential to the general welfare."

In other words, Mr. Sumner's proposition is this, that all persons who have been connected with this rebellion shall be excluded from the right of suffrage and from all political power for an indefinite time, and that the negroes of the rebel States shall be enfranchised, and have full and equal political powers conferred upon them. That is Mr. Sumner's broad proposition. I am sure I have stated it fairly. Let us consider for a very few minutes what would be the adoption of this policy. If you exclude from the right of suffrage every man who has been concerned in the rebellion, you will, except, perhaps, in the States of Tennessee and Louisiana, exclude twenty out of every twenty-one white men in the Southern States. That will be about the average. In some the disproportion would be greater, but we may safely say, that omitting Tennessee and Louisiana, that policy would exclude twenty out of twenty-one, giving you only one white vote out of every twenty-one male adult inhabitants of the Southern States.

#### COLORED STATE GOVERNMENTS.

If you enfranchise all the negroes in these States, you will have at least twenty negro votes to one white vote, and in the work of reconstructing the States of South Carolina, Alabama and Florida,



you would have a larger proportion—perhaps thirty colored votes to one white vote. Now, I ask you what is to be the effect of that? The first effect will be to erect colored State governments. Under such a condition of things, the negro would no more vote for a white man, than you would vote for a black man. They would no more elect a white man than you would elect a black man. Human nature is the same, whether in a white or colored skin. There could be nothing that would confer more pleasure upon a man of that race, of course, than the elevation to political power of a man of his own race and color. Having secured power, they would retort upon us that which we have so steadily practiced upon them. If you give them the votes, they will elect men of their own color. And we would have no right to blame them. We would rather think badly of them if they did not. I would ask you if the negroes of Hayti, or any other place where they are in the majority, have ever elected a white man to office? Under Mr. Sumner's plan, you will give them an overwhelming majority in every one of these States, and you will give them the political power of the South. That they will exercise that power by electing men of their own color, is absolutely certain. Believing that human nature is the same under different complexions—that the negroes are not differently constituted from ourselves, and that they have like passions with us, we cannot doubt how this power will be exercised.

Some will say that if they can find colored men qualified, all right. There are enough colored men of education in the North to go to the South and fill every office there, and I have no doubt they stand ready to do it. Here we deny to them almost every right, except that of mere personal liberty, and it is so in Illinois and some other of the Northern States; and when you present to them the prospect of holding the highest offices in the gift of the people of the Southern States, rest assured they will embrace it. They will have colored Governors, and colored members of Congress, and Senators, and Judges of the Supreme Court, &c. Very well; and suppose they do send colored Senators and Representatives to Congress. I have no doubt you will find men in the North who will be willing to sit beside them, and will not think themselves degraded by doing so. I have nothing to say to this. I am simply discussing the political effect of it. In every State where there is a colored State Government, a negro for Governor, and a negro for Supreme Judge, white emigration will cease. There will be no more white emigration to any such State. You can't find the most ardent anti-slavery man in Wayne county who will go and locate in a State that has a colored State government. You will absolutely shut off at once, and effectually, all emigration from the Northern States, and from Europe too, whenever that event shall happen. Thus they will remain permanently colored States in the South. The white men who are now there would remove from them, and would not remain under such dominion.

## COLORED BALANCE OF POWER.

Very well, say some, that is all very well, if we can get the negro to go there. But let me say that in such case the colored States would be a balance of power in this country. I ask, is it desirable to have a colored State government? I say it is not. It is not, for many reasons. One reason is, that such States would continually constitute a balance of power. They would be bound together by the strongest tie that ever binds men together—the tie of color and of race—the tie of a down-trodden and despised race. As three hundred thousand slave-holders, by a common tie, were able to govern this nation for a long time, so four millions of people, bound together by a much stronger tie—despised by the whole world as they have been—would constantly vote and act together, and their united vote would constitute a balance of power that might control the Government of the nation.

I submit, then, however clearly and strongly we may admit the natural rights of the negro—I submit it to the intelligence of the people—that colored State governments are not desirable; that they will bring about results that are not to be hoped for; that finally they would threaten to bring about, and, I believe, would result in a war of races.

## THE SOLUTION OF THE DIFFICULTY.

Now the question comes up, how can this thing be avoided, and yet confer upon the negro his rights? Well, if I had the power, I will tell you how I would avoid it. I believe it will be the way in which it will be ultimately worked out, for I believe the time will come when these rebel States will confer upon the negroes the right of suffrage. If I had the power, I would arrange it in this way: I would give these men, just emerged from slavery, a period of probation and preparation; I would give them time to acquire a little property, and get a little education, time to learn something about the simplest forms of business, and prepare themselves for the exercise of political power. At the end of ten, fifteen or twenty years, let them come into the enjoyment of their political rights. By that time, these Southern States will have been so completely filled up by emigration from the North, and from Europe, that the negroes will be in a permanent minority. Why? Because the negroes have no emigration—nothing but the natural increase—while we have emigration from all the world, and natural increase besides. Thus, by postponing the thing only until such time as the negroes are qualified to enjoy political rights, the dangers I have been considering, would have fully passed away. Their influence would no longer be dangerous in the manner I have indicated, and a conflict of races would not be more likely to happen there, than it now is in Massachu-

setts. In Massachusetts the negroes have exercised' political rights for twenty-five years, and yet there has been no disturbance there—no conflict of races. Why? Because the negroes have been in the minority. They can not elect a man of their own color to any office, to bring up that prejudice of race. I believe what I have stated will be the way in which the question will work itself out. But, under the policy of Mr. Sumner, we are to exclude twenty out of every twenty-one white men in the Southern States, and bring forward colored voters to fill the places of those excluded. The inevitable results of that policy would be to establish colored State governments, and a colored balance of power in this Republic, a thing which I think most desirable to avoid.

#### REPRESENTATION ACCORDING TO VOTERS.

There is another thing that will help to bring about this great result; that is, another amendment to the Constitution, which is easier to adopt than the one proposed by Mr. Sumner—one which I believe will meet with the general concurrence of the people. That is, to amend the Constitution so as to apportion the political powers of the States, not by population, but according to the number of voters, white or black. The effect of that will be to drive these Southern men by degrees to enfranchise their negroes for the purpose of increasing their power in Congress. I would like to see the politician that can stand up and oppose that amendment. These negroes will not have political rights conferred upon them, and the North will never consent that the white men of the South shall exercise double political power, by reason of their disfranchised negroes. There must be equality of our political power. Heretofore, three fifths of the negro population have been represented in Congress. That clause was put into the Constitution because of the existence of slavery. Now there is no reason, political or otherwise, why representation and political power should not be determined by the number of legal and actual voters. The proposition I refer to will drive these men to confer suffrage on their negroes for the purpose of extending and enlarging their political power.

#### POLITICAL PARTIES.

Perhaps I am extending my remarks upon general topics further than I ought, but I want to say a few words in regard to political parties. I want to say, first and foremost, in regard to this party calling itself Democratic, that it is not entitled to the confidence of the public in any respect. It is thoroughly tainted and saturated with the virus of this rebellion. It broke the National faith in 1854, by the repeal of the Missouri Compromise. It took steps in advance, throughout the Administration of Mr.



Buchanan, for the purpose of bringing on this rebellion. Mr. Buchanan and his party supporters in Congress, in the winter of 1861, proclaimed to the world that there was no power to coerce a State; no power to suppress the rebellion. They declared that these States might proceed without molestation in the work of disintegration and destruction of the nation. This Democratic party encouraged the rebellion by assuring rebels in the South that there would be no resistance offered on the part of the North to their work of secession. It opposed enlistments; it opposed conscription; it opposed taxation for the support of the Government; it depreciated the national currency; it encouraged foreign nations to intervene; it formed base conspiracies in the North, and sought to introduce the horrors of civil war into our homes here, and as the great crowning act of wickedness, at Chicago, last summer, that party there proclaimed, in its National Convention, that the war was a failure, and called upon the Government and the nation to abandon it. I ask if such an organization as this is entitled now to receive public confidence? They may now attempt to change their professions, as they have in New York. They made haste there to throw off the gray-back, and put on the national uniform. They did the same thing in Maine; but the people very wisely showed their distrust of them by adding six thousand to the Union majority. [Applause.]

That is the way I think they will do in all the States. I want to say that, in my opinion, the preservation of the power of this Union party is of the utmost importance to the people. Not to the politicians of that party, but to the nation—to those who hold the national debt, and love the national glory, and would preserve and hand down this Government unimpaired to future generations. This party, which has done everything to defeat us in this struggle, cannot be trusted. We can preserve the unity and power of the Union party, and I submit that we can do it better by preserving concord and harmony at home, than by seeking to build up a southern wing of our party on the doubtful expedient of negro suffrage. In attempting to do that, we are in great danger of being defeated at home, and destroyed. The people of the loyal Northern States carried on this war, and put down the rebellion, and if they are true to themselves, and true to their great principles, they can still preserve the power and control of this Government, and it is their duty to do so. It is true, I believe, that in New Jersey and Pennsylvania, and, it may be, in other States, the Democratic party, having refused to learn any sense, even by experience, have gone back to the policy and resolutions of '98, like a dog returning to his vomit. But it makes little difference. The people will not trust them.

BOWLES AND MILLIGAN.

I come now to a matter somewhat personal. I refer to the

cases of Bowles and Milligan, of which you have heard considerable in this quarter. They were sentenced, about the 10th of December, by a military commission, to be hung, for being concerned in a treasonable conspiracy. This sentence was commuted, in the month of April, to imprisonment for life, in the Ohio State Penitentiary. I want to remark that the commuting of the punishment, from death to imprisonment for life, was, by some persons, treated as a novelty—as something very unusual. Now, I believe, that in some six States of this Union capital punishment is abolished, and you can't hang a man for any crime. I believe there has been but one man hung in Indiana for six or seven years, and I doubt very much whether, in this county of Wayne, you can empanel a jury that will hang a man for any crime whatever.

I remark, in reference to the history of this case, that these men were convicted and found guilty, and sentenced about the 10th of December, 1864. The papers were immediately laid before Mr. Lincoln for his approval. He refused to take any action upon them. I never had any communication with him on that subject, directly or indirectly, but he refused up to the time of his death to take any action in the case, and gave assurance to the counsel for the defendants that upon the return of peace he would pardon them, and turn them out upon society. After Mr. Lincoln's death, these cases were brought before Mr. Johnson, who issued an order for their execution. It was after the war was over, after the military necessity for their death had passed, and the question now came up, what was my duty in the premises.

I was the man whose life they had sought. They had conspired against me and against the State of Indiana, to seize the State arsenal and release rebel prisoners. They had appointed a commission of ten to dispose of me. All their schemes had been baffled and detected, the ringleaders arrested and put in prison. I had outlived it all. The rebellion had been put down. The great peril had passed by. I felt that, if they had been executed, it would be said that I might have saved them, and that, as I was the man whose life had been imperilled, it would be becoming in me to ask the President to spare their lives, and I did so. [Applause.] Those who sought to excite feelings against me in the public mind, because I asked the President to spare the lives of these men, did not incur any of the dangers. They had not been engaged in the struggle that I was concerned in for two years, hand to hand, with these men, and, so far as I know, in the darkest hours that Indiana passed through—and she has passed through some dark hours—having been for two years on the very verge of revolution—so far as I know during all that time, I received no aid from these men who afterwards found so much fault because Bowles and Milligan were not hung. If these men had died upon the scaffold, the very men who now find fault because they were not hung, would have been loudest in my denunciation because they were.

It happened that I had been in Washington a few days before the order for their execution was issued, and some persons supposed from this fact that I had been instrumental in procuring its issue; and one of the men who has most bitterly denounced me because they were not hung, then said that if they were hung it would be nothing less than murder, and that their blood would be upon my head. My visit to Washington had nothing to do with it. I did what I thought was my duty under the circumstances. I had lived through it. Their schemes had been baffled. The danger had passed, and I believed that so far as the example was concerned, it would be quite as well that these men should expiate their crime in prison. When the order was issued for their execution, application was made by the counsel of the prisoners for me to unite in asking for a pardon. I declined, saying I would not ask for a pardon with them.

As soon as they laid this application before Mr. Johnson, he telegraphed to me a simple dispatch, saying the application for a pardon had been made for Bowles and Milligan. That was all. It seemed to me that it presented a fair opportunity to give my views, and that, I thought, was expected. I thought I could consistently ask the President to spare the lives of these men, and I did so. I believe one of your city papers has made more complaint about this matter than all the rest of the State put together. I did not intend to say a word about it, but since coming into the hall some of my friends have asked me to make this explanation. [Applause.]

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