

Amnesty.

Speech of

Hon. James A. Garfield

of Ohio in reply to

Hon. B. H. Hill of Georgia.

1876





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AMNESTY.

SPEECH OF

Hon. James A. Garfield, of Ohio,

In Reply to

HON. B. H. HILL,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 12, 1876.

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Mr. GARFIELD. Mr. Speaker, no gentleman on this floor can regret more sincerely than I do the course that the debate has taken, especially that portion which occurred yesterday. To one who reads the report of that discussion it would be difficult to discover

THE REAL QUESTION AT ISSUE

and to learn from the RECORD itself the scope and character of the pending measure. I regret that neither the speech of the gentleman from New York [Mr. Cox] nor that of the gentleman from Georgia [Mr. Hill] has yet appeared in the RECORD. I should prefer to quote from the full report, but, replying now, I must quote them as their speeches appeared in the public journals of yesterday and to-day. But they are here, and can correct any inaccuracy of quotation. Any one who reads their speeches would not suspect that they were debating a simple proposition to relieve some citizens of political and legal disabilities incurred during the late war. For example, had I been a casual reader and not a listener, I should say that the chief proposition yesterday was an arraignment of the administration of this Government during the last fifteen years. If I had been called upon to pick out those declarations in the speech of the gentleman from Georgia [Mr. Hill] which embody the topic of debate, I should have said they were these :

The history of the last fifteen years is yet fresh in the minds of the world. It is useless to speak of the grace and magnanimity of the Republican party. With the master enslaved, with intelligence disfranchised, with society disordered, with States subverted, with Legis-

tures dispersed, people cannot afford to talk of grace and magnanimity. If that is grace and magnanimity, I pray God to spare the country in the future from such virtues.

I should say that the propositions and arguments arrayed around that paragraph were the center and circumference of his theme. Let me then in a few words try to recall the House to the actual topic of this debate.

A gentleman on the other side of the House, a few days ago, introduced a proposition in the form of a bill to grant amnesty to the remaining persons who are not yet relieved of their political disabilities under the Constitution. That is a plain proposition for practical legislation. It is a very important proposition. It is a proposition to finish and complete forever the work of executing one of the great clauses of the Constitution of our country. When that bill shall have become a law, a large portion of the fourteenth amendment will have ceased to be an operative clause of the Constitution.

Whenever so great and important a matter is proposed a deliberative body should bring to its consideration the fullest and most serious examination. But what was proposed in this case? Not to deliberate, not to amend, not even to refer to a committee for the ordinary consideration given even to a proposition to repeal the tax on matches. No reference to anybody; but a member of the House, of his own motion and at his own discretion, proposes to launch that proposition into the House, refusing the privilege of amendment and the right to debate, except as it might come from his courtesy, and pass it, declaring, as he does so, the time

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as to fall in their hands to a system of treatment which has resulted in reducing many of those who have survived and been permitted to return to us to a condition, both physically and mentally, which no language we can use can adequately describe. Though nearly all the patients now in the Naval Academy Hospital at Annapolis and in the West Hospital in Baltimore have been under the kindest and most intelligent treatment for about three weeks past, and many of them for a greater length of time, still they present literally the appearance of living skeletons, many of them being nothing but skin and bone; some of them are maimed for life, having been frozen while exposed to the inclemency of the winter season on Belle Isle, being compelled to lie on the bare ground without tents or blankets, some of them without overcoats or even coats, with but little fire to mitigate the severity of the winds and storms to which they were exposed. * * *

It will be observed from the testimony that all the witnesses who testify upon that point state that the treatment they received while confined at Columbia, South Carolina, Dalton, Georgia, and other places, was far more humane than that they received at Richmond, where the authorities of the so-called Confederacy were congregated, and where the power existed, had the inclination not been wanting, to reform those abuses and secure to the prisoners they held some treatment that would bear a public comparison to that accorded by our authorities to the prisoners in our custody. Your committee, therefore, are constrained to say that they can hardly avoid the conclusion expressed by so many of our released soldiers, that the inhuman practices herein referred to are the result of a determination on the part of the rebel authorities to reduce our soldiers in their power by privation of food and clothing and by exposure to such a condition that those who may survive shall never recover so as to be able to render any effective service in the field.

I am not now discussing the merits of the charge at all, but am showing that such is, and for twelve years has continued to be, the authoritative official charge of the executive department of the Government and of a joint committee of the two Houses. So much for the responsible character of the charge. To this I should add that this charge is believed to be true by a great majority of the people whom we represent on this floor.

I now inquire is this charge true?

The gentleman from Georgia denies generally the charge that atrocities were practiced upon our prisoners at Andersonville. He makes a general denial, and asserts that Mr. Davis did observe

THE HUMANE RULES OF MODERN WARFARE.

As a proof, he quotes the general order issued by the President of the Confederate Government under which the prison was to be established, an order providing that it should be located on healthy ground, where there was an abundance of good water, and trees for healthful and grateful shade. That is a perfect answer so far as it goes. But I ask how that order was executed? To whose hands was committed the work of building the Andersonville

prison? To the hands of General Winder, an intimate and favorite friend of Mr. Davis. And who was General Winder? He was a man of whom the Richmond *Examiner* used these words the day he took his departure from Richmond to assume command of the proposed prison:

Thank God that Richmond is at last rid of old Winder. God have mercy upon those to whom he has been sent!

He was, as the testimony in the Wirz trial shows, the special and intimate friend of Jefferson Davis, the President of the Confederacy, by whom he was detailed on this business, and detailed with such a send-off as I have read you from a paper of his own city warmly in the interest of the rebel cause.

What next? How did General Winder execute the order after he went there? I turn to the Wirz trial, and read from it only such authorities as the gentleman from Georgia recognizes —

OFFICERS OF THE REBEL ARMY.

The gentleman stated yesterday that there was nothing in this book connecting the head of the Confederate Government with the Andersonville atrocities. Before I am through we will see. On the 5th day of January, 1864, a report was made by D. T. Chandler, a lieutenant colonel of the Confederate army. This report was offered in evidence in the Wirz trial, and Colonel Chandler was himself a witness at that trial, and swears that the report is genuine. I quote from page 224:

ANDERSON, January 5, 1864.

COLONEL: Having, in obedience to instructions of the 25th ultimo, carefully inspected the prison for Federal prisoners of war and post at this place, I respectfully submit the following report:

The Federal prisoners of war are confined within a stockade fifteen feet high, of roughly hewn pine logs about eight inches in diameter, inserted five feet into the ground, inclosing, including the recent extension, an area of five hundred and forty by two hundred and sixty yards. A railing round the inside of the stockade, and about twenty feet from it, constitutes the "dead line," beyond which the prisoners are not allowed to pass, and about three and one-fourth acres near the center of the inclosure are so marshy as to be at present unfit for occupation, reducing the available present area to about twenty-three and one-half acres, which gives somewhat less than six square feet to each prisoner. Even this is being constantly reduced by the additions to their number. A small stream passing from west to east through the inclosure, at about one hundred and fifty yards from its southern limit, furnishes the only water for washing accessible to the prisoners. Some regimen of the guard, the bakery, and the cook house, being placed on the rising grounds bordering the stream before it enters the prison, render the water nearly unfit for use before it reaches the prisoners. * * *

D. T. CHANDLER,
Assistant Adjutant and Inspector General.
Colonel R. H. CHILTON, Assistant Adjutant and
Inspector General.

Here is an official exhibit of the manner in which the officer detailed by Jeff. Davis chose the place for health, with "running water, and agreeable shade." He chose a piece of forest-ground that had a miasmatic marsh in the heart of it and a small stream running through it; but the troops stationed outside of the stockade were allowed to defile its pure water before it could reach the stockade; and then, as if in the very refinement of cruelty, as if to make a mockery of the order quoted by the gentleman from Georgia, he detailed men

TO CUT DOWN EVERY TREE AND SHRUB

in the inclosure, leaving not a green leaf to show where the forest had been. And subsequently, when the burning sun of July was pouring down its fiery heat upon the heads of these men, with but six square feet of ground to a man, a piteous petition was made by the prisoners to Winder to allow these poor men to be detailed to go outside, under guard, and cut pine from the forest to make arbors under which they could shelter themselves, and they were answered with all the loathsome brutality of malignant hate, that they should have no bush to shelter them; and thus, under the fierce rays of the southern sun, they miserably perished.

These last statements are made on the authority of Ambrose Spencer, a planter of Georgia, who resided within five miles of Andersonville. I quote from his testimony, (Wirz's trial, p. 359:)

Between the 1st and 15th of December, 1863, I went up to Andersonville with W. S. Winder and four or five other gentlemen, out of curiosity, to see how the prison was to be laid out. * * * I asked him if he was going to erect barracks or shelter of any kind. He replied that he was not; that the damned Yankees who would be put in there would have no need of them. I asked him why he was cutting down all the trees, and suggested that they would prove a shelter to the prisoners, from the heat of the sun, at least. He made this reply, or something similar to it: "That is just what I am going to do; I am going to build a pen here that will kill more damned Yankees than can be destroyed in the front." Those are very nearly his words, or equivalent to them.

So much for the execution of the President's order to locate the prison.

But I am not yet done with the testimony of Colonel Chandler. A subsequent report was made by him in the month of August. He went back and re-examined the horrors of that pen, and as the result of his examination he made a report, from which I quote the last few sentences, (Wirz's trial, p. 227:)

ANDERSONVILLE, August 5, 1864.

COLONEL: * * *

My duty requires me respectfully to recommend a change in the officer in the command of the post, Brigadier General J. H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feeling of humanity and considera-

tion for the welfare and comfort (so far as is consistent with their safe-keeping) of the vast number of unfortunates placed under his control; some one who at least will not advocate deliberately and in cold blood the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangement suffice for their accommodation; who will not consider it a matter of self-justification and boasting that he has never been inside of the stockade, a place the horrors of which it is difficult to describe, and which is a disgrace to civilization, the condition of which he might, by the exercise of a little energy and judgment, even with the limited means at his command, have considerably improved.

D. T. CHANDLER,

Assistant Adjutant and Inspector General.
Colonel R. H. CHILTON, Assistant Adjutant and Inspector General U. S. A., Richmond, Virginia.

Mr. HALE. What is the date of that report?

Mr. GARFIELD. August 5, 1864.

Mr. HALE. How long after that was Winder retained there in command?

Mr. GARFIELD. I will come to that in a moment.

Now, what do honorable gentlemen suppose would naturally be done with such a report as that? Remember that Colonel Chandler was a witness before the court that tried Wirz and reaffirmed every word of this report. If he is living I would make a pilgrimage to see him and thank him for

THE HUMANITY AND TENDERNES

with which he treated my unfortunate comrades. So anxious was he that the great crime of Winder should be rebuked that he went to Richmond, and in person delivered his report to the Secretary of War, a member, of course, of the cabinet of Jefferson Davis. If I am not correct in this I believe there is a member of that cabinet now on this floor who can correct me. Of course, being a soldier, Colonel Chandler first delivered his report to the adjutant general, and that officer, General Cooper, on the 15th of August, 1864, wrote upon the back of the report these words:

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,

August 18, 1864.

Respectfully submitted to the secretary of war. The condition of the prison at Andersonville is a reproach to us as a nation. The engineer and ordnance departments were applied to, and authorized their issue, and I so telegraphed General Winder. Colonel Chandler's recommendations are coincided in.

By order of General Cooper.

R. H. CHILTON,
Assistant Adjutant and Inspector General.

Not content with that indorsement, Colonel Chandler went to the office of the secretary of war himself; but, the secretary being absent at the moment, the report was delivered to the assistant secretary of war, J. A. Campbell, who wrote below General Cooper's indorsement these words:

These reports show a condition of things at Andersonville which calls very loudly for the

interposition of the department, in order that a change be made.

J. A. CAMPBELL,
Assistant Secretary of War.

Mr. REAGAN. Does not the gentleman know that the adjutant general could only have made such an order by direction of the president?

Mr. GARFIELD. I do not know what the habit was in the confederacy. It is not so in this Government.

Mr. REAGAN. The gentleman will allow me to say that all persons familiar with the business of that office know that the adjutant general executes direct orders made by the president, but has not himself authority to make such orders.

Mr. GARFIELD. That may have been the rule in the Confederate government; but it was never the rule here. The Adjutant General of our Army signs no order except by order of the Secretary of War. The Adjutant General is the clerk of the Secretary of War, and the Secretary of War is in turn the clerk of the President. But the gentleman from Texas [MR REAGAN] will soon see that he cannot defend Davis by the indorsement of General Cooper. The report did not stop with the adjutant general. It was carried up higher and nearer to Davis. It was delivered to Assistant Secretary Campbell, who wrote the indorsement I have just read. The report was lodged with the department of war, whose chief was one of the confidential advisers of Mr. Davis—a member of his official family. What was done with it? The record shows, Mr. Speaker, that a few days thereafter an order was made in reference to General Winder. To what effect? Promoting him! Adding to his power

IN THE FIELD OF HIS INFAMY!

He was made commissary-general of all the prisons and prisoners throughout the confederacy. That was the answer that came as the result of this humane report of Colonel Chandler; and that new appointment of Winder came from Mr. Seddons, the Confederate secretary of war.

A MEMBER. By order of the President.

Mr. GARFIELD. Of course all appointments were made by the President, for the gentleman from Georgia says that they carried our Constitution with them and hugged it to their bosoms. But that is not all. The testimony of the Wirz trial shows that at one time the secretary of war himself became shocked at the brutality of Winder, and, in a moment of indignation, relieved him from command. For authority upon this subject I refer to the testimony of Cashmyer, a detective of Winder's, who was a witness before the Wirz court. That officer testified that when Mr. Seddons, Secretary of

War, wrote the order relieving Winder, the latter walked over with it to Jefferson Davis, who immediately wrote on the back of it, "This is entirely unnecessary and uncalled for." Winder appears to have retained the confidence and approval of Davis to the end, and continued on duty until the merciful providence of God struck him dead in his tent in the presence of the witness who gave this testimony.

Now, who will deny that in the forum of law we do trace the responsibility for these atrocities to the man whose name is before us to be relieved of all his political disabilities? If not, let gentlemen show it. Wipe out the charge, and I will be the first man here to vote to relieve him of his disabilities.

Winder was allowed to go on. What did he do? I will only give results, not details. I will not harrow my own soul by the revival of those horrible details. There is a group of facts in military history well worth knowing which will illustrate the point I am discussing. The great Napoleon did some fighting in his time, as did his great antagonist, the Iron Duke. In 1809 was fought the battle of Talavera, in 1811 the battle of Albuera, in 1812 the battle of Salamanca, in 1813, Vittoria, in 1815 the battles of Ligny, Quatre Bras, Waterloo, Wavre, and New Orleans, and in 1854 the battles of the Crimea. The number of men in the English army who fell in battle or who were killed or died of wounds received in these battles amounted in the aggregate to 12,928. But this Major-General Winder,

WITHIN HIS HORRIBLE ARENA OF DEATH, from April, 1864, to April, 1865, tumbled into the trenches of Andersonville the dead bodies of 12,644 prisoners—only two hundred and eighty-four less than all the Englishmen who fell in or died of wounds received in the great battles I have named.

Now, Mr. Speaker, I have simply given these results. Percentages pale and fade away in the presence of such horrible facts.

THE REBEL PRISONERS AT ELMIRA.

And the gentleman from Georgia denies the charge of atrocities at Andersonville and charges us with greater ones. I will give his words as they are quoted in 'the morning papers:

When the gentleman from Maine speaks again let him add that the atrocities of Andersonville do not begin to compare with the atrocities of Elmira, or Fort Douglas, or of Fort Delaware, and of all the atrocities, both at Andersonville and Elmira, the Confederate government stands acquitted from all responsibility and blame.

I stand in the presence of that statement with an amazement that I am utterly incapable of expressing. I look upon the serene and manly face of the gentleman who ut-

tered it and I wonder what influence of the supernal or nether gods could have touched him with madness for the moment and led him to make that dreadful statement. I pause; and I ask the three Democrats on this floor who happen to represent the districts where are located the three places named, if there be one of them who does not know that this charge is fearfully and awfully untrue. [A pause.] Their silence answers me. They are strangers to me, but I know they will repel the charge with all the energy of their manhood.

Mr. PLATT. I hold in my hand a telegraphic communication from

GENERAL B. F. TRACY,

late commandant of the military post of Elmira, and I beg permission to read that communication.

Mr. GARFIELD. I will yield for that purpose.

Mr. PLATT. The communication is as follows:

BROOKLYN, NEW YORK, *January 12, 1876.*
To Hon. T. C. PLATT,

*House of Representatives, Washington,
District of Columbia:*

The facts justify your denial of cruelty, inhumanity, or neglect in the treatment of prisoners at Elmira. There was no suffering there which is not inseparable from a military prison. First, there was no dead-line. No prisoner was ever shot for attempting to escape. Second, the food was ample and of the best quality. Thousands of dollars were expended in the purchase of vegetables, in addition to the Army ration. No congressman in Washington eats better bread than was given daily to the prisoners. The beef was good, and of the same quality and quantity as that distributed to our own soldiers guarding the camp. Third, the dead were not buried in trenches, but the remains were placed in neat coffins and buried in separate graves, with a head-board bearing the name, company, and regiment, and time of death, and all were buried in the public cemetery at Elmira. Fourth, there was no better supplied military hospital in the United States than the hospital in the prison camp. Fifth, all the prisoners were comfortably quartered in new wooden barracks, built expressly for them. From the time I took command, in September, all the saw-mills in the vicinity of Elmira were kept constantly running to supply lumber for buildings, &c. The barracks for prisoners were first built, and in the extreme cold weather of winter the prisoners were all in barracks, while the soldiers guarding them were still in tents. I was criticised for this in the Army and Navy Journal, I think it was, at the time, by an officer of our Army. Sixth, the camp and all the buildings were well policed, and kept scrupulously clean. Seventh, the mortality which prevailed was not owing to neglect or want of sufficient supplies or medical attention, but to other and quite different causes.

B. F. TRACY.

Late Commandant Military Post Union.

Mr. WALKER, of New York. Mr. Speaker, as the member from the district in which Elmira Depot is located, I take pleasure in indorsing every word of Colonel Tracy's dis-

patch. I was almost daily at Elmira during the war, and I know that Confederate prisoners

HAD THE SAME CARE AND TREATMENT

that the Union soldiers had, and I never heard a complaint. [Great applause.]

Mr. GARFIELD. Mr. Speaker, the lightning is our witness. From all quarters of the Republic denials are pouring in upon us. Since I came to the House this morning, I have received the following dispatch from an honored soldier of Ohio, which tells its own story:

CLEVELAND, Ohio, *January 12, 1876—10.33 a. m.*
To GENERAL GARFIELD,

House of Representatives:

By authority of Secretary of War I furnished 15,000 rebel prisoners at Elmira with the same rations—coffee, tobacco, coal, wood, clothing, barracks, medical attendance—as were given to our own soldiers. The dead were decently buried in Elmira cemetery. All this can be proved by Democrats of that city.

General J. J. ELWELL.

Mr. HILL. By permission of the gentleman from Ohio, I desire to say that there was no purpose on my part by any of my remarks on yesterday to charge inhumanity upon anybody at Elmira or anywhere else. I only read the evidence from official sources as I understood it.

Mr. BLAINE. A letter in a newspaper.

Mr. HILL. Let me get through, if you please. Do not be uneasy. Keep quiet, and I will not hurt you. [Laughter.]

Mr. MACDOUGALL. That is what you told us in 1861.

Mr. HILL. I simply say that I was reading the evidence of cruelties, in the language of that letter, "inseparable from prison life." Then I read of the small-pox epidemic at Elmira and its character. But the remark which the gentleman is now commenting on was not connected with any charge of inhumanity upon any person in the world. I wish it distinctly understood that I meant to charge inhumanity upon nobody. I was simply speaking of those horrors that are inseparable from all prison life; and I wound up my statement by saying that the official reports of Secretary Stanton, on the 19th of July, 1866, after the war was over, gave the relative mortality of prisoners in Federal hands and prisoners in Confederate hands, and that the mortality of Confederate prisoners in northern prisons was 12 per cent., while the mortality of Federal prisoners in Confederate hands was less than 9 per cent. Now I simply said that judging by that test there was more atrocity (if you please to call it so)—I meant, of course, mortality—in the prisons of the North than in those of the South. Let the gentleman take the benefit of that statement. I simply referred to the report of Secretary Stanton.

Mr. BAKER, of Indiana. Does the gentleman mean to charge that the amount of mortality in Northern prisons was owing to any cruelty or neglect of the Federal officers?

Mr. HILL. I do not undertake to say to what special cause the mortality on either side was attributable. I say it was attributable to those horrors inseparable from prison life everywhere; and I simply entered my protest against gentlemen seeking to stir up those old past horrors on either side to keep alive a strife that ought to be buried. That is all. [Applause.]

Mr. GARFIELD. I am glad to hear what the gentleman says, and to give it more force by contrast I quote again the words he used as reported in the newspapers this morning :

When the gentleman from Maine addresses the House again let him add to it that the atrocities of Andersonville do not begin to compare with the atrocities of Elmira, of Fort Douglas, or of Fort Delaware; and of all the atrocities, both at Andersonville and Elmira, the Confederate government stands acquitted from all responsibility and blame.

I refer to it to show why I could not—

Mr. HILL. I have no doubt the gentleman's motive is good; but he will permit me to remind him that what he has just read was said by me after reading Secretary Stanton's report; and of course, while I mentioned prison places at the North I did not mean to charge inhumanity upon any one as a class.

Mr. GARFIELD. But let me say another word to close this branch of the subject. The only authority introduced to prove the pretended atrocity at Elmira was an anonymous letter printed in the *New York World*. The Roman soldiers who watched at the sepulchre of the Saviour of mankind attempted to disprove his resurrection by testifying to what happened while they were asleep. Bad as this testimony was, it was not anonymous; but in this case the testimony was that of a shadow—an initial—nobody. *Stat nominis umbra*. What the substance was we know not. But even as to this

ANONYMOUS AUTHORITY,

it would have been well for the cause of justice if the gentleman had been kind enough to quote it all. I read, I believe, from the very book from which the gentleman quoted—*The Life of Davis*—a sentence omitted by him, but which I hope he will have printed in his speech. It is this :

The facts demonstrate that in as healthy a location as there is in New York, with every remedial appliance in abundance, with no epidemic, &c.

So that even this anonymous witness testifies that we planted our Elmira prison in as healthy a place as there was in the State of New York. It ought to be added that the small-pox broke out in that prison very soon after the date of this letter; and the mortal-

ity that followed was very much greater than in any other prison in the North.

How we have kept alive our vindictiveness will be seen by the fact that Congress, at its last session or the session before last, passed a law making the rebel cemetery at Elmira a part of the national-cemetery system; and to-day, this malignant Administration, this ferocious Constitution-hating and South-hating Administration is paying an officer for tenderly caring for the inclosure that holds the remains of these outraged soldiers!

Mr. MACDOUGALL. And a Union soldier, Captain Fitch, is building at his own expense a monument at Elmira to the Confederate dead.

Mr. GARFIELD. I did not know that. At another place, Finn's Point, in Virginia, we have within the past few months embraced another cemetery of rebel soldiers under the law and protection of our national cemetery system. All this out of the depths of our wrath and hatred for our Southern brethren!

Mr. HILL. Will the gentleman allow me to say a word on that point?

Mr. GARFIELD. Certainly.

Mr. HILL. In response to what the gentleman has said, I desire to state as a fact what I personally know, that on the last occasion of decorating soldiers' graves in the South, our people, uniting with Northern soldiers there, decorated in harmonious accord the graves of the fallen Federals and the graves of the fallen Confederates. It is because of this glorious feeling that is being awakened in the country that I protest against the revival of these horrors about any prison.

Mr. GARFIELD. So do I. Who brought it here? [Cries from the Democratic side of the House, BLAINE! BLAINE!] We will see as to that. I wish this same fraternal feeling could come out of the graveyard and display itself toward the thirty or forty maimed Union soldiers who were on duty around this Capitol, but who have been displaced by an equal number of

SOLDIERS ON THE OTHER SIDE.

[Applause.]

There was another point which the gentleman made which I am frank to say I am not now able to answer.

Mr. REAGAN. Mr. Speaker, I wish to call attention (with the permission of the gentleman from Ohio) to the exact state of facts in reference to the allegation just made by him. This is not the first time the statement has been made that there have been thirty or forty crippled Federal soldiers removed from office under this House and their places filled by Confederate soldiers. I was shown yesterday morning by the Doorkeeper of the House (and the information is as accessible

to the gentleman from Ohio and all others as to myself) a roll showing there were eighteen Federal soldiers appointed by the Doorkeeper of the House during the last Congress, while twenty-four Federal soldiers have been appointed by the Doorkeeper of the present Congress; while at the same time the aggregate number of appointments allowed to the Doorkeeper of the House of the last Congress was very much larger than that allowed to the Doorkeeper of the present Congress. Besides that, more than three-fourths of those appointed by the present Doorkeeper have taken what is popularly denominated as the iron-clad oath.

Mr. GARFIELD. I should be glad to know that the gentleman from Texas is correct.

Mr. SOUTHARD. The gentleman from Texas has referred to a list which I have here before me.

Mr. GARFIELD. My time is fast running out, and I do not want it all taken up by these explanations; but I will hear my colleague.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. GARFIELD. I yield to my colleague.

Mr. RANDALL. Your time will be extended.

Mr. SOUTHARD. The statement which I have before me, and to which the gentleman from Texas referred, is that of the one hundred and fifty-three appointments made by the Doorkeeper in the last House of Representatives, there were eighteen Union soldiers; while, out of the eighty-five appointments allowed to the Doorkeeper of the present House, twenty-six Union soldiers have been appointed. [Applause.]

The SPEAKER. These demonstrations are entirely out of order.

Mr. JONES, of Kentucky. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. JONES, of Kentucky. My point is this: I do not know whether it is a point of order or not, but I do request that the Speaker will in the most determined manner suppress any applause in this House. I regret this debate, and especially these details; but this applause is unbecoming the gravity of the question, however unfortunately it may have come up here; and I do request that on this side of the House there shall be no applause of any member who speaks for the South, or any demonstration against any one speaking on that side of the House. I hope courtesy and decorum will be observed. [Cries of "Good!" "Good!"] It is unbecoming the House, and unbecoming the country, and I hope it will be stopped.

The SPEAKER. The suggestion of the gentleman from Kentucky is well made. These things are not in order, and the Chair earnestly requests the House will set an example to those outside of the bar and in the galleries by stopping all such demonstrations. And the Chair takes occasion to say to the galleries that if these things are continued it will be his duty to have them cleared.

Mr. GARFIELD. I regret as much as any one the discussion of this question. I did not intend to refer to it at all. I hope what my colleague has presented as a statistical table will turn out to be correct. I shall be glad if it does. I know he thinks it is correct. However, there has been put into my hand a statement about a single office of the House in which the names of the old and new rolls are given. I speak of the post-office of the House, in which it is claimed that while nine Union soldiers were on the rolls during the last year,

NINE CONFEDERATE SOLDIERS

have replaced them on the roll of this year; and that of the thirteen employes there, but two took the oath that they had not borne arms against the Government. If the statement be correct which I have had put into my hands, it would seem to throw some shadow of doubt on what we have just heard. But let both statements go in together.

This is the list handed to me:

POST-OFFICE OF THE HOUSE.

The old force.—Norman Crane, Vermont; A. M. Legg, New York, two years in Union Army; F. A. Wardell, Massachusetts, four years in Union Army and permanently disabled at Winchester; J. H. Paine, Ohio, was in Union Army; G. M. Thomas, Iowa; R. P. Bishop, Michigan, lost an arm in the Union Army; R. S. McMichael, Wisconsin, nearly lost his sight in the Union Army; D. B. Bradley, Wisconsin, three years in Union Army; J. H. Lytle, New York; W. B. Sessions, New York; J. D. Severn, Pennsylvania; D. F. Bishop, Pennsylvania; W. Tudge, District of Columbia; Cripi Palmoni, District of Columbia.

The new force.—George W. Rock, Virginia, in Confederate army; Henry Cook, Virginia, in Confederate army; Richard Allen, Virginia; S. W. Kennedy, Virginia, in Confederate army; A. W. C. Nowlin, Virginia, in Confederate army; Edward C. Sloss, Virginia; W. H. Robinson, Virginia, in Confederate army; J. E. Fisher, Virginia, in Confederate army; P. S. Goodstib, W. B. Lowery, Virginia, in Confederate army; Joseph M. Taylor, Edwin Este, New York; Thomas Kirby, Connecticut, in Union Army.

Mr. Speaker, I was about to refer to another point made by the gentleman from Georgia in his statement of the number of prisoners taken by us and taken by them and the relative number of deaths. I have this morning received from the Surgeon General references to all the pages of official reports on that subject, but I have not been able, in the hurried moments of the session since I arrived here, to examine the figures.

The gentleman from Illinois [Mr. BURCHARD] has made up a part of the statement which I am now able to present. That statement shows that during the war

WE TOOK 476,169 PRISONERS,

while on the other side they took 188,145 prisoners from us.

This is a statement to which the Surgeon General referred me in a note received since I took my seat in the House this morning, and is in a printed report on the treatment of prisoners of war by the rebel authorities, third session Fortieth Congress, page 228, which gentlemen can examine at their leisure.

It ought to be added in this connection that the conscription laws of the Confederate congress forced all able-bodied citizens between the ages of seventeen and fifty into the service, while our laws limited the conscription to the usual military ages. This, of course, put into their army a large number of immature boys and broken-down old men, among whom the mortality would naturally be greater than in an army made up of men of the ordinary ages.

I turn now to another point. The gentleman makes another answer concerning these atrocities.

The SPEAKER. The gentleman's hour has expired.

Mr. HILL. I hope the gentleman from Ohio will be permitted to go on.

There being no objection, Mr. GARFIELD's time was extended indefinitely.

Mr. GARFIELD. I am very grateful for this courtesy and will not abuse it.

The gentleman from Georgia makes another answer, that whatever was suffered by the prisoners for at least a considerable portion of the time was in consequence of our

REFUSAL TO MAKE AN EXCHANGE OF PRISONERS, because we would not give them their fresh men in our prisons, and take our shadows and skeletons that came back from theirs.

This is a part, and an important part, of a great history, which must not be omitted in this debate; and I will very briefly refer to its leading points. There was much trouble about the exchange of prisoners between the two belligerents; first, because for a long time we did not acknowledge the Confederates as belligerents. We hoped under the ninety days theory of Mr. Seward to get through without their recognition, but that hope failed. Our enemies were as gallant a people as ever drew the sword, and the fulfillment of that hope was delayed for months and for years. But finally an arrangement was made under which it was possible to make a cartel for the exchange of prisoners; and on the 22d of July, 1862, a cartel was agreed upon between the belligerents, which

provided that within ten days after a prisoner was taken he should be paroled and sent home; and whenever it was announced by either side that a certain number was relieved from the parole a corresponding number should be released from the other side, and in that way the exchange was effected.

There were two points of delivery of prisoners. One was at Vicksburg. Another was at a point near Dutch Gap, in Virginia. And the exchange went on for some time until a series of events occurred which interrupted it. To those events I desire to call attention for a moment. The first in order of time was a proposition which was read before the House yesterday, and which I incorporate here in my remarks, not for the sake of making any personal point, but to preserve the continuity of the history.

HILL'S BLACK FLAG RESOLUTION.

In October, 1862, a resolution was introduced into the Confederate Senate by Senator Hill, of Georgia—

That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the Confederate States after the first of January, 1863, shall be presumed to have entered the territory of the Confederate States with intent to excite insurrection and to abet murder, and that unless satisfactory proof be adduced to the contrary before the military court before which his trial shall be had he shall suffer death.

That was the first step in the complication in regard to the exchange of prisoners of war. That resolution appears to have borne early fruits.

On the 22d day of December, 1862, Jefferson Davis, the man for whom amnesty is now being asked, issued a proclamation, a copy of which I hold in my hand. I read two paragraphs:

First. That all commissioned officers in the command of said Benjamin F. Butler be declared not entitled to be considered as soldiers engaged in honorable warfare, but as robbers and criminals deserving death; and that they, and each of them be, whenever captured, reserved for execution.

Mr. HILL. A reason is stated for that.

Mr. GARFIELD. The reason is in the preamble. I am not discussing the reasons for this extraordinary proclamation, but its effects upon the exchange of prisoners.

Third. That all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong, to be dealt with according to the laws of said States.

Fourth. That the like orders be executed in all cases with respect to all commissioned officers of the United States when found serving in company with said slaves in insurrection against the authorities of the different States of this Confederacy.

Two great questions were thus raised: first, that a certain class of officers, merely because they served under General Butler, should be declared not entitled to the rights of prisoners of war, but should be put to

death when taken. These men were serving, not Benjamin F. Butler, but the Union. They did not choose him as their general. They were assigned to him; and by this proclamation that assignment

CONSIGNED THEM TO DEATH

at the hands of their captors. But the second question was still more important. It was an order that all men who had been slaves and had enlisted under the flag of the Union should be denied all the rights of soldiers, and when captured should be dealt with as runaway slaves under the laws of the States where they formerly belonged, and that commissioned officers who commanded them were to be denied the rights and privileges of prisoners of war. The decision of the Union people everywhere was that, great as was the suffering of our poor soldiers at Andersonville and elsewhere, we would never make an exchange of prisoners until the manhood and the rights of our colored soldiers were acknowledged by the belligerent power. And for long weary months we stood upon that issue, and most of the suffering occurred while we waited for that act of justice to be done on the other side.

To enforce this proclamation of Mr. Davis a law was passed on the 1st of May, 1863, by the Confederate congress, reported, doubtless, from the judiciary committee by the gentleman who spoke yesterday, and in that law the principles of the proclamation I have just read were embodied and expanded. Section 4 of the law reads as follows:

SEC. 4. That every white person, being a commissioned officer or acting as such, who during the present war, shall command negroes or mulattoes in arms against the Confederate States, or who shall arm, train, organize, or prepare negroes or mulattoes for military service against the Confederate States or who shall voluntarily aid negroes or mulattoes in any military enterprise, attack, or conflict in such service, shall be deemed as inciting servile insurrection, and shall, if captured, be put to death or be otherwise punished, at the discretion of the court.

Sec. 5. Every person, being a commissioned officer or acting as such in the service of the enemy, who shall during the present war excite, attempt to excite, or cause to be excited, a servile insurrection, or who shall incite or cause to be incited a slave to rebel, shall, if captured, be put to death or be otherwise punished, at the discretion of the court.

Sec. 7. All negroes and mulattoes who shall be engaged in war or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States.

Approved May 1, 1863.

Now, Mr. Speaker, I am here to say that this position taken by the head of the Confederacy, indorsed by his congress and carried into execution by his officers, was the

great primal trouble in all this business of the exchange of prisoners. There were minor troubles, such as claims by both sides that paroles had been violated. I think General Halleck reported that a whole division of four brigades, Stevenson's division, which had not been properly exchanged, fought us at Lookout Mountain; but that may have been a mistake. It was one of the points in controversy. But the central question was that of the Government of the United States having committed itself to the doctrine that

THE NEGRO WAS A MAN AND NOT A CHATTEL, and that being a man he had a right to help us in fighting for the Union, and being a soldier we would perish rather than that he should not be treated as a soldier.

To show that I am not speaking at random I will read from a report which I hold in my hand, a report of the Secretary of War on the difficulty of the exchange of prisoners. This paper is dated August 24, 1864. I think it is a misprint for 1863, from what surrounds it; but no matter as to that. It was in August General Meredith reported:

To my demand "that all officers commanding negro troops, and negro troops themselves, should be treated as other prisoners of war, and be exchanged as such," Mr. Ould declined acceding, remarking that they (the rebels) would "die in the last ditch" before giving up the right to send slaves back to slavery as property recaptured.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier-General and Commissioner for Exchange.

Major-General E. A. HITCHCOCK, *Commissioner for Exchange of Prisoners, Washington, D. C.*

Thus it appears that in the negotiation, as late as the month of August, 1863, the refusal of the rebel authorities to treat the negro as a man and a soldier, prevented the exchange of prisoners.

One other point in that connection and I will leave this subject. I have here a letter, dated March 17, 1863, written by Robert Ould and addressed to that man of "bad eminence," General Winder, in which Mr. Ould, speaking of his arrangement for the exchange of prisoners, says:

The arrangements that I have made work largely in our favor. We get rid of a set of miserable wretches and receive some of the best material I ever saw.

Now in that single line, in a communication between two men, not *par nobile fratrum* but *par turpe diabolorum*, is proof that the object of this outrageous treatment at Andersonville was to make our men so that their exchange would be valueless to us, and it throws light upon the charge about our treatment of prisoners held in the North.

Now, Mr. Speaker, I return from all this to the direct discussion bearing immediately upon Jefferson Davis. It seems to me incontrovertible that the records I have adduced lay at his door the charge of being himself the author, the conscious author, through his own appointed instrument, of the terrible work at Andersonville, for which the American people still hold him unfit to be admitted among the legislators of this nation.

Before I leave that subject let me say another word or another point. I see around me here a large number of gentlemen who did not hesitate to take the oath of allegiance to the Government of the United States, who did not hesitate to ask to be relieved of their political disabilities, and I ask if any one of them, in the years they have served here with us, has been ever taunted with the fact that he has been thus relieved of disabilities at his own request? Can any one of them recall a discourteous remark that has ever been made here in debate because he has asked and accepted the amnesty of the Government? Do you want us to say that the remaining seven hundred and fifty need not ask what you did? Do the honorable gentlemen who are here to-day want easier terms on which the others may come in than the terms on which they themselves came back?

Mr. HILL. I desire to ask a question for information, for I want the facts, and my recollection differs from that of the gentleman from Ohio, [Mr. GARFIELD.] The act of 1872, granting a partial amnesty to quite a large number, does not, as I understand it, make any such requisition as is contained in the amendment of the gentleman from Maine, [Mr. BLAINE.]

Mr. GARFIELD. The gentleman is right.

Mr. HILL. It was an unconditional amnesty like that contained in the bill of the gentleman from Pennsylvania, [Mr. RANDALL.] It required no oath or anything of the sort.

Mr. GARFIELD. Certainly not.

Mr. HILL. I am very sure that it was under that act that I was relieved. And I never applied for that amnesty at all, but I would not have felt it

ANY LOSS OF PRIDE HAD I DONE SO.

Mr. GARFIELD. Certainly not. I remember very well that we relieved a large number of soldiers in one act. But we did not relieve those who, at the time the rebellion broke out, held offices and commissions under the Government, which they had sworn before God they would protect and defend, and afterward went into the rebellion. Those are the people that we have required to ask for amnesty.

Mr. HILL. Allow me to call the attention of the gentleman to a correction of his state-

ment. The act of Congress of 1872 relieved all persons, as I understand it, from disabilities who had been members of any State Legislature, or who had been an executive or judicial officer of any State, and relieved all in civil or military service, or who had even been in the Congress of the United States, excepting the Thirty-fifth or Thirty-sixth Congress.

Mr. GARFIELD. The Thirty-sixth and Thirty-seventh Congresses.

Mr. HILL. Well, one or the other. It relieved all those who were not in Congress at the time of secession, all members of State Legislatures, all civil and military officers, except the few remaining, some seven hundred and fifty. You granted them relief without any condition whatever.

Mr. GARFIELD. The gentleman will observe that those to whom he refers did not, at the time the war broke out, hold commissions as United States officers.

Mr. HILL. Yes.

Mr. GARFIELD. We excepted from amnesty all those who held in their hands a commission from the Federal Government, and who had sworn to be true to their commission; and we did this because they had added to rebellion—I must use words—

THE CRIME OF PERJURY

in the eyes of the law.

Mr. TUCKER. Will the gentleman allow me to interrupt him?

Mr. GARFIELD. Certainly.

Mr. TUCKER. Do I understand the gentleman from Ohio, speaking here to-day of kindness to gentlemen on this side of the House, to say that any man who held a commission under the United States at the time the war broke out, and who went into secession, was guilty of perjury?

Mr. GARFIELD. I will repeat precisely the measured words I used. I said "the crime of perjury in the eyes of the law." In view of the fact of flaming war, I do not say those men should be regarded as ordinary perjurers; I never said that. But what will the gentleman call it? By what other name does the law know it? I did not make the dictionary, nor did I make the law. The gentleman certainly knows me well enough to know that I am incapable of making a reference to any personal matter in this discussion. He must see that I am using the word as it is used in the law.

Mr. TUCKER. Mr. Speaker—

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) Does the gentleman from Ohio yield further to the gentleman from Virginia, [Mr. TUCKER?]

Mr. GARFIELD. Certainly.

Mr. TUCKER. I do not ask to interrupt the gentleman that I may excuse myself, but to excuse some of the noblest men that I

have ever known, and of whom the gentleman might be proud to claim to be a peer.

Mr. GARFIELD. There were some passages in the speech of yesterday which make me less reluctant

TO SPEAK OF BREAKING OATHS.

He said :

We charge all our wrongs to that "higher law" fanaticism which never kept a pledge or obeyed a law. We sought to leave the association of those who would not keep fidelity to covenant. We sought to go by ourselves; but, so far from having lost our fidelity to the Constitution, we hugged it to our bosoms and carried it with us. * * * But you gentlemen who persecuted us by your infidelities until you drove us out of the Union, you who then claimed to be the only friends of the Union, which you had before denounced as a "league with hell and a covenant with death," you who follow up the war when the soldiers who fought it have made peace and gone to their homes, to you we have no concessions to make. Martyrs owe no apology to tyrants.

There is a certain sublimity of assumption in this which challenges admiration. Why the very men of whom we are talking, who broke their oaths of office to the nation—when we are speaking of relieving them we are told that they went out because we broke the Constitution and would not be bound by oaths. Did we break the Constitution? Did we drive them out? I invoke the testimony of Alexander H. Stephens, now a member of this House, who, standing up in the secession convention of Georgia, declared that there was no just ground for Georgia's going out; declared that the election of a President according to the Constitution was no justifiable ground for secession, and declared that if under the circumstances the South should go out she would herself be committing a gigantic wrong and would call down upon herself the thunders and horrors of civil war.

Thus spoke Alexander H. Stephens in 1860. Over against anything that may be said to the contrary I place his testimony that we did not force the South out; that they went out against all the protests and the prayers and the humiliation that a great and proud nation could make without absolute disgrace.

Mr. DAVIS. Will the gentleman from Ohio yield to me a moment?

Mr. GARFIELD. Certainly.

Mr. DAVIS. The gentleman has used a term that touches the honor of more men than one in this House and in the South. I desire, therefore, to ask him this question: Whether the war did not result from a difference of views between gentlemen of the North and gentlemen of the South with regard to what was the true construction of the Constitution? That being so, I desire to ask him further whether the oath of fidelity to the Constitution was best observed by those people of the section which he represents, those of his own party, who declared

that there was a law higher than the Constitution and declined to obey that instrument, or by those who observed faithfully their constitutional obligations, and who, when raids were made upon them, merely defended themselves, as they understand it.

FROM UNCONSTITUTIONAL AGGRESSION?

I wish to say further for myself and for those who are here with me that, the Constitution having been amended—the "higher law" party having incorporated in that instrument the abolition of slavery and certain other features which we have now sworn to support along with the rest of the instrument—if in the future we fail to observe that oath before high Heaven, then we may be declared perjured; then we may be declared rebels; then we may be declared traitors.

Mr. GARFIELD. If the gentleman has understood me he cannot fail to see that I have not used the word in any offensive sense, but in its plain and ordinary acceptation, as used in the law. We held that the United States was a nation, bound together by a bond of perpetual union; a union which no State or any combination of States, which no man or any combination of men, had the right, under the Constitution, to break. The attempt of the South to overthrow the Union was crime against the Government—the crime of rebellion. It can be described by no other name. It is so known to the laws of nations. It is so described in the decisions of the Supreme Court.

The gentleman from North Carolina calls

THE WAR ON ONE SIDE A RAID.

I will never consent to call our war for the Union "a raid," least of all a raid upon the rights of any human being. I admit that there was a political theory of State rights—a theory held, I have no doubt, by gentlemen like the gentleman of Virginia [Mr. TUCKER] who spoke a moment ago—believed in as sincerely as I believe the opposite—which led them to think it was their duty to go when their State went. I admit that that greatly mitigates all that the law speaks of as a violation of an oath. But I will never admit (for history gives the lie to the statement in every line) that the men of the Union were making a "raid" upon the rights of the South.

Read the Republican platform of 1856 and of 1860. What did we contend for in those years? Simply that slavery should not be extended into any Territory already free. That was all. We forswore any right or purpose on our part in time of peace to touch slavery in any State. We only claimed that in the Territories, the common heritage of all the Union, slavery should never travel another inch; and, thank God, it no longer pollutes our soil or disgraces our civilization.

Now that slavery,

THE GUILTY CAUSE OF THE REBELLION.

is no more, and that, so far as I know nobody wants it restored—I do not believe these gentlemen from the South desire its restoration—

Mr. HILL. We would not have it.

Mr. GARFIELD. They would not have it, the gentleman from Georgia says. Then let us thank God that in the fierce flames of war the institution of slavery has been consumed; and out of its ashes let us hope a better than the fabled Phoenix of old will arise—a love of the Union high and deep, “as broad and general as the casing air,” enveloping us all, and that it shall be counted no shame for any man who is not still under political disabilities to say with uplifted hand, “I will be true to it and take the proffered amnesty of the nation.” But let us not tender it to be spurned. If it is worth having, it is worth asking for.

And now, Mr. Speaker, I close as I began. Toward those men who gallantly fought us on the field I cherish the kindest feeling. I feel a sincere reverence for the soldierly qualities they displayed on many a well-fought battle-field. I hope the day will come when their swords and ours will be crossed over many a doorway of our children, who will remember the glory of their ancestors with pride. The high qualities displayed in that conflict now belong to the whole nation. Let them be consecrated to the Union and its future peace and glory. I shall hail that consecration as a pledge and symbol of our perpetuity.

But there was a class of men referred to in the speech of the gentleman yesterday or whom I have never yet gained the Christian grace necessary to say the same thing. The gentleman said that amid the thunder of battle, through its dun smoke, and above its roar they heard a voice from this side saying, “Brothers, come.” I do not

know whether he meant the same thing, but I heard that voice behind us. I heard that voice, and I recollect that I sent one of those who uttered it through our lines—a voice owned by Vallandigham. [Laughter.] General Scott said, in the early days of the war, “When this war is over, it will require all the physical and moral power of the Government

TO RESTRAIN THE RAGE AND FURY OF THE NON-COMBATANTS.”

[Laughter.] It was that non-combatant voice behind us that cried “halloo?” to the other side; that always gave cheer and encouragement to the enemy in our hour of darkness. I have never forgotten and have not yet forgiven those Democrats of the North whose hearts were not warmed by the grand inspirations of the Union, but who stood back finding fault, always crying disaster, rejoicing at our defeat, never glorying in our victory. If these are the voices the gentleman heard, I am sorry he is now united with those who uttered them.

But to those most noble men, Democrats and Republicans, who together fought for the Union, I commend all the lessons of charity that the wisest and most beneficent men have taught.

I join you all

IN EVERY ASPIRATION

that you may express to stay in this Union, to heal its wounds, to increase its glory, and to forget the evils and bitternesses of the past; but do not, for the sake of the three hundred thousand heroic men who, maimed and bruised, drag out their weary lives, many of them carrying in their hearts horrible memories of what they suffered in the prison-pen—do not ask us to vote to put back into power that man who was the cause of their suffering—that man still unaneled, unshrived, unforgiven, undefended. [Great applause.]

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