

E 666
.W88
Copy 1

THE PRESIDENT AND CONGRESS.

A DISCOURSE

PREACHED IN THE

Westminster Congregational Church,

Sunday Evening, May 6, 1866.

BY AUGUSTUS WOODBURY.

PROVIDENCE:
GEORGE H. WHITNEY.
1866.



*copy 1873 of 1866 from Board
put in Board file*

THE PRESIDENT AND CONGRESS.



A DISCOURSE

PREACHED IN THE

Westminster Congregational Church,

Sunday Evening, May 6, 1866.

25.10

BY AUGUSTUS WOODBURY.



PROVIDENCE:

GEORGE H. WHITNEY.

1866.

“SHALL A NATION BE BORN AT ONCE?”

ISAIAH, LXVI, 8.

IN a discourse, which I preached from this text, on the occasion of the last National Thanksgiving, I took occasion to consider the whole subject of re-construction, viewed, not from a point which a partizan would occupy, but from that point which he would hold, who sincerely desired to know what was right and just. At that time, I advocated the necessity of standing by the President in his policy, as far as it had been developed, and as it promised in the future. That policy, as I then understood it—and as it then most certainly and most clearly appeared—had in view the enforcement of four distinct propositions, viz. :—

1. The recognition of the authority of the United States, as a nation and not as a confederacy;
2. The repudiation of the debts incurred by the rebellious States in making war upon the Federal Government;
3. The adoption of the amendment to the Constitution abolishing slavery as a system, and forbidding its existence in all time to come;
4. The allowance to the colored people of the Southern States the right to sue and be sued, to testify in the courts, and to hold and enjoy the rights of citizenship, except in the one particular of suffrage. This latter point was left undetermined. The President had avowed himself in favor of giving suffrage to the blacks, in certain cases of superior intelligence, or ownership of property. But the President did not consider that he had any right to impose such a condition upon any State, as he regarded the right of suffrage as one to be

determined by the people of the different States themselves, according to their own ideas of expediency and justice. By the appointment of Provisional Governors, who derived their authority solely from the Executive of the nation, and by the recognition of this authority by the people of the States; by the establishment of the courts, the post offices, and the customs, the first point was thought to be established—the first condition agreed to. By the personal influence of the President and of the Secretary of State, the third proposition was accepted and confirmed in all the Southern States that had acted upon it, except Mississippi; and the second and fourth—the latter under the influence of the Freedmen's Bureau—were partially acquiesced in. The adoption of the anti-slavery amendment was evidently considered as the chief condition upon which the restoration of the Union rested. The President insisted upon it, and the legislatures of the States lately in rebellion, with the exception of which I have spoken, ratified it, with more or less reluctance. In his first Message, delivered to the national Congress, on Monday, December 4th, 1865, the President uses the following language respecting the ratification of the constitutional amendment: "This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population, and capital, and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States, which are now resuming their places in the family of the Union, to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption. It heals the wound that is still imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support." Then he goes on to say: "The amendment to the constitution being adopted, it would remain for the States whose powers have been so long in abeyance, to resume their places in the national legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens of the Senate, and for you fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the elections, returns and qualifications of your own members."

These were wise words. The President did his work, and for the most part, he did it well, and in a manner satisfactory to the people of the country. He had done it with deliberation. He had done it without the aid of Congress. It had required seven months of patient labor, and all parties in the country were willing to accord to the President the possession of wisdom, courage, loyalty and fidelity to the great principles of liberty upon which the nation was based. Mr. Johnson, at the time he delivered that message, was the most powerful sovereign on the earth. For he had the power and the confidence of the people of this mighty republic. He wisely left to Congress the most important work of the whole process of reconstruction, the final act of political power, which, like the keystone of the arch, was to bind the national structure together. It is true, that he could do no less, under the obligation of his official oath. But it was a very proper acknowledgment to make of the authority of Congress, and it was a very important task to perform, in thus committing, with all the gravity and solemnity of an official communication, a trust of this unequalled magnitude.

The Congress accepted the trust, and, for these last five months, with great deliberation, with great sincerity, and with great single-mindedness of purpose, its members have been at work to ascertain the manner and methods of the "elections, returns and qualifications" of those persons chosen from the rebellious States to sit in the national councils. It was a great work which they had to do—a work that demanded the most patient and careful consideration. Were the people of the South thoroughly dispossessed of the spirit of the rebellion? Were they prepared to act loyally and faithfully for the promotion of the welfare of the Union? Was there any reason why Congress should delay to admit the Southern members? How, for what purpose, in what manner were those members elected? Could they take the oath prescribed by Congress for admission? Were any further guaranties required? These were grave questions. They were not to be decided in a day. The future welfare of a large portion of the Southern people—the future welfare of the republic itself—depended upon the answers which the Congress might give to them. The subject involved in them took the usual course. They were referred to a committee, composed of some of the ablest and

most thoughtful and most sagacious members of both houses. With remarkable diligence, the committee have labored to obtain the best information within their reach. They have examined such papers and documents as the President would permit. They have examined living witnesses, among whom have been some of the most prominent actors in the rebellion themselves. With the very best feelings towards the President, I have carefully watched the course of affairs, and can sincerely say, that, with the exception of some intemperate and imprudent words, hastily uttered in the halls of Congress, the conduct of that body has been eminently wise, eminently patriotic, and eminently forbearing. There has been no evidence of hatred towards the South. There has been no impatient and hasty legislation. There has been no unnecessary delay. Affairs have been conducted in a calm and dignified manner, and, as was to be expected—nay, as was to be demanded—care has been taken to provide that the republic should receive no detriment!

Congress had been in session but a few weeks, when there were indications, that the relations between itself and the President were not amicable. The point of dispute was in regard to the delay which had attended the deliberations of Congress, respecting the admission of Southern members. This delay the President himself had previously advised. "We must not be in too much of a hurry," he had said in that memorable conversation with Major Stearns, which he authorized to be published. "We must not be in too much of a hurry. It is better to let them, (the rebel States), reconstruct themselves than to force them to it; for if they go wrong, the power is in our own hands, and we can check them at any stage, to the end, and oblige them to correct their errors." The President, neglecting his own advice, desired to have the Southern members admitted at once, without any further guaranty for the future than their presumed loyalty. The Congress thought fit to wait until the subject had been fully examined; that it might be ascertained beyond a doubt, that the presumed loyalty was real, and that some more certain guaranty might be given. The President is evidently a man of quick temper, impatient of restraint, of no great self-control. He is a man also of imperious will, and cannot brook opposition. With such characteristics, he would naturally use some violence of language,

when under the influence of even a slight provocation. The first occasion of publishing his difference with Congress was the veto of the bill for the enlargement of the power of the Freedmen's Bureau. Not content with expressing his disapprobation of that special measure, he took the occasion to lecture Congress upon its supposed delinquency in other matters. On the 22d of February he went farther than this. In a public address delivered from the steps of the White House to a promiscuous assembly, conspicuous in which were men whose sympathies with the rebellion had been undisguised, he thought fit to denounce, by name and in the most offensive manner, certain public men, who had opposed his policy. In a second veto message, upon a bill to secure certain civil rights to the freed people of the South, and in one or two other recent addresses, he has shown that he has no desire to heal the differences existing, but seems resolved to widen if possible the breach that now exists. He has appealed in various ways to the people, to decide between himself and another branch of the government. As one of the people, whom he has thus addressed, I propose to examine the subject, and answer the appeal.

At the outset, in making up our judgment upon this matter, we must divest ourselves of all partizan and personal feeling. In examining the public measures of public men, we must especially avoid being led by our prejudices, or our private opinions and preferences; because all these influences are very apt to warp our judgment, and to induce us to erroneous conclusions. Particularly upon a subject like this of the restoration of national power and national life, it is necessary that the ground should be trodden by careful feet. If the American people should make a mistake now, its evil consequences will be observed for centuries, and the generations to come will have cause to cast their maledictions upon the present age. The people must bear in mind, how often they criticised the acts of Mr. Lincoln, and how clearly the event proved, that he was wiser than those who censured him. It is easy for us to be mistaken, and it must not be, as in this case, I think it will not be, that a decision shall be made, except after the most candid and temperate consideration. We should claim as much for ourselves in any and every case. We should be ready to allow as much to others.

Again: We are to avoid making charges of dishonesty and disloyalty and personal misconduct. One great vice of our political system, is the readiness with which any unfavorable rumor respecting a public man gains credence and circulation among our people. One great objection, which our best men have against entering political life, is the apprehension, that they will be made the object of every malicious slander, that any evil disposed person can invent and put in circulation. If any public man does not suit us, we are too ready to charge him with public dishonesty. I know how corrupting an influence our politics exert, and that a mere politician, who lives wholly upon the changing caprices of the people, and who knows no higher motive than a love for office, is a very despicable creature. But it is fair to presume, that all public men are not dishonest—that there is such a thing as public integrity, and that even those who are most exposed to temptation will not always yield. It is also but fair to consider, that public men are the creation of the people, and that if public dishonesty is to be found, it is the people themselves who are responsible for it. The stream cannot rise above its fountain-head. The source of power in our country, is in the people. The morality of our public men is a fair index of the average morality of the people. The corruption and bribery that too often stain our elections proceed from the fact, that the people are corruptible. The politician's maxim is that "every man has his price." It is the people who have taught him to speak in such a way. We may not accept the statement as absolutely true, without any qualification; but I think that we can safely say, that no man buys another, unless that other was first ready to be bought. The people make their public men. And the people should be especially careful, that the stock they are perpetually preparing, should be sound and good!

Approaching the subject, in the spirit which I have indicated, how does it appear? I think that I have presented the case, as fairly as it could be stated. If stated correctly—as I also think it is—the first remark which I have to make is, that the strife between the President and Congress is *of his own making*. No man, in the peculiar circumstances of his elevation to office, had ever started in his career as President of the United States, with so large a share of public confidence and public respect. The

people were willing to forget whatever there was in the past, that was necessary and advisable to forget, and were ready to bestow upon the new President their entire sympathy, support and respect. The strange and sad circumstances of his advent into office seemed to give him a kind of consecration. They accepted his first utterances after assuming the Presidential office as those of an able, honest, loyal man. They were gratified to hear him say, that he regarded treason as an odious crime, which ought to be punished. They were gratified, I say, to hear him utter these words on the 20th of April, 1865: "It is time that the American people should be taught to understand that treason is a crime—not in revenge, not in anger, but that treason is a crime and should be esteemed as such, and should be punished as such." They had previously applauded his professions of interest in the freed people of the South. They had commended his declaration, in regard to Tennessee, that "if there be but five thousand men in the State loyal to the constitution, loyal to freedom, loyal to justice, these true and faithful men should control the work of re-organization absolutely." They were now ready to give him a cordial support in the measures, which they hoped he would adopt, in this spirit, for the punishment of treason, the restoration of the country, and the amelioration of the emancipated blacks. Through the summer and the autumn, they regarded his course with great interest, and in the main, with thorough approval, appreciating the difficulties by which he was surrounded, and prepared in every way to aid him in overcoming them. They did not officiously intrude their advice upon him, as they used to do with Mr. Lincoln. They did not seek to turn him into any prescribed course. They allowed him to manage affairs in his own way, trusting that the mantle of his predecessor, whose sagacity they had learned to revere, had fallen upon him. If there were any points of partial disagreement, they were willing to await the development of events, with the expectation, that all at last would be well. The very best of feeling pervaded the country, and it was fondly hoped, that the era of partizan strife had passed, and that a united people would, with a common purpose, give themselves to the work of strengthening the bonds of a united country. The members of Congress were in accord with the people, for, as the Representatives of the people, chosen after a most intelligent canvass, they could not well be

otherwise. The President's first message made an excellent impression both at home and abroad. His statements of domestic and foreign policy were clear, yet guarded; his trust in the people was apparently sincere; his deference to Congress was dignified and becoming. He suddenly took a different course, adopted a different method of speaking, became captious, violent, vulgar; visited Congress with his censure; turned away from the friends who had given him their support and confidence in the hour of danger, and their votes for the second office which they had to bestow; accepted the friendship and attracted the admiration of those who had made him the object of their most malignant abuse; turned away also from the helpless freedmen, to whom he had once promised guidance, as a "Moses," to lead them out of bondage, and is now disposed to leave them to the tender mercies of their life-long oppressors. Now, in prominent Southern circles, Andrew Johnson and Jefferson Davis are toasted and cheered in the same breath. He began this course by vetoing a bill which Congress had passed with the understanding that, although it had some objectionable features, it would yet meet with his approval, and has continued this course until the present time, without any intimation, that he would be willing to resume the friendly relations which once existed, and to unite with Congress in adopting the best methods of securing the results which the American people have at heart. I say, with all candor, that, according to the best examination which I have been able to make, the President himself without provocation took the initiative in creating this difference, and as yet has shown no sign of a desire to compose it and to close up the breach.

The second remark which I make is, that the President's *dislike of those whom he calls "the radicals,"* is apparently stronger than his desire to promote the best interests of the country. He is undoubtedly a man of very strong feeling, which he does not always keep under proper restraint. He permits his feelings to carry away his judgment. Like all persons of such a character, he does not always weigh his words, and does not always remember, that in speaking to a crowd of partizans, his voice passes beyond them and over their heads, and reaches to the remotest corner of the country—nay, to the ends of the world. A man who has all the civilized human race for his audience has need to exercise some

degree of caution. What I may say, what a private man says, is of no great importance. But what the President of the United States says is of the very utmost consequence. To rule one's spirit is better than to capture a city or to govern an empire. That is an old proposition—as true as it is old. But when he who governs an empire like this of ours, has not the power of ruling his spirit, the worst results are threatened. The President has allowed his dislike of “the radicals” to color all his plans and opinions. He seems to have cherished this dislike from a period previous even to the meeting of Congress. In a despatch to the Provisional Governor of Mississippi—Mr. Sharkey—dated August 15th, 1865, after advising that official that if he could extend the franchise to “persons of color who can read and write, and own real estate to the amount of \$250,” he would completely disarm the adversary, he proceeds to say: “I hope and trust that your convention will do this; and, as a consequence,”—what? an act of justice will be done? No, but—“the radicals, who are wild upon negro franchise, will be completely foiled in their attempt to keep the Southern State from resuming their relations to the Union, by not accepting their Senators and Representatives.” Other despatches to other Provisional Governors, as to Governor Holden of North Carolina, and Governor Perry, of South Carolina, are both to the same effect and breathe a similar spirit. It would therefore appear, that the recent difference which has seemed sudden to many—which, I confess, has seemed sudden to myself—is the result of a deliberate purpose to destroy the influence of those whom he calls “radicals.” If this could not be done by foiling them, it might possibly be done by crushing them. But it is needful to exercise great care here, for former attempts that have been made in this direction, have not had so flattering an issue as to encourage such hazardous experiments in the future.

The spirit that breathes through the despatch to Governor Sharkey, has continued to animate the President's words whenever he has spoken of those who were opposed to him in sentiment. It showed itself in his speech of the 22d of February. It has exhibited itself again in the self-laudations and the repeated charges against others of disloyalty and want of courage, in which he has indulged in the addresses recently made to the colored citizens of Washington, and to the self-styled representatives of the sailors

and soldiers of the recent war; and in other addresses delivered to more select audiences and in less public places. I will not weary your ears by repeating the offensive language. It has been spread before you in the columns of the public press. I think, that we can safely say, that a public officer, who allows his private animosities to control his public actions and public speech, is not serving the country with an eye single to the common welfare. The people have a right to demand, that they who have been selected to conduct their affairs, shall perform their duties in the spirit of a pure patriotism, not in the spirit of private enmity. The public servant, in his public action, should know no private enmity. The public business transcends all personal considerations and the welfare of the States should alone occupy the statesman's mind. The President of a nation like our own, should hold himself aloof from all such manifestations, and ought so to act, that it should never be known, by any official deed or word, what personal friendships he cherished, or what private resentments he had to gratify. To do less than that is to lose that hold upon the confidence of the people, which is the great power and strength of of a republican government!

The third remark which I make is, that the President, in appealing to the people, and breaking with Congress, has evidently allowed himself to forget, that the members of Congress are the *Representatives of the people*, fresh from the ranks of the people, and appreciating the desires and opinions of the people. There have been few Congresses, that have so well and thoroughly represented the will of the people, as that now assembled in Washington. The will of the people of the Northern States, who successfully carried through a five years' war, for the suppression of the greatest rebellion in history, for the preservation of the republic, for the maintenance of the Union, and for the freedom of the slaves; who paid, in their own treasure and in the blood of their best and bravest, the price of the national preservation; who have wrought and suffered for the sake of duty in a really heroic and sublime way—the will of this people is, that the authority of the republic shall be supreme in all parts of the land; that the pledge of the republic, given to the emancipated slaves shall be fully redeemed; that the rights of MAN, of whatever color or clime, shall be affirmed and preserved inviolate! And woe be

to the servant of the people, who shall disregard the people's will! How else could the people's will be expressed, except through the people's Representatives? In the passage of the "Civil Rights bill," which secures to the freed people of the South the privilege of citizenship, in the very particulars which the President once approved, the Representatives of the people voted with remarkable unanimity. In its first passage, a larger than a two-thirds vote carried it through both houses. According to every principle of justice and good government, as the President himself had proclaimed with some ostentation when acting in another capacity, the bill should have received the Executive sanction. That sanction was withheld. The Representatives of the people at once passed the bill over the executive veto. The indication was unmistakable. It was the people's will that the freedmen should have their rights as citizens of the United States—as human beings; should have security, and protection, and safeguard beneath the laws of the Republic. And we may rest assured, that the people will see that their will is carried out in its completeness. Let the South be wise and accept the duty which now remains to her, of acquiescence and obedience to the lawful authority of the Republic. It may be said, that I am limiting the term "the people," to a portion only of the citizens of the Republic. To this, I answer, that the people to whom the President appeals, are necessarily those who have saved the Republic. Certainly, he would not appeal to the rebels. Certainly we cannot call them the people who are to decide this great question before the country. The people are the loyal citizens, North and South, black and white, whose welfare it is, and whose will it is, that the country shall be one, and that it shall be free!

Once more: The fourth remark which I make, is, that the President *does not seem to understand the character of the people themselves*. This is evident from the singular passage in his address on the 22d of February, relating to the danger of assassination. He appeared to feel, that some plot or conspiracy existed among the people of the North, to put an end to his life. We, who live at the North, can very clearly understand that nothing is more absurd, nothing more ill-founded. The fear of any such movement must spring from a lack of comprehension of the character of the people. In these Northern communities we are trained to a respect

for law, for the public order, and the public welfare. Deeds of violence are unfamiliar to us. Conspiracies for crime of such a nature are unknown among us. The public sentiment is altogether opposed to such a course. When crime is committed, it is regarded as an outrage upon the public conscience, as well as an offence against the public law. The crime of assassination is especially abhorrent to our minds. We cannot think of it, we cannot speak of it, except as revolting to all our moral sense. Such a gross miscomprehension of the character of our people has rarely, if ever, been made, in all our history. This lack of understanding is manifest, also, in the frequent alibion which the President makes to the obscurity of his origin, and the remarkable success of his political career. The American people have a singular measure of self-respect. They are willing, occasionally, to boast of themselves and their deeds. But as a nation, they are not parvenues. There is behind all their boastfulness a great amount of genuine manhood—a reserved power, which they can bring into action when the emergency requires. They ask of their public men a certain degree of reticence. Nothing disquiets them more than to hear a public orator speak about himself and his own deeds, and his own advancement. To praise one's self is the surest way of losing the esteem of one's countrymen. Nor does the President understand the character of the people, when he undertakes to prove, that he has been one of the most prominent actors and sufferers in the rebellion which has been crushed. It is almost surprising to remember after reading his statements, that he was for a year or two only the military Governor of Tennessee, residing at Nashville, surrounded by guards of thousands of Federal bayonets. Let me not underrate his services. But it must be borne in mind, that there are thousands and tens of thousands, aye, hundreds of thousands, in the army of the Union, and among the people of the country, who have done and suffered as much or more. Let us give full honor to all. But we cannot allow any man to single himself out from the rest, and claim a superiority where none exists. He who gathers up the love of the American people more than any other, is he who is willing to do the most and speak the least about himself. The President also claims, that he has done the most important anti-slavery work. He forgets the labors of those who have wrought against, the words and in-

fluence of himself and his associates, through many long and wearisome years to train the people to the great possibility of freedom; the sacrifices of the martyrs who have fallen in the conflict; the wisdom and courage of him who spoke the word, and struck the blow that shattered the fetters and bid the oppressed go free. The President comes at the eleventh hour and claims more wages than they who have borne the heat and labor of the day!

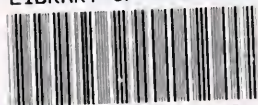
Within the past week, Congress has had presented for its consideration the report of its committee on reconstruction. That report embraces an amendment to the constitution making four distinct propositions, similar to those which the President himself favored before Congress met. 1. That the rights, privileges and immunities of citizens of the United States shall not be abridged by any State, nor shall any person in any State be deprived of life, liberty, protection or property without due process of law. 2. That suffrage shall be based upon the number of the people, deducting in certain proportions such as should be disfranchised by any State action. 3. That until 1870, all persons who voluntarily adhered to the late rebellion, shall be excluded from the right to vote for members of Congress, and for electors of President and Vice-President of the United States. 4. That neither the United States nor any single State shall assume or pay any debt or obligation incurred for purposes of rebellion against the United States. These propositions are accompanied by bills to make those persons who have held certain military offices in the late confederacy ineligible for public offices, and to allow the Senators and Representatives of Southern States to take their seats, whenever their respective States shall ratify the amendment proposed.

These propositions are in accord with the President's published declarations, made within the last two or three years, with the exception of that pertaining to the basis of representation upon which he has said nothing. Upon the other points he has expressed himself as in favor of repudiating the rebel debt, in favor of allowing all citizens their rights in the courts, and especially in favor of not permitting the insurgents the right to work for the restoration of the country. To use his own language in calling a convention to reorganize civil government in Tennessee:

of liberty, may not have power here and now to destroy the work for which so much has been expended. Let us so act, that our country will not need that severe discipline, by which England was taught in the Restoration of the Stuarts, and France, in the return of the Bourbons, that Liberty must be served with self-devotion and fidelity even unto death, and that the triumphs of Justice are to be achieved only by obedience to the great laws of righteousness and truth. Let us assure the world that the interests of human civilization are safe in our hands, and that, having for a century fought the battles of human nature and human rights, we are wise enough and brave enough to secure the permanent fruits of our victory. Let us have faith above all, that God in his infinite wisdom will yet lead us out of all our troubles, and establish us in the world, the home of the oppressed, the fortress of liberty, an empire of freemen, upon foundations and with walls that shall not be removed forever! The nation was not born in a day. It lives not for a day. It is for all time!



LIBRARY OF CONGRESS



0 013 785 623 2