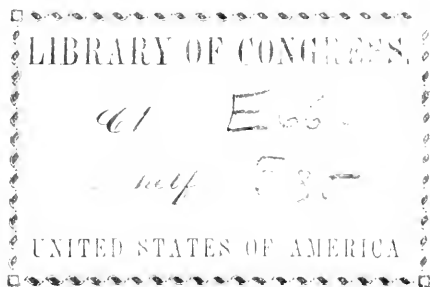




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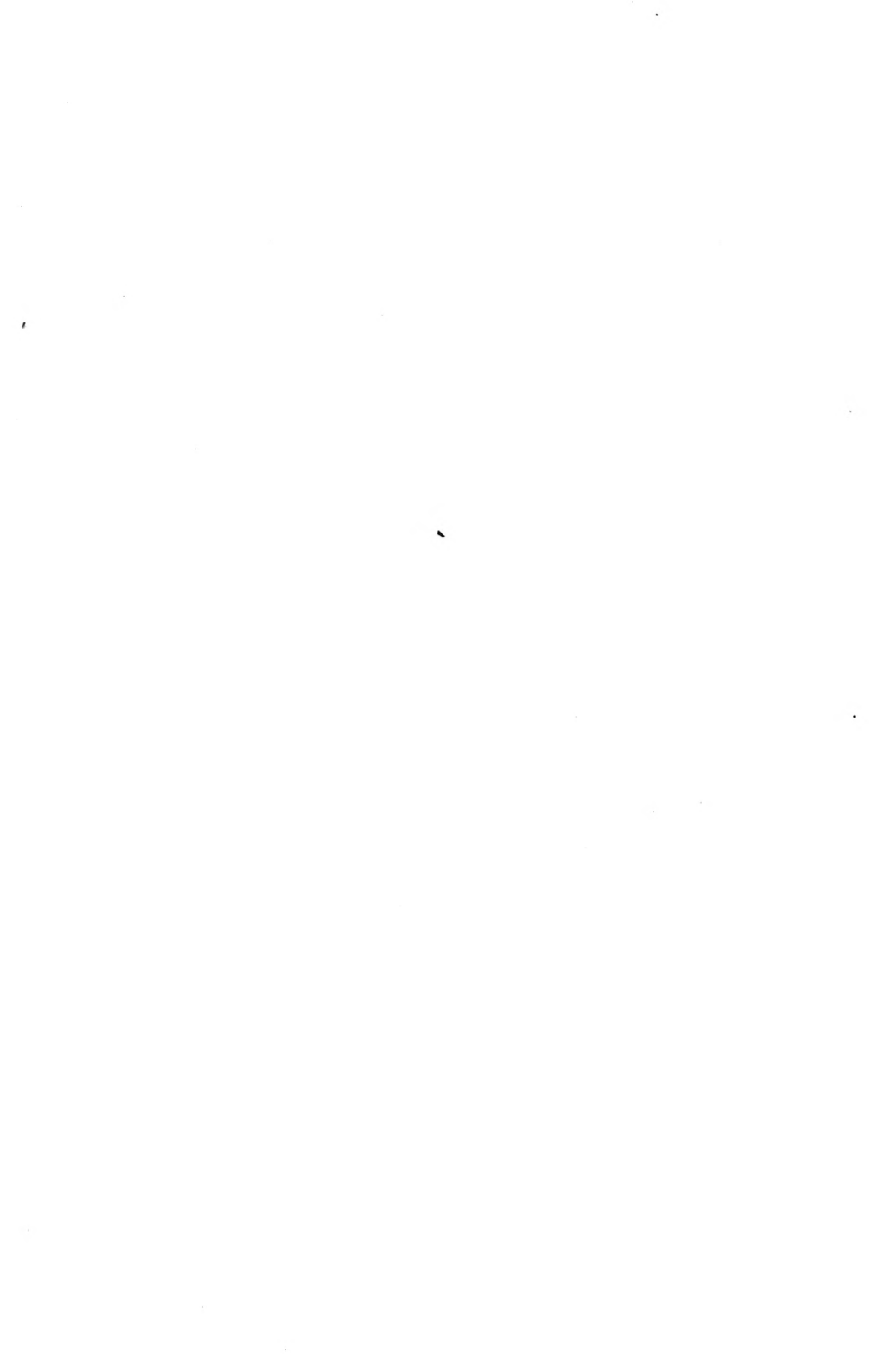


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UNITED STATES OF AMERICA



RESTORATION RESOLUTIONS

INTRODUCED BY

HON. W. M. STEWART, OF NEVADA,

WITH

EXPLANATORY REMARKS BY HIMSELF AND OTHERS,

IN THE SENATE, MARCH 16, 1866.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1866.

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REPRESENTATION OF SOUTHERN STATES.

Mr. STEWART. I ask leave to introduce a joint resolution. I should like to have the whole of it read, and I ask the privilege of explaining it after it is read.

The Secretary read it, as follows:

A joint resolution (S. R. No. 48) setting forth certain conditions upon which the States, the people of which have been lately in rebellion against the United States, shall be restored to their representation in Congress.

Whereas in the present distracted condition of the country it is eminently proper and necessary that all just and constitutional means should be employed for the quieting of popular excitement, the removal of unreasonable prejudices, and the obliteration of all hostile feeling growing out of the late unhappy civil war; and whereas one of the most prolific sources of unfriendly sentiment is the conflict of opinion existing on the subject of negro suffrage; and whereas it is now most evident that there is no probability whatever that Senators and Representatives in Congress from the States whose people were lately in insurrection will be allowed to occupy the seats to which they have been elected until said States shall have complied with certain fundamental conditions, a portion of which are hereinafter recited; and whereas it is unreasonable to expect the reestablishment of harmony and good feeling so long as the eleven southern States whose people were recently in insurrection are prevented from resuming their ancient relations to this Government: Therefore,

Be it resolved by the Senate and House of Representatives of the United States in Congress assembled, 1. That each of said States, whose people were lately in insurrection, as aforesaid, shall be recognized as having fully and validly resumed its former relations with this Government, and its chosen representatives shall be admitted into the two Houses of the national Legislature whenever said State shall have so amended its constitution as, first, to do away all existing distinctions as to civil rights and disabilities among

the various classes of its population by reason either of race or color, or previous condition of servitude; second, to repudiate all pecuniary indebtedness which said State may have heretofore contracted, incurred, or assumed in connection with the late unnatural and treasonable war; third, to yield all claim to compensation on account of the liberation of its slaves; and fourth, to provide for the extension of the elective franchise to all persons upon the same terms and conditions, making no discrimination on account of race, color, or previous condition of servitude: *Provided,* That those who were qualified to vote in the year 1860 by the laws of their respective States shall not be disfranchised by reason of any new tests or conditions which have been or may be prescribed since that year.

2. *Resolved,* That after the aforesaid conditions shall have been complied with and the same shall have been ratified by a majority of the present voting population of the State, including all those qualified to vote under the laws thereof as they existed in 1860, a general amnesty shall be proclaimed in regard to all persons in such State who were in any way connected with armed opposition to the Government of the United States, wholly exonerating them from all pains, penalties, or disabilities to which they may have become liable by reason of their connection with the rebellion.

3. *Resolved,* That in view of the importance of the thorough assimilation of the basis of suffrage in the various States of the Union, all other States not above specified be respectfully requested to incorporate an amendment in their State constitutions respectively, corresponding with the one above described.

4. *Resolved,* That in the adoption of the aforesaid resolutions it is not intended to assert a coercive power on the part of Congress in regard to the regulation of the right of suffrage in the different States of the Union, but only to make a respectful and earnest appeal to their own good sense and love of country, with a view to the prevention of serious evils now threatened, and to the peaceful perpetuation of the repose,

the happiness, and true glory of the whole American people.

The PRESIDENT *pro tempore*. Does the Senator from Nevada ask for the present consideration of the resolution?

Mr. STEWART. I ask leave to say a few words in explanation. I want the joint resolution printed and referred to the committee on reconstruction, but before that question is put I ask unanimous consent to say a few words in explanation. I have been a careful observer of the current of events since Congress assembled, and I have come to the conclusion that a proposition of this kind corresponds with the prevailing sentiment in Congress and also in the country as indicated by the public press. I do not mean to express any opinion as to the propriety or impropriety of negro suffrage, which I have studiously avoided doing on all occasions during this session.

Mr. POMEROY. What about that "white man's Government?"

Mr. STEWART. About the white man's Government I said that the idea should not be scoffed at; that it was a prejudice in the country that no man had a right to disregard; and I still say so. But I was going on to explain that having come to the conclusion that this is the present attitude of Congress and of the country, and not having heard from the southern States upon the proposition, I think it but fair and just that the best terms Congress is willing to grant at this session should be submitted to the South for them to adopt voluntarily or to reject. This proposition avoids all the odious provisions which were attached to the other propositions that have been brought forward, in my estimation which appeared like coercion. It also avoids the long road of a constitutional amendment which must be contested upon northern battle-fields before the South will have an opportunity to be heard upon it.

This, or something of this character, is the only proposition that can be heard in the South upon which they can pass during this session of Congress. I do not pretend to be wedded to the particular provisions, but simply to the general proposition. I want it to conform exactly to the sentiment of Congress. I want the South to have an opportunity to vote upon it

without embodying in it any of the provisions which they regard as odious or coercive. After the proposition has been discussed, if they refuse to adopt it will be time enough to consider other propositions; but until they do refuse I think it is unjust to take from them the right to decide for themselves. I will say furthermore, in presenting this proposition, that I find it to be in accord with the telegram sent by the President of the United States to Judge Sharkey, which I am authorized to say Judge Sharkey informs me is genuine. It corresponds in spirit with that dispatch, and I have no reason to believe, from what the President of the United States has said heretofore, that he at all objects to it. I beg leave to read the dispatch referred to:

EXECUTIVE MANSION,

WASHINGTON, D. C., August 15, 1865.

Governor WILLIAM L. SHARKEY, Jackson, Mississippi:

I am gratified to see that you have organized your convention without difficulty. I hope that without delay your convention will amend your State constitution, abolishing slavery and denying to all future Legislatures the powers to legislate that there is property in man. Also, that they will adopt the amendment to the Constitution of the United States abolishing slavery. If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than \$250, and pay taxes thereon, you would completely disarm the adversary and set an example the other States would follow. This you can do with perfect safety, and you thus place the southern States, in reference to free persons of color, upon the same basis with the free States. I hope and trust your convention will do this, and, as a consequence, the radicals, who are wild upon negro franchise, will be completely foiled in their attempts to keep the southern States from renewing their relations to the Union by not accepting their Senators and Representatives.

ANDREW JOHNSON,

President United States.

I will state that this letter was not sent to the convention for the reason that, as Judge Sharkey understood, the convention had refused to receive communications from him upon such subjects, so that the question never was presented to the people of that State or any other State. The President it appears did not feel himself authorized to submit the question to the people, or to demand it as a condition, because it was not one of the issues made in the war. He confined himself to those issues.

This was a question outside on which the people of the South have had no chance of passing. The resolution, it will be perceived, in terms proposes to confer equal suffrage upon all persons; that the same tests shall apply to all persons with one exception; that is, that persons who were entitled to vote in 1860 under the laws of their respective States shall not under any circumstances be disfranchised. It leaves the States at liberty to fix any educational or property test that they may desire as regards other persons. That would apply to the young white population under twenty-seven years of age as well as the colored population. Both would be placed precisely upon the same footing as to educational tests. It would be unfair now, I think, to impose an educational test upon a man who had passed those years at which persons can with facility learn to read and write. This would place the young white men of the country as far as tests are concerned upon the same footing with the colored people for all future time. If the States desire to establish an educational test, it would only apply to young white men who are now under the age of twenty-seven, an age at which people can readily learn to read and write. A test of that kind can be applied under this resolution, thus excluding that mass of ignorance which all must confess would embarrass the operations of Government. At the same time it holds out the opportunity which appears to be desired on the part of the majority of Congress that the negro may have an opportunity ultimately to be enfranchised. At all events it submits the whole question to the South for them to determine, and we disclaim by the resolution any desire to coerce them in so doing.

The resolution also places before them distinctly the other questions that are not wholly settled as to the rebel debt,⁶ and as to any claim or compensation for the emancipation of their slaves. Let them pass upon these questions fairly.

The resolution calls upon the rebels to vote upon these propositions. I am of opinion that the South cannot be governed except by a majority of its people. I do not believe that one tenth can govern the rest of the people. In order to govern them they must necessarily resort to such arbitrary means as will destroy free

government in the South. The majority must govern, and I think it but fair that we should give the rebels an opportunity to assent to this proposition, because I believe that this is about the sense of the country. If they reject it, it will then be time enough for us to adopt further provisions and take another course. The road will then be pointed out to us; we shall then know the disposition of the South. It may be that the South would rather make the rising generation stand upon an educational test with the colored population, if thereby the present generation could be excluded from disabilities and enabled to become citizens, to be Americans again. It may be that the South will hail this proposition with joy. If so I am confident that the North would gladly accept it. If the South adopt it, it will prevent all further agitation of this most embarrassing question; but if you force it without the consent of the people, if there is an attempt by faction to rule in the matter, it may prove disastrous. If there is no middle ground of pacification it seems to me that civil war is almost inevitable before the whole matter shall be closed. Before we resort to any coercive means, to anything that may drench this country again in fraternal blood, I am desirous that this proposition, which I believe to embody the opinion of a majority of Congress, shall go to the southern States and be ratified or rejected by them. The proposition to them is certainly a very liberal one. It proposes to relieve them of all the pains and penalties incurred by them in consequence of their treason, and if they cheerfully adopt it, they can regulate their elective franchise so as not to impair their free institutions. I have assurances from which I believe the South will adopt it. I find it is in accord with the repeated sentiments of the press of the North. I read an extract from Mr. Greeley's paper, the Tribune, the other day. I will again read it:

"Let it be distinctly understood if the whites of the South are not represented in Congress it is because they deny the right of representation or power of self-protection to the blacks."

I say they have not had an opportunity to say whether they would or would not deny those rights; that the opportunity has never been extended to them; that the letter of the President which proposed substantially these

terms did not reach them; that the people have never had an opportunity to vote upon them. The Tribune goes on:

"Show us a single State which admits her blacks to vote on a like intellectual, educational, moral, and pecuniary basis with the whites, and we will urge the instant admission of the chosen Representatives of that State, though they be all ex-rebel generals of the most obnoxious type."

With this explanation, stating again that I do not attempt to give any opinion or commit myself at all on the question of negro suffrage, introducing this resolution simply to submit what I believe to be the opinion of the majority of Congress voluntarily to the South, disclaiming in the resolution itself any idea of coercion, but simply wishing to submit it in order to avoid angry discussion here, and then to wait until there has been action there upon it; simply offering it for such a purpose, I move its reference to the committee on reconstruction.

Mr. WILLIAMS. With the permission of the Senator I would like to ask him whether, if the committee of fifteen should report a plan of reconstruction embodying the proposition contained in this resolution, he would support and vote for that plan, and if he proposes to oppose any representation by the rebel States in Congress until that plan is adopted by those States, in case it should be submitted by Congress.

Mr. STEWART. I propose to pass it and submit it to the States, and neither to oppose nor to ask representation for them, leaving the matter to stand until they have had an opportunity to vote on it. I propose to vote for it myself. I never offer a proposition that I do not propose to support. I propose to vote for the proposition, and then await the action of the South.

Mr. CONNESS. I rise to inquire whether it is not a stretch of liberality on the part of the honorable Senator from Nevada to expect the committee of fifteen to sustain his proposition when he refuses to sustain any proposition that comes from the committee of fifteen.

Mr. STEWART. May I reply to that?

Mr. CONNESS. I ask the question.

Mr. STEWART. It may be a stretch of liberality on the part of any gentleman to have

views of his own; but if that be the case I shall always stretch my liberality. I simply submit this proposition. If Congress do not adopt it I shall not feel that I am particularly responsible for their action; I simply submit it to them. Other gentlemen have sent propositions to that committee, and it has not been inquired whether it was a stretch of liberality or not. I supposed it was a privilege we had, to submit our propositions and compare ideas. Of course I only submit it as a proposition to Congress believing it to be the reflex of the sentiment that has already been expressed.

Mr. SUMNER. I merely wish to make one remark. I welcome in the Senator from Nevada a new convert to the necessity of colored suffrage. Already repeatedly on this floor during the present session I have said that colored suffrage was the only guarantee of future peace and security in this country. I have insisted that it was a necessity; that without it your national debt is in peril; without it your freedmen will be in constant peril and this Republic cannot enjoy permanent peace. Sir, I welcome with open arms the Senator from Nevada.

Leave was granted to introduce the joint resolution, and it was read twice by its title.

Mr. SAULSBURY. Believing that this is a proposition which no State ought to accept or will accept, I move to lay it upon the table.

The motion was not agreed to.

Mr. WILSON. I desire simply to say that I thank the Senator from Nevada for offering this proposition. I have no doubt it will receive the serious consideration of the committee to which he proposes to refer it, of the Senate, and of the country. I am for one, and I believe the country are, willing to settle this whole question on the basis of universal liberty, universal justice, universal suffrage, and universal amnesty.

Mr. STEWART. I would like to have the resolution printed before it is referred.

Mr. HENDERSON. I am under some obligations to the Senator from Nevada also, and I desire to express them. The Senator from Nevada reads a telegraphic communication from the President, dated last August, to Governor Sharkey of Mississippi, urging upon him to have the Mississippi convention adopt or to ingratiate

upon the constitution of Mississippi the principle of negro suffrage. I will state that last October, when I was in this city, the communication was laid before me by the President, and I was authorized by the President to say in a public speech before the people of Missouri that such were his views. I was not authorized to publish the telegram itself as directed to Governor Sharkey. I did not do so, but I did state that the President in a private conversation with me, and that I was authorized so to say, expressed himself in favor of negro suffrage, and in a speech at my town in Missouri I stated the precise views of the President as they are now stated before the Senate this morning. The newspaper press all over the country has denounced that statement to be false. The press of my State not agreeing with me in sentiment has been very free in its abuse and declarations of the falsehood of that statement; that the President was not in favor of negro suffrage; that he had never so expressed himself. Now, I suppose that the Senator from Nevada has it from the President himself.

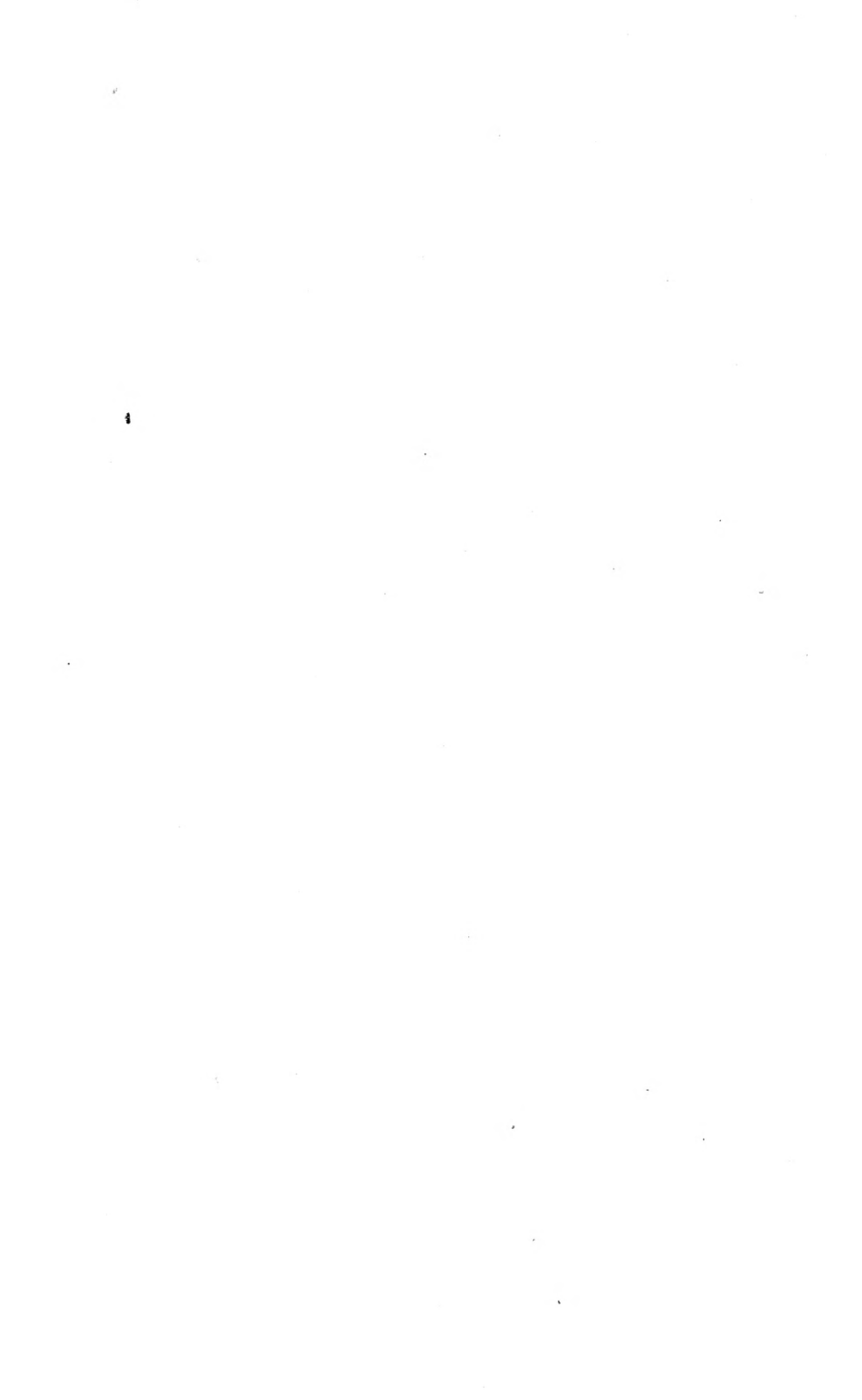
Mr. STEWART. From Governor Sharkey.

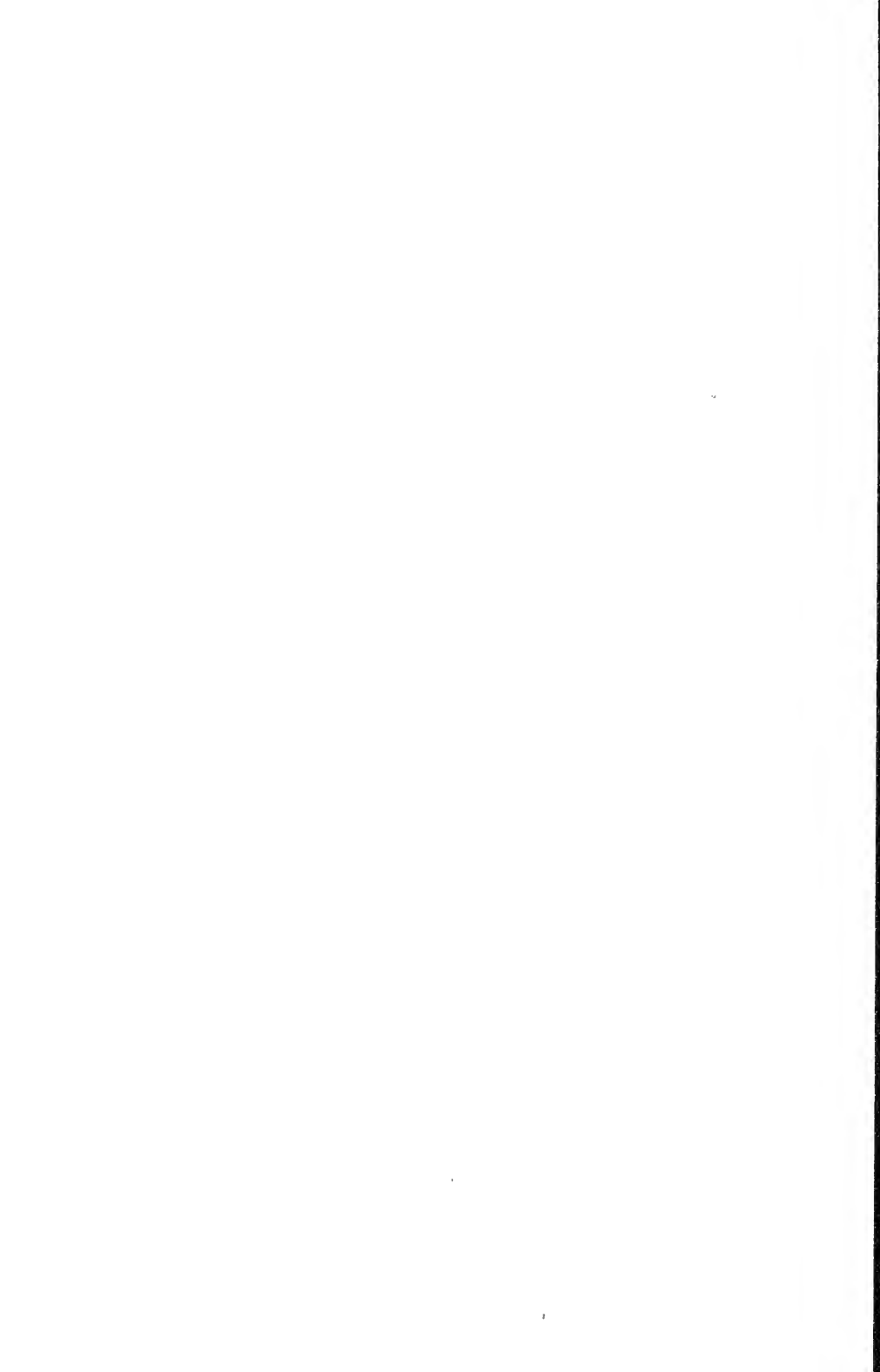
Mr. HENDERSON. I am under very great obligations to the Senator from Nevada for putting before the country a corroboration of

what I have said. I have been left almost without proof of the fact until this morning. It is now established that this is a genuine document, and that the President, even as early as last August, was in favor of negro suffrage; and I presume that he is yet in favor of negro suffrage. If I am a radical for being in favor of negro suffrage, the President is equally a radical; and I presume that the President will not see fit to change his opinion. I desire that it shall be distinctly known to the country that if the majority in this body and in the lower House are to be denounced as radicals and as Jacobins throughout the country, the President should be placed in the same category; that if it be radicalism to be in favor of negro suffrage, the President is the first and original radical upon the subject of negro suffrage in his reconstruction. He urged it upon his own governors and upon the States.

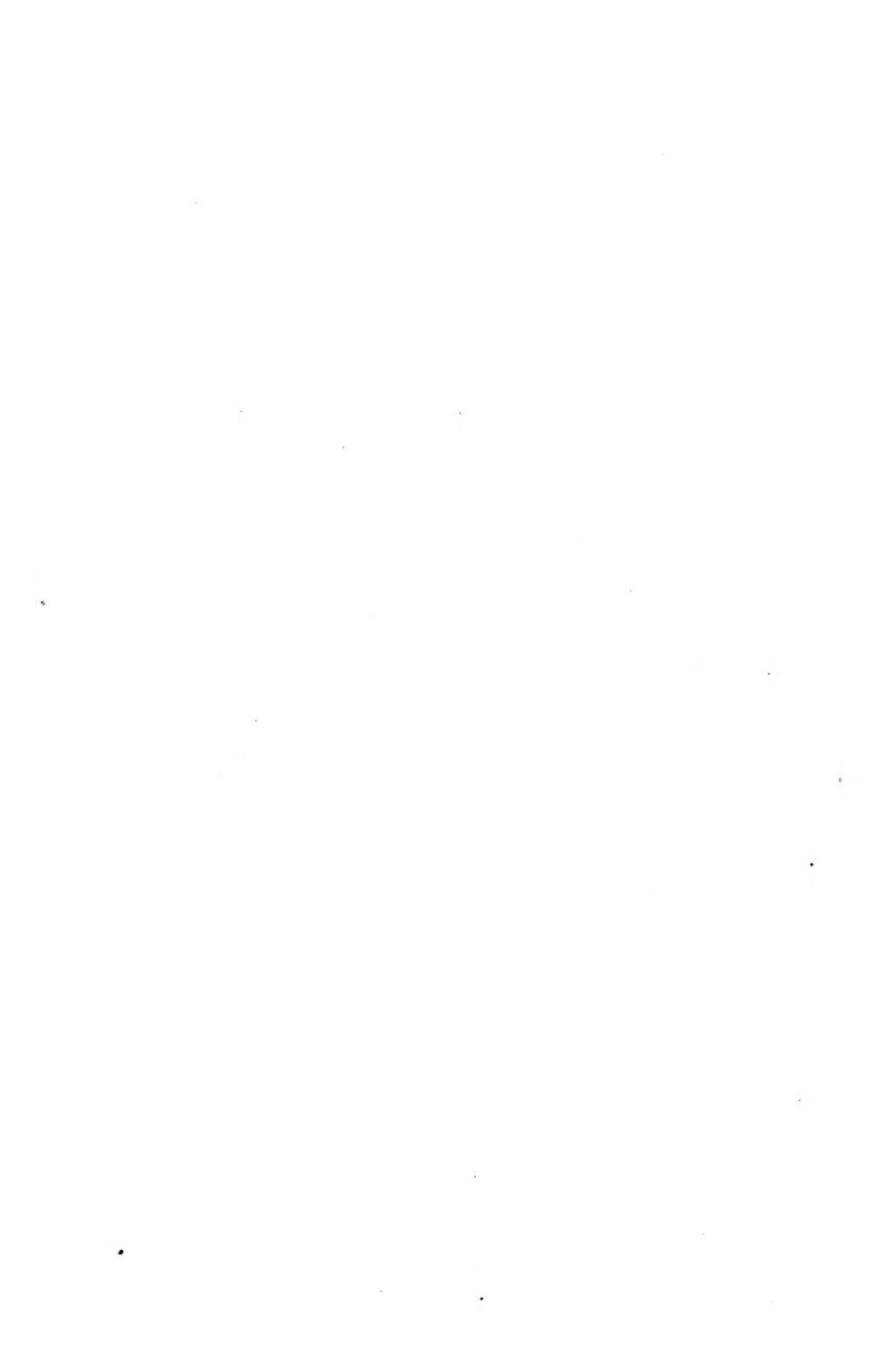
Mr. YATES. I simply wish to say that I am not surprised that any gentleman should find out that free citizens in this country are entitled to suffrage. They will find it out very soon.

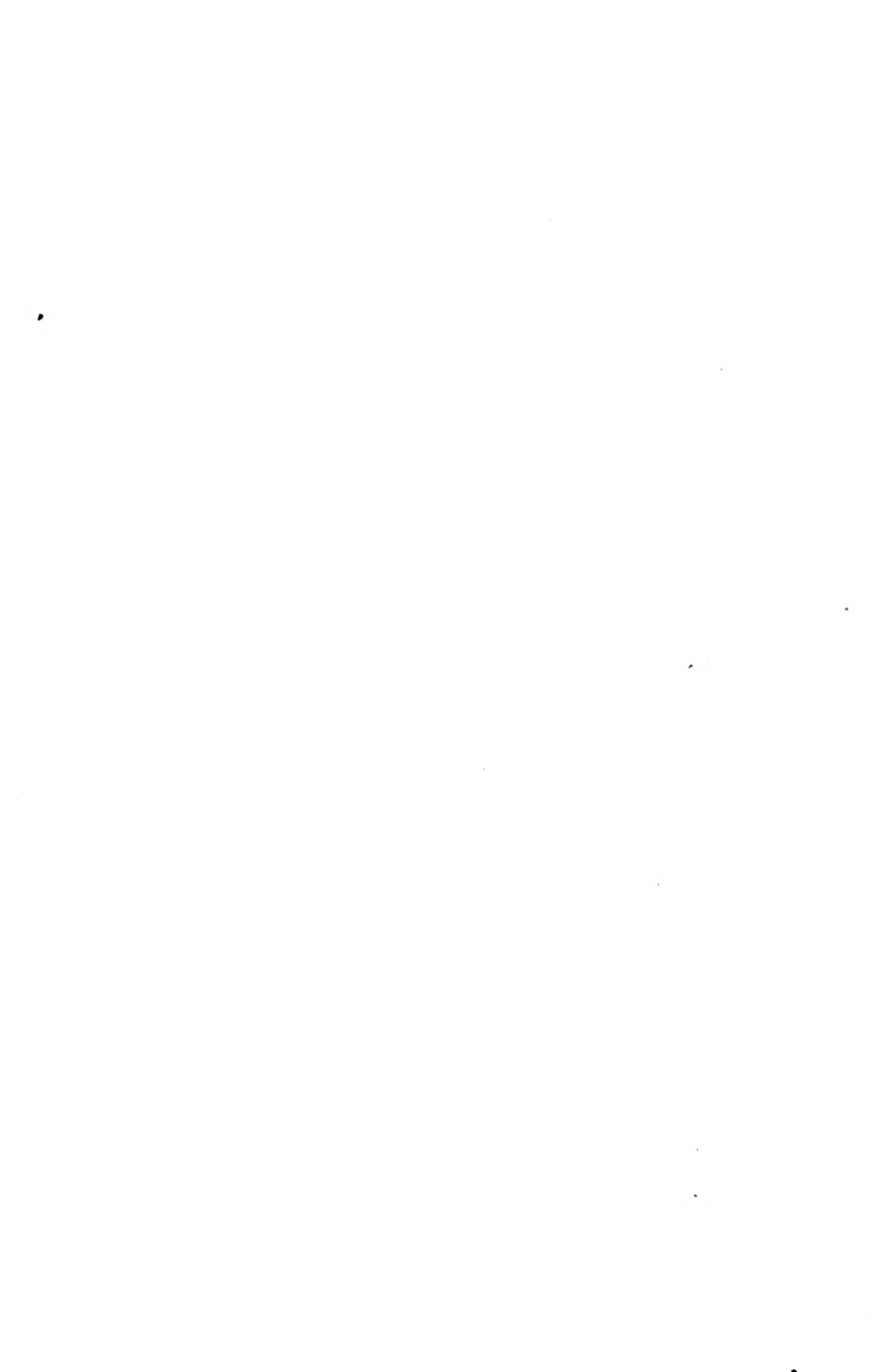
The joint resolution was referred to the committee on reconstruction, and ordered to be printed.







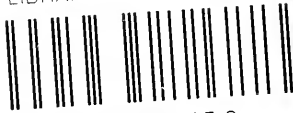








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