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SPEECH

MADE IN THE HOUSE OF REPRESENTATIVES
ON FEBRUARY 7, 1866
BY
HON. MARTIN WELKER, OF OHIO.

OF

HON. MARTIN WELKER, OF OHIO,

ON

THE PRESIDENT'S MESSAGE;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 7, 1866.

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THE PRESIDENT'S MESSAGE.

The House being in the Committee of the Whole on the state of the Union—

Mr. WELKER said:

Mr. CHAIRMAN: Nearly ninety years, with their great events, their grand progressions in science, the arts, and in society and Governments, have passed away since our fathers, in solemn assembly, proclaimed, as the broad foundation of the Government then about to be erected, that "all men are created equal, and are endowed with certain inalienable rights," and that "among these are life, liberty, and the pursuit of happiness." They declared, also, "that to secure these rights Governments are instituted among men." To maintain these bold propositions, these new ideas of equality of man, to establish a republican form of government based thereon, for seven long years, amid defeat and disaster, sufferings and deprivations unknown to the history of war, these men of the Revolution, with firmness undaunted and patriotism unchilled, fought out the battles that won for us these grand principles and established this great Republic.

When this Government was first organized it was everywhere said by politicians and publicists of the Old World that this attempt to maintain a republic on these principles would be a failure; that, like other experiments of the same kind in other periods of the world's history, it would be short-lived, and soon go down and be forgotten, or only remembered on the pages of the history of the times. It was claimed that the people were not competent to govern themselves, and all such governments would be too weak to stand when the time of trial would come; that when the storms of civil war would burst upon them they would crumble to the ground as other republics before had done. All these theories and prophecies are now overthrown. For five years past we have gone through

the ordeal of fire and blood to maintain the life of the nation. No nation has ever been subject to so terrible a trial. The records of the world do not present so fearful a rebellion or scarcely any civil war in which such magnificent armies and munitions of war have been brought into conflict. With these great instrumentalities we have tested the power of the Government to maintain itself against enemies within as well as without; have established again these great principles of government laid down by our fathers, and presented an example to the world of the grand experiment of free government. In the war of 1812 we sustained the Republic against foreign foes. In this contest we have saved the nation from destruction by enemies at home.

Now, after the great conflict has been fought out by our armies upon the battle-fields of our country, we, as the Representatives of the people here assembled, have a great work to do in order to preserve and perpetuate the priceless inheritance of our fathers. Our brave soldiers, in the iron hail of battle, in the toilsome march, in rain and storm, heat and cold; in the lonely prison, with sacrifice of life and health upon their country's altar, have nobly done their whole duty. Let us equally well perform ours, and this, the grandest Government of the world, will continue its triumphant march in the bright pathway leading to the highest and truest freedom of mankind.

There ought to be no difference of opinion now on this floor as to one thing, and that is, that this Government shall remain one and indivisible, and that this great people shall be one people, with one destiny and one flag. That was clearly settled by the war. One other thing was settled, and that is that our people shall be a free people, that our

"Starry flag no longer waves
In splendid mockery o'er a land of slaves."

P. 8161

RECONSTRUCTION.

How the Government is to be reconstructed, or restored, or the best means to reach that end, are questions about which there may well be differences of opinion. In this difference of views there may, in the end, be safety.

What are these different opinions? One party here say that these eleven States, constituting the so-called confederate government, by this great war upon the Government lost none of their rights as States to participate in the Government now; that having ceased their warfare, surrendered their arms, and disbanded their armies, all they have to do is to elect members of Congress, and they are entitled to admission here, and no questions are to be asked and no conditions imposed. As the result of the war four million slaves, that in the apportionment for representation in the House of Representatives were counted in the ratio of three to five, in the next apportionment these States will have actually, by this rebellion, gained twelve members. So that in this effort to overthrow the Government they have really increased their power and influence in the administration of the affairs of the Government. If this be so, the declaration of our patriotic President, "that treason is a crime and must be punished," is entirely ignored, and in this instance treason is rewarded rather than punished.

Some think that by this mad attempt to overthrow the Government they have only lost their right to participate in the governing power of the country, and still remain as States with suspended animation, subject to be vitalized by the joint action of the President and Congress.

Others believe that by this attempt to separate from the parent Government, and this bitter and terrible war upon it, they have lost their character of States, forfeited their State governments, and are now mere Territories, and subject to be governed by Congress as conquered provinces until readmitted as States.

At this late period in the discussion, the whole field having been occupied so ably by others, and the questions growing out of these different views so well and forcibly discussed, I will not now attempt any lengthy remarks upon this branch of the subject of debate.

In my judgment, it makes but little difference which of these last-named views shall be adopted so that we reach the same end in the grand result. The difference is more in theory than in practical application. It is very certain that their relations to the Government has been, in some way, affected by the rebellion. It cannot be that a war of such gigantic proportions, marshaling their millions of soldiers on each side, should not in some respect change the relations of the parties to each other. The rebels, just emerging from the leadership of a self-constituted government, cannot at once and without conditions take their original place in the Gov-

ernment against which they warred. This would be an anomaly in history. It would falsify all the records of the past. No rebels in any Government have ever been allowed such rights, no conquered people ever so treated.

CONDITION OF THE STATES.

I do not think these States are now out of the Union. They are a part of our Government, their territory is ours, their people belong to the Government, and are subject to its control and liable to its jurisdiction. But as States they are not entitled to representation here until loyal governments are organized within their territories, and until Congress and the President do something to restore or readmit them to their proper relations with the Government. Whether they shall be regarded as mere Territories, or as States with "suspended vitality," may, it is true, be a subject of much dispute and some difficulty of correct solution, but which I will not now discuss.

These States, one by one, passed ordinances of secession, and then banded together into a confederacy and declared themselves a separate government, denied allegiance to the United States Government, and set up one for themselves. The question then arose whether they should be allowed to thus separate, or whether by force of arms their separation from the Government should be prevented. The Administration made the issue of separation or no separation. The arts of statesmanship had been exhausted. No other forum was left in which to contest this issue but the battle-field; no other trial but that of battle was left to determine this question. So the contest went on for four years.

On the 26th day of May, 1865, the decision was made by the complete surrender of their army to the authorities of the Government, in favor of the Government, and against the rebellion. What did that determine? Whether they were States in the Union or conquered provinces? No such thing. It settled that these States did not maintain their proposed separation from the Government, and their own separate existence as a government, and that this Government has a right to exercise jurisdiction over them. Those who claim that the issue was whether these eleven States were in the Union or out of it, mistake the issue. Theirs was an effort to separate, and ours to compel them to remain a part of our Government. We won and they lost. This leaves them to be judged of by the laws of civilized warfare. It is true that during the whole progress of the war, the Government treated these States and the people as subject to its control wherever it had power to do so. But in this I deny that they were treated as States in the Union, and with all their rights as States. In the last Congress, a law was passed providing that these States should not be entitled to cast any vote for President and Vice-President of the United States, thus refusing to recog-

nize them as States entitled to the rights of other States. To say that these States had lost none of their rights as States by this war, and during its continuance and now, would be to ignore all the lights of international law, and all the authors who have written upon the subject. It is the universal testimony of the old authorities, that when separate States undertake rebellion to throw off their allegiance to a parent Government, and are subdued, they can be treated as conquered territory, and are liable to imposition of terms in reconstruction or restoration.

But I will not pursue this branch of the subject further.

WHAT IS TO BE DONE.

Now, Mr. Chairman, at the close of the war, we are met by practical questions in relation to what is to be done to reconstruct or restore these States.

I am anxious that our Government shall be made a unit as soon as it can be done with safety to the great principles settled in the contest. But we should "make haste slowly" in this great work. The perpetuity, the very life of the nation, is now at stake. No graver or more responsible duties ever devolved on an American Congress than are now upon us. This is the time and this the occasion to settle for all time in this country the great ideas and principles lying at the foundations of our noble structure of government. Let these foundations now be made strong, that in coming time the winds and storms of rebellion and revolution may beat in vain against the grand fabric erected thereon. Our fathers made this for a free Government; one to which the persecuted and downtrodden of the world might fly and find secure asylum and equal rights. In the short period of less than a century, which is but a day in the life of a nation, the grand idea of our fathers was so far forgotten and departed from that we held four million of God's creatures as the brutes of the field to be sold in the market, and their unrequited toil used to nurture and support a purse-proud and haughty oligarchy of oppressors in the land.

Let us now make it what our fathers intended it to be, and secure to all their God-given rights, secure equal and exact justice to all men. To accomplish this we must not be in a hurry with the work. In this fast age we are apt to desire the accomplishment of too much in a given time. Let these men so lately engaged in the rebellion have time to satisfy us that they are thoroughly cured of many of the heresies they have heretofore entertained. They can afford to wait after what they have done against the Government, after the great injury they have inflicted upon the country—the deluge of blood, the ravages of war they have caused all over our land, the widows and orphans they have made, the crippled and maimed soldiers they have scattered everywhere among us. There is

much for them to do in the way of improvements and reforms in their localities before they are ready to assume all the responsibilities of Government. As a matter of law most of them have forfeited their lives, and if the laws were enforced strictly against them, many of them would be hung for treason, as they ought to be. They should remember that during these bloody four years they have caused the sacrifice of millions of precious lives and thousands of millions of treasure in this attempt to disconnect themselves from the Government, and establish forever the infernal institution of slavery.

From the first commencement of this unholy war until their final surrender to overpowering force, these rebels never for a moment entertained any love for our Government or regret for what they had done. Now that they are conquered by our arms, they have no right to complain upon the demand of them of conditions and guarantees for the future.

FREEDMEN.

As the results of this war four million people have passed from under the clouds and darkness of slavery into the sunlight of freedom. They are God's poor—made so by the wrongs and oppressions of centuries. They must be cared for in any measures of restoration of these States. This Government by their emancipation is as solemnly bound to secure their freedom and protect their rights, as it is to pay off the debts incurred in saving the life of the nation. These freedmen, in all the dark days of the rebellion, when many white men in the North proved false to the Government, and gave aid and comfort to the enemy, were always true friends. They helped us fight the battles for freedom and national existence. They stood side by side with our brave white soldiers on the field; with them went through the baptism of fire for the country that had oppressed them; were their friends in prison, and finding ways of escape from captivity. These men and their families are now left in the midst of their former masters and oppressors. Shall they be turned over to the tender mercies of their unfriendly legislation? That must not be done. These freedmen and women constitute the principal laboring population of these States. They are as necessary to the non-working population there as the capital they own. They are mines of wealth to that people. In their dark, strong arms and loyal hearts are reposed the future development of the great resources of the sunny climes of the South, when guided by intelligence and manly independence.

In the great contest just closed the rebels staked the ownership of this labor, the bones and muscles that performed it, and they lost in the venture. It is a great change in their social relations, and it is not to be wondered at that they are slow to accept its reality. But they must understand that the logic of events will

teach them, in truth and soberness, to accept this great change and adapt themselves to it. It is a fixed fact that these colored people must remain in the late rebellious States. They cannot go anywhere else. That is their home. Their labor has improved and built up the country and created the wealth in which their oppressors have reveled. It is said that the labor system there will work itself out in the protection of these freedmen; that it will be in the end to the interest of the former master to extend protection to the rights of his colored employé. From the spirit manifested in these States since the surrender of their armies this does not seem to be correct. A spirit of bitterness, a determination to oppress and harass them in every way possible, now pervades the legislation of most of these States. In many of them there is no protection afforded the colored men. Many of these States have now in force "black codes," in which all rights are denied them. Several of them will not allow a colored man to own or rent a foot of land; deny him the benefit of schools, protection under the poor laws, or rights in court by which he can obtain redress for grievances or secure protection. While these States and their people manifest this spirit, let them remain under military authority until a better spirit is manifested. I am not at present willing to trust to the interest of these men who so lately were engaged in deadly hostility against the Government to protect this large colored population. Let us pass laws here protecting the rights of these freedmen, making the same laws for them that are made for the white man. We have already passed the Senate bill establishing the Freedmen's Bureau, and through its machinery the colored man will, in some measure, be protected from wrong and oppression.

GUARANTEES.

But before these States are represented upon this floor other guarantees should be secured. Not guarantees in the shape of State constitutions or State legislation alone, for they can at any time be altered or repealed, but irrevocable ones, incorporated into the Constitution of the United States. But we are told that these States are now in the Union, and we have no right to demand any guarantees for the future; that when they elected their Representatives to Congress they must be admitted. The men who say this are now claiming to be the peculiar friends and supporters of our present Chief Magistrate, and what they call his policy of reconstruction. But I do not understand this to be his policy. As a matter of fact, has not the President treated these States as having forfeited their rights as States in the Union? Since the close of the war he has been exercising authority looking toward the restoration of these States. He has proceeded upon the assumption that some conditions were to be attached to their restoration. What has he done? He found them without governments,

except disloyal ones, and he sent them provisional governors to rule them. He found their old constitutions still in existence, but he ordered elections for members of conventions to form new, or amend old ones, and prescribed the qualifications of electors. He required the Legislatures that might assemble under these constitutions to adopt the amendment to the Constitution of the United States abolishing slavery. He required all the constitutional conventions to abolish slavery in the States, and put therein a prohibition against the payment of their debts incurred in the prosecution of the rebellion.

Now, following in the spirit of his example, and of the principle he has established, the President should not object, if Congress demands additional guarantees before complete restoration. The conditions of reconstruction, the terms of admission of members, are clearly within the authority of Congress, and a proper subject for their action. It is to be hoped that the legislative and the executive departments will, in this great duty, act in concert for the good of the country, and that harmony may prevail in the councils of the nation.

AMENDMENTS TO THE CONSTITUTION.

But how are we to obtain security for the future? It cannot be done by the action of these rebellious States. I fear that as soon as they should be represented here, all such guarantees would be repealed. It must be done by appropriate amendments to the Constitution of the United States. But what amendments are demanded?

1. Let the Constitution be so amended that representation in the House of Representatives shall be based substantially on voting population, and not general population. This is the true basis of representation. Under the present system the rebel States have largely increased their representation by the rebellion. The slaves were counted and the masters voted for them. Now the freed slaves will be counted same as white population, and their former oppressors still vote for them!

I have already said that by the emancipation on the present basis of representation these States actually gain twelve additional members of Congress. This changed condition of these people requires some amendment to be made by which but fair representation shall be given them. The basis of slave representation was always unfair to the free people of the North. It gave to the white man in the South more influence and power in the Government than that possessed by the northern white man. It thereby constituted a slave oligarchy there that despised the voting "mud-sills" of the North. It gave them nineteen members of Congress based upon their slaves, and who were elected by the white slaveholders. It gives a rebel white man two and a half votes to one for the Union soldier in the North. It is true that

this was given them by the makers of the Constitution as a compromise. The occasion now having passed away, let it be remedied.

As the Constitution now is, these States can so limit the franchise that but the "favored few" shall exercise it, and the great mass be deprived of participation in their government, and still not decrease the representation in Congress. They may do this either by the exclusion of races or by requiring property qualifications as condition of voting. If voting is the basis, or equality of races, if this should be done their representation would be decreased. On the other hand, if they enfranchise the masses their representation will be increased. This will operate as a great inducement for the extension of suffrage.

I know that this power of disfranchisement is denied; and it is claimed that Congress can interfere to prevent it under the clause of the Constitution guarantying a republican form of government to the States. This may be so. But it will be found very difficult to determine the line defining the limits of what is republican, or what is not. How many, if any, must be disfranchised before it ceases to be republican? A majority, or a considerable minority? In the long history of oppression and tyranny in the South since the formation of our Government, in the darkest hour of its humiliation to the slave power, no congressional enactment was passed to assert this right in the General Government. It is better then to fix it sure and certain by fixing the voting population as the basis of representation, or as it is fixed in the amendment already passed the House, which excludes from count those who are denied the right of suffrage on account of race or color.

2. Amend the organic law so as to put it out of the power of these States to levy any tax or imposts to pay the rebel debt. Many loyal men are there who did not favor the rebellion who should be protected from the payment of this debt. Many men from the North will seek those States to make homes for themselves and children, carrying with them the capital, skill, and energy of our northern population, and they should be protected from such taxation. In the time to come the fertile lands of that beautiful climate will be made golden by the controlling influence of intelligent labor; its teeming population made prosperous and happy by an influx of northern enterprise and northern school systems, and the blessings of freedom and equality made perpetual among all the people.

3. If the power is not already contained in the second clause of the emancipation amendment already adopted, the Constitution should be so amended that Congress shall be fully authorized to protect the freedmen in all their rights of "life, liberty, and the pursuit of happiness" in the States, and prohibit the passage of all laws, by any of the States, making any

difference in the civil rights of their inhabitants, but that all, both white and black, shall stand equal before the civil and criminal law.

4. That our public creditors shall be protected from any repudiation of the public debt of the nation; that our credit may at all times be sustained, and no dishonor shall ever attach to the American character as would follow a refusal to discharge our high obligations.

Without some such provision as this in the organic law, there may be danger that men may be found who will refuse to provide such means as may be required to meet and finally discharge the public debt necessarily incurred to overthrow the rebellion and save the Republic.

SECURITY FOR THE FUTURE.

I would make these amendments conditions to restoration, on the ground of security for the future. Men once engaged in a purpose to overthrow the Government, as these traitors were, cannot be trusted with participation in managing the affairs of this great nation. Some such guarantees are necessary to insure us against a like attempt at a separation or destruction of the Constitution and Government.

LOYALTY.

More than this: some evidence should be given that the people of these States, the masses, are really cured of their political heresies, and desirous to "act justly toward all men," and live in harmony with the people of the loyal States. If we are correctly informed, however much it may be regretted, there is at this moment as much bitter feeling against the friends of the Union among them as there was during the war. This, no doubt, in the course of time will be changed, and a better and kindlier feeling prevail. There should also be satisfactory evidence that loyal governments are organized that will not array themselves against the execution of the laws that may be enacted by Congress, under the Constitution, for the common welfare.

SUFFRAGE.

It will not be doubted but that the four million freedmen in these States will be a difficult element to control. So large a population, denied rights of participation in the Government; denied proprietorship in the soil; denied all interest in the affairs of their State; kept simply to perform the labor of the country; made only "hewers of wood and drawers of water," will not quietly submit to their condition thus imposed. If it should be so, the lessons of history have not been rightly understood. In the late emancipation of the Russian serfs they were immediately enfranchised, and thus given an interest in the Government. In time the right of suffrage will be extended to our freedmen. This will be, in the end, the true theory for the solution of this great question of freedom. Those having served in the Union Army, and such as possess sufficient in-

teach them, in truth and soberness, to accept this great change and adapt themselves to it. It is a fixed fact that these colored people must remain in the late rebellious States. They cannot go anywhere else. That is their home. Their labor has improved and built up the country and created the wealth in which their oppressors have reveled. It is said that the labor system there will work itself out in the protection of these freedmen; that it will be in the end to the interest of the former master to extend protection to the rights of his colored employé. From the spirit manifested in these States since the surrender of their armies this does not seem to be correct. A spirit of bitterness, a determination to oppress and harass them in every way possible, now pervades the legislation of most of these States. In many of them there is no protection afforded the colored men. Many of these States have now in force "black codes," in which all rights are denied them. Several of them will not allow a colored man to own or rent a foot of land; deny him the benefit of schools, protection under the poor laws, or rights in court by which he can obtain redress for grievances or secure protection. While these States and their people manifest this spirit, let them remain under military authority until a better spirit is manifested. I am not at present willing to trust to the interest of these men who so lately were engaged in deadly hostility against the Government to protect this large colored population. Let us pass laws here protecting the rights of these freedmen, making the same laws for them that are made for the white man. We have already passed the Senate bill establishing the Freedmen's Bureau, and through its machinery the colored man will, in some measure, be protected from wrong and oppression.

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I have already said that by representation on the present basis of reconstruction these States actually gain twelve seats in the House of Congress. This change would give the people requires some amendment to the Constitution by which but first give them. The President always understood the North. It gave me with me. I am not sure that the man. There is no doubt of the No. of Cong. who were elected. It gives a vote to one for. It is true



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telligence, should at least be admitted to this right immediately, and others would follow in time. Those who used the musket against rebels should be armed with the ballot to defend themselves against the rebels they have fought in the battle-field.

This right of suffrage to colored men is no new thing. It was possessed by them at the time of the formation of our Government in many of the old thirteen States. It exists now in several of the States. South Carolina was the first to introduce the word "white" in her constitution, and she was the first to fire upon the glorious emblem of our nationality, as it waved over one of our forts. She has the dishonor to have taken the first step backward in the march of civilization, as she did the first step in the forward march of barbarism in the late infernal effort to found a government based upon human slavery. I hope to see the day when she may again set herself right, and return to her "first love" of the rights of man.

TRAITORS.

In this restoration no man whose heart was filled with sentiments of treason, whose hand is red with the blood of our martyred heroes, should ever be allowed to take a seat as a Representative in the American Congress. No traitor should ever be allowed to contaminate these beautiful Halls. The great and vital interests of this broad land should never, no, never, be placed in such hands. No pardons, no repentance should ever open these doors to him. These majestic emblems of freedom should never be desecrated by his presence.

UNION PARTY.

It is said, Mr. Chairman, that the Union

party is opposed to the reunion of the States, and is trying to prevent its accomplishment. I deny any such purpose. The party that for four years carried on this war for the Union, that supported the Administration in the days of darkness and gloom against traitors at home as well as in the field, that strengthened its hands and sustained its policy, will not desert the cause now. This party, so far as I know, does not desire to keep the Representatives of these States lately in rebellion out of Congress one moment longer than is necessary for the public good. But the great questions settled by this war, the great principles of eternal justice, must not be sacrificed or ignored by any act of this Union party. We all desire, I hope, the accomplishment of union and harmony with all the States represented on our common flag. But it must be done so that we shall have no more rebellions and no more controversies to embitter our relations, growing out of the causes that led to the late rebellion. These should be settled now and forever. When that is accomplished, a grand and glorious future awaits us. Then will be realized the grand purpose of our fathers in the creation of this Government. With the finest soil, the most beautiful rivers and lakes, the most enterprising and intelligent population, we will then take our stand proudly and gloriously among the nations of the world, the model Republic, with universal intelligence, freedom, and equality, as the great lights to guide us in our advancement in the pathway of civilization. Then may we well exclaim of our country: How beautiful are thy tabernacles! What people are like unto thee? The high places are thine, and there shalt thou stand firmly, innocently, and securely.

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I have already said that by the emancipation on the present basis of representation these States actually gain twelve additional members of Congress. This changed condition of these people requires some amendment to be made by which but fair representation shall be given them. The basis of slave representation was always unfair to the free people of the North. It gave to the white man in the South more influence and power in the Government than that possessed by the northern white man. It thereby constituted a slave oligarchy there that despised the voting "mud-sills" of the North. It gave them nineteen members of Congress based upon their slaves, and who were elected by the white slaveholders. It gives a rebel white man two and a half votes to one for the Union soldier in the North. It is true that

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