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NATIONALITY IN RECONSTRUCTION.

SPEECH

OF

HON. CHARLES D. DRAKE,

OF MISSOURI,

DELIVERED

IN THE SENATE OF THE UNITED STATES,

FEBRUARY 6, 1868.

WASHINGTON:
F. & J. RIVES & GEO. A. BAILEY,
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1868.

SPEECH.

The Senate having under consideration the bill (H. R. No. 439) additional and supplementary to an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867, and to the acts supplementary thereto, the pending question being on the motion of Mr. DOOLITTLE to refer the bill with instructions to the Committee on the Judiciary—

Mr. DRAKE said:

Mr. PRESIDENT: It may be questioned whether the Senate has ever witnessed a debate involving more deeply great American principles, reaching down nearer to the very foundations of American institutions, stretching farther ahead into the unveiled future of American destiny, or more pregnant of vital results to the American nation, than that in which we are now engaged.

It is not without design that in the first sentence of the remarks I would submit to the Senate on this occasion I use that word American repeatedly. It has to me a world of noble and glorious meaning. It speaks all I ever knew, all I expect to know, of faith and hope in human freedom. It embodies, to my view, the highest development of humanity under the influence of regulated liberty. In it is a history grander than has been written of any other nation, and, if the people be true, to be more resplendent, ennobling, and instructive in the future than in the past. It is a name honored and revered everywhere on earth but where it should be most. Within the great Republic itself are its only embittered foes in the wide world. The American nation, respected, feared, praised, and looked up to by other nations, finds its nationality questioned, its authority denied, its magnanimity con-

temned, its flag despised, its past glory unrecognized, and its hopes assailed by a part of its own people. Over a wide extent of its domain the soil is trod by avowed and blood-stained traitors. Millions of hearts beat there with but one throb, felt by day and by night shaking the land—the throb of hate and revenge. And that throb is answered back from millions of other hearts, not of avowed and blood-stained traitors, but of their affiliated and sympathizing friends, who have seized the name of Democrat that they may the more surely betray, and linked their fortunes with those of traitors that they may more certainly reach the goal of political power from which they have been so long debarred.

This, sir, is the grand muster-roll of the party, North and South, with which loyal Americans are now struggling. For seven long and gloomy years that struggle has convulsed this nation. A second period of seven years is entered upon; and, without assuming the gift of prophecy, I may be permitted to doubt whether it will see restored harmony or, even, quiet. I may not live to see its end; it is of little public import whether I do or not; but unimportant as I am or am likely to be, my steady and resolved purpose is, in this Chamber and out of it, to contest every inch of ground with the foes of my country's prosperity and glory, whether they be open-faced rebels or double-faced Democrats. With both I have had for years an intimate acquaintance, and I have found them about equally entitled to the respect of loyal men. In spirit, if not in act, I believe them to be one and the same; and so believing, "my voice is still for war" against them. It is vain to

cry peace, peace! Between them and patriots there is no peace, there can be, there ought to be, no peace till the power of rebelism and Democracy is overthrown and dead, and that of loyalty and nationality is exalted supreme.

Sir, for forty years the South has labored to undermine and cast down American nationality and to exalt the individual States. For forty years men, women, and children in the South have been educated to despise the oneness of united America, and to glorify their States. For nearly forty years Democracy has warmed and petted this venomous heresy. It never halted or faltered in this wicked work till the thunders of war for State rights and Slavery started the nation to its feet and armed it for its nationality and its life. During the greater part of the bloody years that followed, Democracy crept out of sight into its holes and caverns. Once while the war raged it came to the light, and with fetid breath hissed into the nation's face those words, fit only for ears infernal, "Four years of failure to restore the Union by the experiment of war." The aroused and wrathful nation planted its heel upon the serpent's head, and Democracy crept back to its holes and caverns. Now, however, warmed into life again by the treachery of him whom the nation then honored with its confidence, Democracy comes forth once more, and rebels and Democrats mingle in fraternal columns for the final onslaught upon the nation that wound up its "four years of failure in the experiment of war" with crushing them and breaking their power. And their cry is still the same—the Constitution! the Constitution! the Constitution! They claim to be *par excellence* the defenders and friends of the Constitution. Whatever patriotism would do to sustain nationality they denounce as unauthorized by the Constitution. Whatever the people that saved the Constitution would do to uphold it they hold up as overthrowing it. Whatever the defenders of the Union, covered with the scars or weeping for the slain of a hundred battle-fields, would do to rebuild, strengthen, and perpetuate the Union, they cry down as unconstitutional. On the other hand, nothing that tends to weaken loyal power and strengthen disloyal resistance to it; nothing that would serve to sap the base of nationality and give the country over to dis-

integration and chaos; nothing that, once done, would so wound the vitality of the nation that the idea of nationality would go halt and lame forever after, till at last it would be struck down and obliterated, but finds ample warrant in that Constitution, and is a hallelujah in the throats of rebels and Democrats all over the land.

Mr. President, this would be splendidly laughable if it were not wretchedly false and wicked. Think, sir, of rebels appealing to the Constitution they spent four years in endeavoring to destroy, and would destroy now if they could, and then recall the devil's quoting Scripture to the Saviour to tempt him to his fall. Never was parallel more complete. And what difference is there between rebels and Democrats in this transaction? Just the difference between rebelism South and rebelism North, that is all; a mere question of latitude. The northern Democrat who backs up the rebels, is only another variety of the same animal. They hunt together in couples; they search for the small things of the Constitution through the same microscope; they sing always in chorus; they love and hate alike; they swear by each other; and when the day of their triumph comes, if it ever should, will they not pluck the national goose together? But, sir, I will not consume further time upon this Damon and Pythias of political filibusterism, but pass to other and higher topics.

Sir, the American people are a nation or they are not. I really thought that matter settled affirmatively on the battle-field, but I find it practically disputed and denied in the Halls of Congress nearly two years after the roar of the last battle-field of the rebellion had died away. The battle of nationality is to be fought over again, here and before the people. Errors and heresies which I thought dissolved in air with the smoke of the last rebel gun fired against the Union are gathering again in compact and thunder-laden clouds over the national Capitol, and from day to day are flashed across our vision, not blindingly as of old, but still vividly enough to demand attention. Were we still enveloped, as in former times, with the black robe of Slavery, the flashes would be more blinding, but, thanks to brave hearts and strong hands, dry powder and Divine Providence, that pall has been lifted from us, and we stand in the un-

dimmed light of a blood-bought freedom. And now as the mariner takes his noon-time observations of the sun that he may tell where on the broad sea he is, let us look where we as a nation are, what we know of the chart we have to sail by, and where the harbor is in which we are to find rest.

Sir, that harbor is in Nationality. We are a nation. We are one people. We are not thirty-seven different peoples. For nearly ninety-four years we have been one people; by our own act one people; by the fiat of the Almighty one people. As one people we have a Union formed by our fathers, inherited by us their sons, and to be bequeathed to our children, I pray and trust, to remotest generations. The questions which now agitate this nation all grow out of mad and wicked attempts to destroy that Union, first in war, by burning its bands, now, in peace, by weakening them till they will no more hold the great fabric together. The motive power of those attempts was and is the same—State sovereignty. The support then and now was and is the doctrines and dogmas of the Virginia resolutions of '98 and the Kentucky resolutions of '99, which I had hoped were riven in twain like old Virginia herself, but which are summoned up in this day to do their work over, as if they were entitled to the respect of any man who knew what a nation is or could grasp the grand idea of nationality.

But, sir, not to wander after antediluvian relics, I reiterate that the questions now agitating this nation all grow out of mad and wicked attempts to destroy our noble Union, either by war or by weakening the faith of the people in it, or by making them believe it something it is not, or misleading them to think it is not what it is. Under such circumstances I hold it well to endeavor to bring out in clear and strong light the nature of the Union, by way of exhibiting and illustrating the power of the nation over all its component parts. I am one of those that believe a nation must, to exist, have national power over all its people; and my object is to show that this nation has such a power, unlimited in its exercise by anything but its Constitution, and that there is no limit there which ties its hands in dealing with the reconstruction of the rebel States.

Mr. President, there are millions in this land

who have heard of the Union all their lives, and yet cannot intelligently answer the simple question, What is the Union? Other millions there are who have from the cradle been taught to regard it as anything but what it is, and will answer that it is a confederacy. I hear it libelled sometimes on this floor by being so called. Others there are who hold the Union to be the offspring of the Constitution, and so verify the old and homely saying of putting the cart before the horse. Is it not timely, sir, to strike another blow at these and kindred heresies? Shall we not repel them when they are thus untimely thrust before us? For, sir, he who denies the power of the nation over the reconstruction of the rebel States, and claims for those States the right of self-reconstruction, does not, in my opinion, know what the Union is, or what its Constitution is, or what the inherent power of the nation, unnamed in the Constitution, is; and needs to acquire the very rudiments of political knowledge in regard to the institutions of his country.

Sir, there is much more than might strike the unreflecting mind at first thought in the question, what is the Union? Does it occur to men generally that there never was its like before in the history of the human race? I do not mean its like in organic structure so much as in the way it came into being. When before in human history was a nation formed by the voluntary flowing together of thirteen separate communities, each having a distinct governmental organization, and almost every one differing in important particulars of individual character and social structure from almost every other? Reflect for a moment upon that word, voluntary. Nations have been constructed by conquest, by the consolidated power of kings and warriors, absorbing neighboring communities, by treaty transfers, and other compulsion or pressure; but when ever before did three million people, scattered in separate communities over a space of a thousand miles, each existing apart, with defined limits, with distinct systems, laws, customs, and industries, and with diverse interests, prejudices, and antagonisms, unshackle themselves from every trammel and weight, and of their own unforced will come together as one people? If such a sight was ever before seen on earth

when and where was it? You know, sir, we all know, that it was a phenomenon in human annals, having no predecessor, no like, as it can have no rival. Was it not the fulfillment of the idea which found expression in human language nowhere till it was written by inspiration in the word of God, of a nation born in a day? Sir, it was born in a day; and it is, therefore, the world's miracle to this day, and will be to the last day.

I confess, sir, nothing in the records of humanity so moves my whole nature as the contemplation of that national birth. I see the hand of God in it, holding men and races to that path which shall glorify Him and spread over the earth the knowledge of His name. I see in it, too, the loftiest and most animating manifestation of human magnanimity, truth, and bravery that the world ever beheld. I see in it the point of departure of a great people on a career of unequalled grandeur and glory; and I see in it the birth-time of liberty that is not license; of association of people, not a mob; of popular government based upon the lawfully expressed will of the mass; of a nation governing itself without a king, and going forth on a mission as sublime as the march of the stars, and by its mere existence liberating other peoples, overturning thrones, stripping crowns from unworthy brows, and beaming radiance into all the habitations of cruelty over the whole earth. Sir, I stand in reverential and loving awe of that birth-time of this then weak and toddling, now great and powerful, nation, and of the Union which brought it into being, to bless in the course of time so many countless millions of the human race—to curse never one creature of earth but him who would lift a sacrilegious hand to destroy it.

Sir, had there been no separate colonial organizations of the British inhabitants of North America, there would have been no separate States in the new nation which came into existence here nearly a hundred years ago; and had there been no States, there would have been no such assaults as we have lived to see upon American nationality. That feature of our internal organism as a people has had the singular fate of having been at once our strength and our weakness, our citadel and our vulnerable point. But for it there would have

been no centers around which State pride, insubordination, and lust of power could have gathered to attack that nationality. But for it the national idea would have reigned with undisputed and ever-enlarging sway over our whole people, past, present, and to come. I refer to it, not as questioning its value to the nation—for it is, in my judgment, of priceless and enduring value—but as pointing to the only antagonist that has ever existed to the glorious idea and ennobling feeling of nationality. There never was a time when the nation would assail the constitutional rights of the States; but, on the other hand, there never was a time since the adoption of the Constitution when there was not a party in the southern States nibbling and caviling at and finally resisting the idea of nationality in its broad and comprehensive scope, and setting up the States as individually superior to the nation. That party plunged into war to establish its heresies, and the nation plunged it and its heresies together into a pit from which neither will ever emerge. State rights and the rebellion went down together, and nationality stands victor, not for this brief day or decade or century, but forever. The first centenary of the American Union, now near at hand, will see a nation in the full blaze of a better understood and more deeply cherished nationality; and State rights will be remembered only as the instigator of a war as causeless as it was atrocious, and as barren of favorable results to its fomenters as it was fruitful of ultimate and lasting good to their conquerors.

Sir, it is on this high plane of nationality that I propose to consider the questions now before the Senate and the nation. Here alone can we reach "the height of this great argument." Down among the graves of State rights and the pitfalls of Democracy, where pestilential malaria, chilling fogs, and bewildering jack-o-lanterns are bred, we cannot see the truth. We must ascend to the region of unclouded nationality before we can behold it in its radiance. In that wonder of allegories of John Bunyan's it is related that Christiana was taken "into a room where was a man that could look no way but downward, with a muck-rake in his hand; and there stood also one over his head with a celestial crown in

his hand, and proffered him that crown for his muck-rake; but the man did neither look up nor regard, but raked to himself the straws, the small sticks, and dust of the floor." That scene is before us here. The Democrat with his muck-rake raking to himself the straws, the small sticks, and the dust of State rights, and refusing to look up to the crown of nationality held over his head. Let him look down; I will look up. Let him rake together his straws and sticks and dust; I will take the crown.

Mr. President, let us briefly view this subject in the light of history. The Union dates, not from the Constitution, nor from the Articles of Confederation, nor from the Declaration of Independence, but antedates them all. Its birthday was the 5th of September, 1774—a day yet to be fitly commemorated, I hope, by this nation—when was assembled that noble band of patriots which constituted the grand old Continental Congress. They were the representatives, not of the chartered organizations known as the Colonies, but of the people thereof, receiving their appointments from the popular or representative branch of the Colonial Legislatures, or from conventions of the people of the Colonies, and styling themselves in their more formal acts "the delegates appointed by the good people of these Colonies." In them the people of the Colonies were together, and their acts were the acts of the people, before any State had an existence. From the day they came together till this hour the American people, first as colonists and British subjects, and then as American citizens, have been a united people.

On the 4th of July, 1776, they formally declared that they were "one people," and their representatives, claiming to act and acting "in the name and by the authority of the good people of these Colonies," put forth that Declaration of Independence which announced a new birth into the family of nations. Though the Union had existed for nearly two years, here was the point at which the nation stepped into the arena of the world. It could not, while in a condition of colonial dependence, call itself a nation; but when it renounced dependence and proclaimed itself free and independent,

then it entered upon its career of nationality, assuming the responsibilities, acknowledging the obligations, wielding the powers, and accepting the destiny, for weal or for woe, of a nation.

Now, Mr. President, here is the point at which to look at the subject of nationality in its original, inherent, and naked verity. The people of thirteen separate chartered organizations voluntarily come together as people, make themselves one people instead of thirteen peoples, declare themselves to the world a nation, and "for the support of this declaration mutually pledge to each other their lives, their fortunes, and their sacred honor." And that there may be no mistake as to their Union and their unity, they call the new nation, not America, not the American League, not the American Republic, not the Confederate States of America, but the *United States of America*, a name which itself tells the whole story of American nationality.

But what did nationality mean in that day? That was the time when it stood forth in its native and unclothed proportions, before any garments in the shape of articles of confederation or constitution had been tried on it, and we must look to that time to understand what it was. I affirm, as confidently as I would my own existence, that nationality meant then the entire and absolute sovereignty of the nation over every matter which, in the judgment of the nation, was of national import. The infant nation may not, in all cases, have asserted its sovereignty, it may have failed in some things or many things to exercise it, but still the sovereignty was there or it was nowhere. Who will say that it was nowhere? Who will say that it was not there? It was there, and nowhere else. The very act of organizing the nation declared that the nation had full power over every national interest, measure, and agency. In that morning twilight of the Republic it may have been that what was national was not at once clearly seen, but when seen there was no dispute as to the nation's power over it. Had there been room for such dispute, it was as impossible for the nation to have lived as for the human body to perform its functions, with arms and hands and legs and

feet disputing the supremacy of the brain, and each going its own way, and that a contrary way to the rest.

The simple and comprehensive truth, sir, covering the whole case, and the whole time from then till now, and to cover the whole time from now till the end of this Republic is, that the nation, in the absence of any self-imposed restrictions, is, by the mere fact of its existence as a nation, necessarily and absolutely sovereign over everything which, in its own judgment, attaches to, bears upon, or affects its nationality or its national interests. Upon this principle I base my whole argument. A principle it is, sir, not an assumption, a dogma, a flourish, or a figure of speech. And as the world in the long run is swayed by right principles—as all who oppose such principles must, sooner or later, go down before them—as whatever conflicts with them must, however in the ascendant for a time, at last shrivel up, decay, and disappear; so, to save this nation, all opposing doctrines must be overpowered and cast out by the steady and resistless advance through all its parts of the imperishable principle of national sovereignty over every national affair or concern, inhering in the very fact of the existence of nationality, and needing no written assertion of itself in article, constitution, or statute, to give it vitality.

Pursuing the course of historical review, let us come to the periods when the infant nation began to clothe itself with a form of government. It will be found that it has never yielded the principle I contend for. Even in the Articles of Confederation, which created rather a semblance than a reality of Government, the nation asserted its sovereignty over every matter of national concern, by expressly denying any State interference in at least nine distinctly mentioned subjects, and excluding it in many others by declaring the sole and exclusive right of the nation, through its Congress, over them. This form of government, however, was so hampered by restrictions that it could not survive a single decade of years. The principle of national sovereignty struggled to throw off the trammels which bound it under that imbecile confederation. And though it was declared in the Articles of Confederation that

they should be inviolably observed by every State, and that no alteration should at any time thereafter be made in any of them unless such alteration should be agreed to in a Congress of the United States, and be afterward confirmed by the Legislatures of every State, yet before the end of ten years they were cast aside by the nation, and the national sovereignty asserted itself in the Constitution under which the country has ever since been governed.

And now, sir, I insist that that Constitution was made for no other reason than that the inherent sovereignty of the nation was so restricted by the Articles of Confederation as to be almost smothered. Under those Articles the States preponderated to such a degree that the nation was in imminent peril of losing its foundation of nationality. Read the history of those times, and come to any other conclusion, if you can, than that the Constitution was demanded by the sovereignty of the nation, for the sake of the nation's life. The nation felt itself no nation when its sovereignty was shorn of its power and manacled in its weakness by the States that composed it. The principle of national sovereignty, inherent in the national existence, could not be so repressed. It had to be liberated or the nation must expire. Like all great principles it rose from the dust of its prostration and overthrew its opponents. And mark how it triumphed. Though, as stated just now, the States had so fortified the Articles of Confederation for perpetuity as to require for their alteration, first, the assent of Congress, and secondly, that of the Legislatures of every State—requirements apparently unattainable—yet so imperative and unyielding was the demand of the principle of national sovereignty for recognition and scope and freedom to act, that the Constitution was, by its terms, to be enforced in the States adopting it, whenever nine of the thirteen States should ratify it, and was so enforced before all the States had yielded their ratifications.

Sir, that Constitution was not based upon the idea of guarding the rights of the States from the aggressions of the nation, but upon the principle of protecting the nation from the aggressions the States had made upon the na-

tional sovereignty, threatening the overthrow of all nationality. It was, in its simplest definition, the form and expression of the principle of national sovereignty. Under it the States have no powers but what it confers or concedes, and can exercise none which it denies. It declares the right of the nation over all its parts and all its citizens, except as it allows authority to the States; and it provides the means of enforcing the nation's power over all, without any State action, and against adverse State action. View it as you may; separate its parts as you please; put them together in any form you can devise, and still you meet at every turn the pronounced and resolute assertion of the principle of national sovereignty by the nation, for the nation, throughout the nation. And that principle, so asserted there, is the same that inhered in the very existence of American nationality, and found in that Constitution, for the first time, its fit embodiment, its appropriate utterance, and its just sway.

Mr. President, unless we interpret the Constitution through this great principle, we see it as through a reversed telescope, distant and dwindled. It is revealed to us in its grand proportions and luminous beneficence only when we enlarge our field of vision and draw it nearer to us. There is in it not one word which should alienate one truly American heart, though there are many which are repugnant to the devotees of State rights. Sir, this is no time to pay the least respect to their shriveling notions. They are the Philistines who would bind this American Samson. They have already cost this nation a thousand times more than they could repay by a century's repentant devotion to the nationality they wickedly attempted to destroy. This, the day of our victory over their treason, demands that we push on to a final victory over their false doctrines and pernicious principles. With those doctrines and principles I make no peace, hold no parley, nor for them have I any forbearance. They are as directly at war with every attribute and hope of American nationality as were the armies of Lee and Johnston; and now is the time to move upon them till they surrender; now is the time for the Constitution to assert and establish its

right to be interpreted in the spirit of comprehensive and inflexible nationality. Interpreted in that spirit, it is consistent and shapely throughout; otherwise it is deformed and conflicting in its every member. In the one case it moves smooth and noiseless as the spheres; in the other jarring and tumultuous as the stormy sea. You cannot set it to keep guard over State rights without leading to conflicts which must end in blood; but while it stands sentinel over nationality no new insurrection is possible. But, let us go further and so uphold its nationality that it shall not only repress new revolt, but obliterate the heresies of opinion and belief which brought the recent rebellion into existence.

Mr. President, should any one wonder at my devoting so much space to the presentation of the idea of nationality, I still urge that in that idea alone, carried into all our acts, all our views of the Constitution, and all our appeals to the people, is the sheet-anchor of our national safety. True, it has been upheld by arms, but victories of arms may be turned into defeats in the conflict of ideas. Ideas go where bullets do not—into the ballot-box. There is where nationality is to win or lose; and there is where rebel ideas may reach the vitals of this nation, as bullets could not. It is, therefore, in my view, indispensable that we should implant in our own minds and in the popular mind those ideas of nationality and national sovereignty which shall leave no room for State rights heresies to germinate, from now till the end of time. Under this conviction I will proceed to scan this subject in the light of the Constitution.

Has Congress the constitutional power to reconstruct the governments of the rebel States? is the question. And what are the facts, stated as briefly and pointedly as possible? Why, as follows:

The governments which those States had before the rebellion are gone.

They were the only State governments there which the nation had ever recognized.

They are not there now, because they were overthrown by the rebels when they inaugurated their rebellion.

In lieu of them other State governments were erected there to aid the rebellion, and

they were a part of the confederacy which made war upon the Union.

The rebellion was suppressed, leaving those States with governments alien and hostile to the United States, which the United States had never recognized, and which had no legal validity under the Constitution.

The people of those States were, therefore, at the downfall of the rebellion without any lawful State governments whatever.

This, sir, is the simple state of the facts, as everybody knows. In such a condition, I believe, there is not a Senator on this floor nor a man in the nation who would venture to claim a right in the rebels, independent of the nation, to make new State governments there, if there were no question of political ascendancy in the national Government involved in it. I lay at the door of Democratic thirst for power all the controversy over this subject. Those ten States were Democratic before the war, they were Democratic when they went into the war, and they would be Democratic, now that the war is over, if left to reconstruct themselves. And they would give some sixty-seven electoral votes for President and Vice President of the United States, all for any Democratic candidates that might be presented; a pretty fair stock-in-trade for the resuscitated Democracy to start with.

But there is another and hardly less potent reason why the rebels and Democrats insist on the right in those States of self-reconstruction. Slavery was there, the household god of the rebels and the pet of the Democracy. The nation remorselessly slew that god; but his former negro victims are still there, an eyesore, in freedom, to their former masters, who, with fiendish ingenuity, when the rebellion ended, schemed to reduce them, though nominally free, to a practical slavery worse than that from which the nation had delivered them; for it would have made slaves in fact of them, without a right in the negro to invoke the protection he once could rightfully claim from his master. And to this scheme of rapacity, cruelty, and oppression the virtuous Democracy, by their acts if not by voice, through all their ranks, cry Amen!

These, sir, briefly stated, are, so far as I can see, the ruling motives impelling the combined

forces of rebels and Democrats in their resistance of Congressional reconstruction and their adherence to the right in the rebel States of self-reconstruction. If ever in the world's history political action was based on motives lower down in the scale of "man's inhumanity to man," I am happily ignorant of it.

And, sir, in this continued game of rebellion, injustice, and iniquity, they demand to be let alone. The Senator from Kentucky, [Mr. DAVIS,] in the elaborately prepared speech which he delivered here last month, used this language:

"If the honorable Senator's friends, political and social, and the governing power in Congress, had just let the South alone after the surrender of the armies of Lee and Johnston, and let the white people and the negro population there have worked out their own salvation, to use an old phrase, and to have established social and industrial interests between themselves, the country would have been delivered a year or eighteen months or two years ago."

"Had just let the South alone!" Had just let them alone to reconstruct their States on rebel principles as a refuge for rebels; had just let them alone to make those States too hot for loyal men to live in; had just let them alone as nurseries of disloyalty and treason; had just let them alone to oppress, crush down, and reenslave the negro under "white-man governments;" had just let them alone to do all this, to the disgrace of this nation and the shame of humanity, all would have been well! Sir, the Senator from Kentucky was not original in his sentiments or in the mode of expressing them. Another man, of the Senator's own name, was ahead of him. The phrase which the Senator uses now on behalf of the South was the same with which Jefferson Davis ushered the rebel confederacy before the world nearly seven years ago. "All we ask is to be let alone!" cried he then; and now comes the distant but full-toned echo from Kentucky, "Just let the South alone!"

But, sir, the phrase is not original either with the arch-fiend of the rebellion; the devil used it nearly two thousand years before him, and sacred history has made a record of it. The scene was in Capernaum, of which the Son of God portrayed the character and pronounced the doom in these awful words:

"And thou Capernaum, which art exalted unto heaven, shalt be brought down to hell, for if the mighty works which have been done in thee had been done in Sodom, it would have remained until this

day. But I say unto you, that it shall be more tolerable for the land of Sodom in the day of judgment than for thee."

That, sir, was Capernaum in Galilee. It might be asked, is there no Capernaum in America? but we will not stop to ask it now. In a synagogue in Galilean Capernaum, it is written, there was a man with an unclean spirit, and he cried out:

"Let us alone; what have we to do with thee, thou Jesus of Nazareth? art thou come to destroy us?"

Verily, sir, history does repeat itself. Verily, Solomon knew what he was about when he said:

"The thing that hath been, it is that which shall be; and that which is done is that which shall be done; and there is no new thing under the sun."

This concurrence of the devil, Jeff. Davis, and the Senator from Kentucky, proves that three thousand years ago Solomon was a wise man.

"Just let the South alone?" Yes, sir, when the South lets alone its schemes of rebellion, wrong, and oppression; when it lets alone its grasp after disloyal power; when it lets alone the citizens of the United States whom it would trample under its feet; when it lets alone its assaults upon the Constitution; or when the nation has compelled it to let all these alone and to return to its allegiance under loyal State governments, then we will "just let the South alone;" never, I trust, before.

But let us return to the argument. This claim of right in those States to reconstruct themselves could not possibly have foundation in any recognized principle of public law. Those States were merely people, and they were a conquered, subjugated people. They had no rights except such as their conquerors chose to give them. Least of all had they the privilege to invoke, as a people, the Constitution they had renounced and abjured, to support any claim to political rights. If they were ever to enjoy such rights again, it could only be by the favor of the nation that had subjugated them. Can any other doctrine be true? Can it be that men may rebel and plunder and ravage and kill to-day, and to-morrow stand up and claim every right they had before? And may they repeat this, time and again, and always with the same result? If once, why not a hundred times? Sir, it cannot be. The only doctrine in such a case is that they are, by their own act, stripped

of every political attribute, and left at the mercy of the nation.

And here, sir, reappears national sovereignty inherent in our nationality. The nation, by the mere fact of its existence as such, and independent and outside of any written Constitution, has the right to protect itself against insurrection. If it has that right, it has also the right, when insurrection is suppressed, to prescribe terms to the conquered rebels. In doing so it may say whether they shall again constitute a State or States or not. And if it may do this, it may say how, by whom, and on what foundation and what principles such State or States shall be reëstablished. But, above and beyond all this, it may obliterate from the map of the country every State that rebelled, and hold in its own hands the government of the whole rebel population. If it cannot do this, where is its sovereignty? Is it anything but an empty name?

Now, sir, if such power inheres in sovereignty; independent of written constitutions, the question arises, whether such inherent power is restrained by the written Constitution adopted by this nation for its own government? If the nation has, in fact, trammelled its own sovereignty let it stay trammelled, and let rebels have the benefit of its helplessness. But, sir, it has not. It is not true that the Constitution fetters the national sovereignty in this regard. As I said before, that Constitution is but the form and expression of national sovereignty coeval with and abiding in the national existence. The two are one and inseparable. You cannot conceive of one without the other.

In examining the Constitution in this connection I shall refrain from discussing that clause of it which requires that "the United States shall guarantee to every State in this Union a republican form of government;" for others have, with great ability, discussed that provision, and I myself treated it at some length, some three months since, in a published letter addressed to the honorable Senator from Maryland, [Mr. JOHNSON,] in which I endeavored to show that in that clause is direct authority for all that Congress has done. I will not now reproduce the views I then and there expressed, but will treat the subject on the plane of nationality upon which I have endeavored to

base my whole argument. It is the higher ground where, perhaps, may be found some "higher law" controlling the case.

Mr. President, the great vice of the Articles of Confederation, compelling the nation to get rid of them, that the national sovereignty might be untrammelled, was in the second article in these words:

"Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

That was the full embodiment of State rights, fettering the national Government in perpetual imbecility. The nation revolted at such a hideous anomaly and shook it off. In the Constitution positions were reversed, and all power over national matters was given by the nationality to its Government, except such as was expressly forbidden or reserved. I repeat, *all* power was given, with that exception. There is not a power necessary to the free and full exercise of the national sovereignty in national affairs that is not there in direct terms or by just and necessary implication. The South has labored for many years to fasten upon the Constitution constructively what the Articles of Confederation declared expressly in the words just quoted. The statesmen and politicians of that region have held up the Constitution as a mere power of attorney, to be as strictly construed according to its very terms, as a court of law would construe a power from A to B to sell a horse, when the instrument itself, with marked distinctness, demands the opposite rule of construction. No man of enlarged and comprehensive views can read it without seeing this. It is throughout, from the first word to the last, an assertion of the sovereignty of the nation, with restrictions, not upon the sovereignty itself, but upon the officers and bodies to whom the exercise of the powers of sovereignty should be committed. I do not forget that tenth amendment to the Constitution which says—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

But where is the power necessary to the exercise of the national sovereignty in any national exigency, internal or external, that is not delegated to the United States? He who relies

upon that amendment as fettering the national sovereignty must show what power of that description it clips or ties up. My position is that it has no such operation or effect, for the simple and manifest reason that all necessary powers over national subjects are delegated by the Constitution to the United States, as I will now endeavor to show.

In an instrument of such solemnity as a national Constitution no word is to be regarded as superfluous or meaningless, but every one must be held to have a clear and intended significancy. And its meaning is to be ascertained so as to make it in harmony with and promotive of the declared objects of the instrument itself. And each word is to be construed in its plain, natural, and ordinary sense, and, unlimited by other words, is to be allowed the widest scope of which it is capable. No man may restrict the scope of words which the instrument itself does not restrict. These are simple and universally understood principles of interpretation of all written laws, whether in the form of legislative acts or of constitutions. They are, therefore, in all their simplicity, to be applied in every attempt to construe the Constitution of the United States. Let us so apply them now.

In the eighth section of the first article of the Constitution is a long enumeration of the specific powers of Congress, and at its close is a general and comprehensive grant of power which, conjoined with the first words of the section, reads as follows:

"The Congress shall have power" * * * * *
"to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

Mr. President, were those words, with a view to test the impression they would make, placed before the wisest man in the world, whose mind had never been influenced by any bias which could deflect his vision from the truth, what would he say of them? I think his first comment would be, that it were hard to put words on paper that would express, as to the object in view, more than they do. And the longer he would regard and the more critically he would scan them, the stronger would be his conviction that they were designed for a great office in the Constitution. And should he proceed to ana-

lyze the sentence, that conviction would be deepened. It would then appear as the loadstone of the Constitution, drawing to itself and infusing its magnetic force into every other power, expressed or implied, embraced in that great instrument, or necessary to the nationality it was designed to uphold and perpetuate. He would find, too, that in authorizing Congress to make "all laws which shall be necessary and proper" for the designated end, it constituted Congress the sole and final judge as to what laws are necessary and proper for that end. And there he would read the mandate of the national sovereignty speaking in the calm, clear tones of unquestioned right, and overbearing all opposition, whether of men or States.

Let us now look for the powers through which that stream of magnetic force flows—I mean not the specifically granted powers over particular subjects of legislation appertaining to the mere affairs of the country, but the great and vital powers connected with the national objects to be attained by and through the Constitution. They are to be found, sir, where they should be, in the foreground of that instrument. Its framers were not so dull as not to know the necessity of its proclaiming the great purpose and object of its creation. They did so in its very first sentence, its Ordaining Clause, not, as is often said, its preamble. Its preamble, sir, was unwritten, save in the ten years' history of the emasculated and impotent confederation which it replaced. Let us consider that ordaining clause as it stands written there in these words:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Grand and mighty words, sir, worthy of the nationality and of the national sovereignty! Simple but all-embracing, wide as the nation in being or to be, "a foundation of gold and precious stones" fit for the great edifice of republican government and constitutional liberty which the disenthralled nation was erecting for that day and for all time! Sublime proclamation to all the world, that here, at last, in the untamed wilds of a new continent, the oppressed of every land might find a home in the

bosom of a nation which bore upon its frontlet the pledge of its whole national power to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to all who should become a part of it and to their posterity forever! Sir, there is not one word of that Constitution which was not written by the sovereignty of this nation with the direct purpose of carrying out, to the farthest possible limit, every one of those objects. To hold any other view is to stultify the men who framed the Constitution and the nation that adopted it. Who will believe that they would lay a foundation so broad and deep, merely to build upon it a pigmy superstructure which should invite aggression and attack from State rights theorists at home and from the enemies abroad of all republicanism and all freedom? Who would believe that it was ever dreamed that a single word of that Constitution was to receive such a construction as would impede the effectuation by the nationality of those national objects? Sir, from my soul I pity the man who, through false education, has imbibed such a belief; but I have a very different feeling for him who has had the opportunity to know better, and yet embraces so deadly a heresy.

Mr. President, if those were the objects which the people of the United States aimed at in their Constitution, how were they to be attained? Means must be used to effectuate them: what means? Those provided in the Constitution, all of them, each to be used as circumstances should require. By whom should those means be employed? By those designated in the Constitution for that purpose. Who are they? This Congress, sir. This is the body that is to make the laws for this nation. Here resides its delegated sovereignty, supreme over States, people, President, and courts in every matter which belongs to the nationality, except only in those points, few and inconsiderable, in which the nationality itself has imposed a limit. Upon this body is laid the duty of securing those objects; has it not all power necessary to that end? If justice is to be established, domestic tranquillity insured, the common defense provided for, the general welfare promoted, and the blessings of liberty secured, is there not a power somewhere to do all that noble work?

If it is not in Congress, where is it? Is it in the President? Why, sir, what is he but the minister of Congress, set to do the will of the nation as expressed in the Constitution and in the laws enacted here? Is it in the courts? What are they but administrators of the law, fundamental and enacted? Is it in the Army or the Navy? What are they but the hands of Congress, moving by its behest, as expressed in its laws? Sir, here, and here alone, is the power to provide for securing those objects; and if so, is not that as much a power "vested by the Constitution" in this body as the power to levy a tax on whisky or tobacco? Sir, it is folly, if not wickedness, to deny to Congress the power to make all laws necessary and proper "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." To those ends I say, sir, it may make *all* laws; for those ends it may use *all* means; for those ends it was called into being; and for them it wields the sovereignty of this nation.

Now, sir, apply all this to the matter of reconstruction. Ten rebellious States were subjugated, and came again under the nation's power, stripped of the constitutions which had been theirs in the days of their allegiance, and bringing back constitutions which they had formed in their disallegiance as a part of the enginery of their revolt. Could the rebellion be put down and those constitutions be permitted to remain? Who will say that? Should the rebels turn from the battle-fields to the ballot-box and resume the rights and functions of citizens, with fingers all dripping in loyal blood, and tongues blistered—or which ought to have been—with the oath renouncing allegiance to the Union and swearing it to the confederacy? Is it within the range of human perverseness to say yea to that? Were the four years of their diabolical war upon their country but years of innocence? Why, sir, you inflict political disabilities upon men for theft, and shall none be visited upon that band of robbers whose deeds shocked the civilized world? You imprison and debar from the privileges of citizenship the burner of your houses and the slayer of your neighbor, and shall those rebel hordes burn and slay for years and lose not one jot or tittle

of their political rights? Away, sir, with such insult to justice, such mockery of right, such heaping up of iniquity and wrong, such rewarding of crime, such violence to every instinct of nature, such overthrow of every political truth that ever moved men or nations!

Sir, those State governments were once a part of this nation, as much as the people under them. Every portion of the nation was concerned in their preservation; and so was the national Government. They had their part to perform in securing all the great objects of the creation of the Constitution. They were necessary to the more perfect Union which the Constitution was to form. Their agency was needed to aid in establishing justice, insuring domestic tranquillity, and promoting the general welfare. They were capable of a great work in assisting to secure the blessings of liberty to the nation. All this they were designed to take part in as a portion of the nation, and every other portion of that nation had a right to hold them to take their share in the daily work of its life. Was it then no national concern to restore loyal State governments there? Had the national sovereignty no right to speak or act among them to that end? Had it only to countermarch its armies, lay up its ships, bury its patriot dead, wash off the dust and blood of the conflict, shake hands with the rebels, and tell them to go ahead like good fellows and fix up their State governments again to suit themselves, always being sure to make them white-man governments? Certainly; by all means; why not? says the Democracy; and for that I say, down with the Democracy!

Mr. President, the part I assigned to myself in this debate is performed; not as I wish it had been, but according to such ability as I could command. There are many other points in connection with this great subject which I might have discussed, but have not even mentioned, because others, better qualified than myself, have discussed them fully, or will before the close of this debate. My object has been to bring into better view the national sovereignty of the American people inhering in their nationality, independent of and anterior to all leagues, confederations, or constitutions, and in the very nature of things peering high

above all State rights not conceded by itself, and overthrowing all State antagonisms, as essentially and necessarily at war with the nationality which protects us all and inspires every hope we cherish of the future welfare, stability, and glory of the American nation. I thought it necessary to do this, for everywhere the Democracy is again flaunting abroad the banner of State rights. Here, and before the people, the principles and spirit of the rebellion are warring against nationality, and here and there must nationality charge home upon them again. The contest of 1864, in every essential feature, is the contest of 1868. The people look to us to meet it here, and we were recreant to our trust if we failed to meet it. Already the spirit manifested in the Halls of Congress has reanimated the patriots of the land. They are, as they have ever been, in terrible earnest. They have, through all these seven years, been in advance, in intensity of feeling, of their servants here. They see the

portentous issue in its full proportions, and are ready to meet it. What they want is brave and resolute leaders who will do the bold, right thing at the right time, *now*, and grapple like men with rebelism and disloyalty in all their forms, North and South. They watch for the signal to the charge; they wait for the voice of the Capitol. Let them wait no longer. Let them hear that voice resounding through all their habitations; quickly hear it; hear it in clear, brave, heart-cheering words; hear it in deeds which shall ring in their ears like the stroke of ponderous hammers on the anvil in the stillness of the night; and from North and South and East and West will come back, even before we expect it, the loyal and exultant echo from a patriot people of every word spoken here, and their welcome plaudit of every act done by us, to uphold the principles, ennoble the character, and perpetuate the existence of our glorious nationality.
