

39TH CONG....1ST SESS.

Reconstruction—Mr. Davis.

SENATE.

own convictions of duty because a majority of the jury should so direct, and by their verdict condemn an innocent man to death? The Constitution meant to guard itself against amendments by requiring the deliberate judgment of each Senator and member acting solely each for himself. In Andrew Johnson is our only safety. His policy alone can protect our liberties. I trust that in the providence of God he will have support from the people sufficient to save our country from wreck. I believe he will yet work out a bright destiny for the American people.

Let me tell gentlemen upon the other side of the House that they are now legislating for those who are to come after them; and I appeal to them, although I may appeal in vain, to act upon the deliberate convictions of their judgment and conscience, and not to change the fundamental law of this country and destroy the constitutional equilibrium of the States merely because a secret caucus of a portion of the members of the United States Senate may dictate to them so to do.

There is nothing which the Constitution guards with greater care than an amendment to it. It provides that upon a proposition to amend it, unlike a proposition of minor importance, a two-thirds vote shall be requisite, and that the vote of each Senator or member, "yea" or "nay," upon a proposition of so vitally important a character, shall be recorded upon the Journal. A two-thirds vote of both Houses in favor of a proposition for a constitutional amendment is necessary before such a proposition can be submitted to the States for ratification.

I am here to denounce this attempt to stifle the common sense, reason, judgment, and understanding of the honorable gentlemen upon that side of the House who represent the Republican or so-called Union party of this country. I allow my action to be influenced by no caucus in deciding upon a proposed amendment to the organic law of the land. I have a duty which I owe to my country and to those who are to come after me. I owe it to the sacred memory of the revolutionary dead, whose glorious deeds of courage and patriotism constitute the proudest inheritance of the American citizen, that the work of our fathers should not be amended but by honest individual conviction. In voting upon a question affecting the great Magna Charta of our liberties, the bulwark of our rights, I act from the dictates of an honest judgment, exerted with all the impartiality and candor which God has enabled me to exercise. I yield not to the dictates of any party caucus that may attempt to control my action upon so vital a question. Sir, I say that no Senator, or member of this House, is accountable to any caucus upon a question like this. Our only responsibility is to the hundreds of thousands of brave men who fought the recent war to a triumphant conclusion, and the millions of people throughout the country who are looking to us to act honestly, conscientiously, and wisely upon this great question.

I understand the controlling influence of party caucuses and party conventions. I know they may be necessary in ordinary and primary matters. I am always willing to yield to their action upon mere party principles embodied in a platform, and always do cheerfully sustain and abide by their action. I believe a man is in honor bound to support any convention in which he participates; I mean a mere party convention, held to lay down the doctrines of a party. But he is a parasite who would yield his convictions upon fundamental principles to any caucus or convention or party. I will not support a flagrant violation of the fundamental law of the Government in order that my party may secure or retain political power. If they should ever attempt that, as this article does, I would withdraw from the party organization and declare my soul shall not be seared

with the sin of yielding up my own convictions upon fundamental principles to others, who were not more likely to be right than I.

Why, sir, we go so far as to say in this constitutional amendment that everybody who shall be naturalized or born in the United States shall not only be a citizen of the United States, but a citizen of each and every one of the several States. Everybody here knows that under the old Constitution now proposed to be amended a man may be a citizen of the United States and yet have no citizenship in any State.

What is there more vital, what is there more important than for a State to have the control of its own local affairs? Yet here we have a proposition to be submitted to the States to deprive the people of the States of that right. And we not only do that, but it is proposed to exclude nearly all the able men of the South from holding either Federal or State office. I give you warning that no southern State except Tennessee, where despotism reigns, will ratify or indorse any such amendment. You do not want them to ratify it, and have placed it there on purpose to prevent them from ratifying it.

It not only excludes all those who went voluntarily into the rebellion, but all those who were involuntarily forced into it. I hope some gentleman on the other side will have the justice at least to offer an amendment that those shall not be excluded who were involuntarily forced into the rebellion by conscription or otherwise. You do not intend to allow the South representation at all, and the whole object of this legislation is to give you an excuse to keep the Union divided. If you considered each one of your sections important to the country, you would have submitted to the Legislatures each section as a separate article, so that the States that objected to some could have ratified others. The first twelve amendments to the Constitution were submitted separately and ten were ratified and two rejected. This is a revolutionary movement to forestall the action of the people by calling the present Legislatures together to pass upon them. They never will be ratified by three quarters of the States. None of you expect they will. The repudiation of the rebel debt and the validity of the Federal debt would meet with the approbation of every State; yet you link them with the rest to prevent any from being ratified.

Reconstruction.

SPEECH OF HON. GARRETT DAVIS,

OF KENTUCKY,

IN THE UNITED STATES SENATE,

June 7, 1866.

The Senate having under consideration the joint resolution (H. R. No. 127) proposing an amendment to the Constitution of the United States—

Mr. DAVIS said:

Mr. PRESIDENT: We have been admonished by some of the leading members of the majority in the Senate, that Congress is now about entering upon the seventh month of its session, and that the public business was never so far behind at so late a period at any previous session of Congress as it now is. I think, that the honorable Senators who give this admonition and their friends, are alone responsible for the great backwardness of both Houses in the transaction of the public business. I admit that there is a very great state of backwardness in relation to the transaction of the legitimate, proper, and useful portion of the public business; but as to the business that is of an illegitimate and mischievous character, and that is calculated to produce results deleterious to the present and the future of the whole country, there has been a good deal, much too much, of progress made. This tardiness in the transaction of the important, useful,

and appropriate business of the country has resulted from a fixed and determined purpose, manifested in various propositions, of the majority of Congress to elevate what are denominated the freedmen, to aggrandize them, to make an unparalleled provision in its extent and expensiveness for the maintenance of the young, the aged, the infirm, and the helpless, and the religious and intellectual education of them all; and to force, if possible, upon Congress and the country the dogma of negro suffrage.

Another cause of the consumption of time is the general disposition of the majority to tinker with the Constitution, their numerous propositions to amend it, and the discussion of them in both Houses. And still another fruitful cause of much waste of time has been the war that is prevailing between that majority in both Houses and the Executive, not upon his part as I conceive, but by that majority upon him. I was never of the politics of the President, nor he of mine; but at the present time and for some time past his leading measures have received my approval and my hearty support. I think, notwithstanding the number of protests to the contrary in this Chamber, that his policy, as it is termed, is but a continuation of the later policy of the late President, but a continuation of the policy and principles to which the majority of both Houses of Congress stand pledged in the most solemn forms. We now see, though, that this majority, lately the friends of the President, are engaged in a war upon him, and that war manifests itself in various aspects and modes. They denounce him; they denounce his measures, his policy. He is a coordinate branch of the Government; or at least the executive department is, and he is the chief executive officer. He is as independent in his constitutional position in the Government, and in the legitimate exercise of the powers and functions of his office as is Congress in the exercise of its powers and functions, and he ought no more to be assailed by Congress, or to be obstructed in the legitimate exercise of those powers, than Congress should be in the exercise of its powers by him.

Among his powers is the veto. We have seen repeated and persevering efforts made by Congress, with a considerable amount of success, to checkmate the veto power of the President by their achieving, as I think, illegitimately and unconstitutionally, a majority of two thirds, and over two thirds, in both Houses. And one of the objects of the majority in presenting the extraordinary proposition under consideration is to attain and continue a political power that will enable it and its sectional successors to control the future legislation of Congress; to overrule presidential vetoes; to hold possession of and direct all the operations of the Government. But what is the immediate cause that has brought down the majority in such relentless hostility to the President? Let us examine for the object and the *animus*. Under the late Administration the President and Congress were in accord; that is, the good man who then filled the office of President was so flexible in his nature and will that he permitted himself to be driven from his own principles and purposes, often, by the vehemence, energy, and stronger will of the radical leaders in Congress. One of the most celebrated apostles of abolitionism in America, Phillips, remarked on a certain occasion, "Mr. Lincoln is a growing man; and why does he grow? Because we have watered him." And there was a great deal of truth expressed in those few words. The abolitionists in Congress and out of Congress watered the late President. They caused him to grow in the direction and shape that they wished him. They warped him from his own principles and policy to theirs. And what is the great sin of the present Executive of the United States? It is that he will not make himself the leader, the obedient tool of the