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THE AMNESTY DEBATE.

Speeches of Hon. James O. Blaine, of Maine, and H. H. Hill, of Georgia, in the House of Representatives, January 19th and 21st, 1876.

SPEECH OF MR. BLAINE.

I now move to reconsider the vote just taken, and I desire to address the House on the subject. [The House was soon restored to order, and was prepared to give close attention to Mr. Blaine, who continued.] If I can induce the House to reconsider the vote whereby the bill was rejected, it is my intention to offer an amendment. Every time that the question of amnesty has been brought before the House by gentlemen of the other side for the last two Congresses it has been done with a certain amount of magnanimity, which is an indication on the side of the House, as though the Republican party, which has been in charge of the Government for the last twelve or fourteen years, had been bigoted, narrow, illiberal, and as though certain few worthy and deserving gentlemen in the Southern States were grinding down under great tyranny and oppression, which the hard-heartedness of this side of the House could not possibly be prevailed upon to remove.

I desire now to place on record just what the Republican party has done in this matter. I wish to place it there as an imperishable record of a liberality and large-mindedness and magnanimity and mercy, which has not been the party in the possession of the Government to the conquered. The gentleman from Pennsylvania (Mr. Randall) and myself entered this Congress in the midst of the hot flames of war, when the Union was rocking to its foundation, and no man knew whether we were to have a country or not. He would be surprised when he and I were officers in the Thirty-eighth Congress if he could then have foreseen that before our mutual service ended he should have seen sixty-one gentlemen then in arms against the United States Government admitted to equal privileges with ourselves in this House, and all by the grace and magnanimity of the Republican party. When the war ended, according to the universal law of the party in the possession of the Government, or the Government itself, which was controlled by the party, had the right to determine what should be the status of these people. Did we inaugurate any measures of persecution? Did we set off on a career of bloodshed and vengeance? Did we take any property? Did we prohibit any man all his civil rights? Did we take from him the right which he enjoys to-day to vote? Not at all; but instead of a general and sweeping condemnation the Republican party placed in the Fourteenth Amendment only this exclusion:

"And in no case shall be a Senator or Representative in Congress, or Elector of President, or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in rebellion against the same or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disabilities."

Now, I never have been able to determine from statistical examination exactly how many of the South that exception affected. It has been variously estimated that at the time of its original insertion from fifty to thirty thousand persons, but as near as I can gather from the facts in the case, it included about eight thousand men in the South, and it let go free every man of the hundreds of thousands, or of the millions, if you please, who had been engaged in the attempt to destroy the Government, and only held those under disability who, in addition to general personal oath, had violated a special and peculiar oath to support the Constitution of the United States. That disability was hardly felt on the South until we began in this hall and in the Senate chamber (when we had more than two-thirds Republican in both branches) to remove it, and the very first bill took the disability off of 1,578 citizens of the South. The next bill took it off from 4,529 gentlemen by wholesale.

Many of the gentlemen on this floor have come from the grace and amnesty in these two bills. After these bills, specifying individuals, had passed through, small bills, which I will not refer further to, were passed. In 1872 the Congress of the United States, by the vote of two-thirds of both branches (still being a two-thirds Republican) passed this general law: "That all political disabilities imposed under the third section of the Fourteenth Amendment of the Constitution of the United States are hereby removed from all persons who sever, except Senators and Representatives in the Thirty-sixth and Thirty-seventh Congress, officers of the judicial, military and naval service of the United States, heads of departments and foreign Ministers of the United States." Since that act passed, a very considerable number of gentlemen included in it have been specially named by individual instances since the act of May 27th, 1872, have disabilities been taken from any man unless on his respectful petition to Congress, those who were officers of the United States Army, educated at the expense of the Government at West Point, and who joined the rebellion and are still under disabilities, as estimated at the War Department at 425. The number of such persons in the navy are 225, and those coming under the other heads, members of the Thirty-sixth and Thirty-seventh Congress, Judges, heads of departments and foreign Ministers. I am not able to give the number exactly, but the whole number of persons now under disability in the South is about 700. I very frankly say that in regard to all these I know of no reason why amnesty should not be granted to them as it has been to many of the same class. I am not here to argue against it, since amnesty has become so general, and I am not going back to argue that question. I am in favor of giving it to them, but in the absence of that respectful form and petition which since the 27th of May, 1872, has become a sort of common law as a preliminary to amnesty, I simply wish to put into the law that the person shall go before a United States Court, and in open court, with uplifted hand, swear that he means to conduct himself as a good citizen of the United States. That is all I have to say, and that is a foolish condition. Well, yes, it is, but someone or other I am prejudiced in favor of it. I do not want to impose it on

ship on gentlemen. If I am correctly informed there are some gentlemen on this list who have spoken contemptuously of the idea of their taking citizenship under the United States, and have spoken with great harshness about their associates in the South who have done so. I understand that Mr. Robert Toombs had a special boast at watering places in this country and in Europe that he would not ask the United States for citizenship. Very well, we can stand that quite as well as Mr. Robert Toombs. [Laughter.] As if Mr. Robert Toombs is not prepared to come into the United States Court and swear that he means to be a good citizen, let him stay out. I do not think that Congress ought to raise itself or resolve itself into a joint convention and to embrace Mr. Robert Toombs gushingly, and beg him to honor and favor by coming back and taking the highest form of citizenship. Well, what after? My substitute requires that every one of these gentlemen shall show his good faith by taking the oath which is all of us take and are glad to take. That is a very small exaction to make as a preliminary to a full restoration to all the rights of citizenship. In my amendment I have excepted Jefferson Davis from its operation. Now, I do not place that exception on the ground that Mr. Davis was, as he is commonly called, the head and front of the rebellion, because on that ground I do not think the exception would be tenable. Mr. Davis was just as guilty—no more so, no less so—than thousands of others who will get the benefit of grace and amnesty. Probably he was far less efficient as an enemy of the United States; probably he was far more useful as a disturber of the councils of the Confederacy. It is not because of any particular special damage which he above others did to the United States, or because he is particularly of any special consequence to us, excepted him; but I except him on this ground, that he is the author knowingly, deliberately, guiltily, willfully, of the gigantic murder and crime at Andersonville. [A member—"And Libby."] Libby pales in insignificance as compared to Andersonville. I place it on that ground, and I believe that so rapidly does one event follow on the heels of another in the rapid age in which we live that even those of us who were contemporaneously cognizant of what was transpiring there, still less those of us who have grown up since, have failed to realize the gigantic crime which was perpetrated. Since this bill has been introduced in the House, I have taken the occasion to read some of the historical cruelties of the world. I have read over the details of those atrocious massacres under the Duke of Alva in the Low Countries, which are mentioned with a thrill of horror throughout Christendom. I have read the details of St. Bartholomew, which stand out as one of the atrocities beyond imagination. I have read anew the horrors untold and unimagined of the Spanish Inquisition, and I here before Congress, measuring my words, knowing their full extent and import, declare that neither the Duke of Alva in the Low Countries, nor the author of the massacre of St. Bartholomew, nor the thunders of the Spanish Inquisition, nor the atrocities of the Spanish Inquisition, nor the crimes of atrocity with the hideous crime of Andersonville, [Senator in the Hall and galleries, and a remark by Mr. Robbins, of North Carolina, unheard by Mr. Blaine, "That it was an infamous slander."] and I here before Congress, measuring my words, knowing their full extent and import, declare that neither the Duke of Alva in the Low Countries, nor the author of the massacre of St. Bartholomew, nor the thunders of the Spanish Inquisition, nor the atrocities of the Spanish Inquisition, nor the crimes of atrocity with the hideous crime of Andersonville, [Senator in the Hall and galleries, and a remark by Mr. Robbins, of North Carolina, unheard by Mr. Blaine, "That it was an infamous slander."] and I here before Congress, measuring my words, knowing their full extent and import, declare that neither the Duke of Alva in the Low Countries, nor the author of the massacre of St. Bartholomew, nor the thunders of the Spanish Inquisition, nor the atrocities of the Spanish Inquisition, nor the crimes of atrocity with the hideous crime of Andersonville, [Senator in the Hall and galleries, and a remark by Mr. Robbins, of North Carolina, unheard by Mr. Blaine, "That it was an infamous slander."]

Thank God, Mr. Speaker, that when this Congress was under different control from that under which it is to-day, with a committee composed of members of both parties, that tale of horror was placed where it could not be denied or gossiped. I hold in my hand a story written out by a committee of this Congress, and by its authority, I state that Winder, who is not dead, was sent to Andersonville with a full knowledge of his previous atrocities, and that those atrocities in Richmond were no better, so terrible, that Confederate papers (the Richmond Examiner for one) said when it was done that they thanked God that Richmond was rid of his presence. We, in the North, know from returning skeletons what he had accomplished at Belle Meade and Libby. Fresh from those accomplishments, he was sent by Mr. Davis, against the protest of others in the Confederacy, to command this train of horrors at Andersonville. Of course I do not wish to vitiate the scope of the bill, and I lay the blame of the atrocity on Mr. Davis. I undertake here to say that I do not ask gentlemen to take the testimony of a single witness. I do not ask them to take the testimony of a single Union soldier. I only ask them to take the testimony of me, who themselves were engaged and enlisted in the Confederate cause, and if that testimony does not entirely carry out and justify this declaration, which I will take the liberty to read, I will state that I have been entirely in error in my reading.

Mr. Blaine then proceeded to quote from the report of the committee on the conduct of the war, extracted in reference to the horrors of Andersonville, in which it is stated that no pen can describe, no painter sketch, no imagination comprehend, its fearful, its unutterable iniquities.

He then went on to say: I undertake to say that that is a moderate description of Andersonville, and I will now read a paragraph from the testimony of William King Hamilton, a man who never was in the North—a Catholic priest at Macon and a Democrat;—and who you unite these three qualities—a Southern man, a Democrat, and a Catholic priest—you will not find much testimony in his favor of the Republican party. [Laughter and continued laughter.] Mr. Blaine here read the testimony of Father Hamilton, as given in the Wirt trial, in which the witness related the case of a young man named Farrell, from the North of Ireland, whom he saw among the prisoners at Andersonville suffering very much from a wound on the right foot, which had opened like an oyster, and which had been simply cauterized by exposure to the sun in the stockade. The priest had given him a stocking to cover his foot, and when he returned to the stockade the following week he inquired for Farrell. His companion told him that he had stood near the dead-line and requested the guards to throw him. He added that the man was not insane when he had seen him the previous week.

Mr. Blaine then continued: I do not desire to go into such horrible details from any purpose of raising a feeling. I desire to say that the man who administered that prison was under way, and when there was a danger or supposed danger that it might come to that neighborhood, the regular military order No. 11, dated Headquarters Confederate States military prison, Andersonville, July 27th, 1864, was issued, in which General Widener was named, and in which it was ordered that the officer in charge of the battery of Florida artillery will, on receiving notice that the enemy has approached within seven miles of this post, open fire on the stockade with grape shot without reference to the situation beyond this line of defense. Here were those thirty-five thousand poor, helpless, naked, starving, sickened, dying men. This Catholic priest states that he went to General Cobb to represent to him that if he could not exchange them they should be taken before the Union lines in Florida and set free, and yet, if the Union forces were to get within seven miles, that regular order of Mr. Davis' officer was to open a battery of grape shot on those poor wretches without the slightest possible regard to what was going on outside. Now, I do not arraign the Southern people for this—God forbid that I should charge any people with sympathizing with such an order. There were many evidences of great uneasiness among the Southern people about it, and one of the great crimes of Mr. Davis was that he concealed it from the Southern people. We have obtained a complete series of Mr. Davis' messages, with the official imprint at Richmond, and they are now in the Congressional Library. I have looked over them, and I find in his message of December 7th, 1864, at the very time when those horrors were at their acme, at their extreme verge of desperation he says:—"The solicitude of the Government for the release of our captive fellow-citizens has known no abatement, but has, on the contrary, been still more deeply affected by the additional suffering to which they have been wretchedly subjected by deprivation of adequate food and clothing and fuel, which they have not been permitted to purchase from the prison sutlers;" and then he adds that the "enemy attempt to excuse their barbarous conduct by the unfounded allegation that it was retaliatory for the conduct on our part." Now, I undertake to say that there is not a Confederate soldier now living who has any credit as a man in his community and who ever was a prisoner in the hands of the Union forces, who will say that he was cruelly treated, that he ever was deprived of the same rations which the Union soldiers had, or the same food.

Mr. Cook, of Georgia—Thousands of them. Mr. Blaine—Well, I take issue on that and I say that not one can truthfully state it. As for measures of retaliation, though goaded by this terrible testimony of our friends in prison by Mr. Davis, the Senate of the United States specifically refused to pass a resolution of retaliation as contrary to modern civilization and to the first precepts of Christianity. There was no retaliation attempted or justified. It was refused, and Jefferson Davis knew it was refused just as well as he knows it to-day, because what took place in Washington or what took place in Richmond of that kind was known on either side of the line within a day or two thereafter. Now, this is not a proposition to punish Mr. Davis. There is nothing attempted to do that. I very frankly say that I always thought that the indictment of Mr. Davis at Richmond under the administration of Johnson was a weak step, for he was indicted only for that which he was guilty in connection with every other gentleman who went into the Confederate movement, and therefore there was no particular reason for singling him out for indictment. But I will undertake to say this, and with good deliberation, that there is not a civilized government on the face of the globe, very certainly not an European government, which would not have arrested Mr. Davis, or which when it had him in its power would not have tried him for maltreatment of prisoners of war and shot him within thirty days. France, Russia, England, Germany, Austria—any of them would have done it. The poor victim Wirt deserved his death for the brutal treatment of prisoners, but I always thought it was a weak move on the part of our Government to allow Jefferson Davis to go at large and hang Wirt. Wirt was nothing in the world but a mere subordinate and tool, and therefore there was no philosophy in selecting him for punishment. Still, I do not say that he did not deserve it. He did richly, fully deserve it, and he deserved no mercy.

But what you ask us to do is to declare, by a vote of two-thirds of both branches of Congress, solemnly, that we consider Mr. Davis worthy to fill the highest offices in the United States if he can get a constituency to trust him. He is a voter, he can buy and he can sell, he can go and come, he is as free as any man in the United States, and he has a list of subordinate officers to which he is eligible. But this proposition proposes, in view of a record which I have read, to declare, by a two-third vote of the Senate and a two-third vote of the House, Mr. Davis eligible and worthy to fill any office, up to the Presidency of the United States. For one, on full deliberation, I will not do it. It has been frequently said in mitigation of Mr. Davis in the amnesty matter, that the men who died in such large numbers (the victims I believe numbered 15,000 full victims to an epidemic and died of disease which could not be avoided. Now, the record shows that 35,000 men, about thirty-three per cent, died; that is one in three. Of the soldiers who were exempted within half a mile of the stockade and who guarded it, but one man in 400 died, and as to general amnesty. It is too late to debate it. Whether it is in all respects benevolent or unwise, I shall not detain the House in discussing.

The very men who have received amnesty as easy as they know how to be in consolidating into one compact political organization the old slave States, as before the war, and did see the banner bill of amnesty, with the inscription that with a single word and a few votes from the North, this country can be governed. I want the people to understand that this is precisely the motive; that this is the animus and intent. I do not think that offering amnesty to 750 men who are now without it, will either hasten or retard that movement. I do not think that granting or refusing amnesty to Mr. Davis will hasten or retard it. I hear it said that we are going to elevate Mr. Davis into very great consequence by refusing amnesty to him. That is not for me to consider. I only see before me, where his name is presented, the man who, by a wink of his eye, by a wave of his hand, by the pass of his head could have stopped the patriots at Andersonville. Some of us had kindred there, most of us had friends there, all of us had countrymen there, and in the name of those kindred and friends and countrymen I here protest, and shall with my vote protest, against ever calling back and crowning with the honors of full American citizenship the man who organized that murder. [Loud applause on the Republican side of the House and in the galleries.]

acknowledged leader of the Republican party in the House, and was the inspiring leader of the Republican party of the country, had, however, willed otherwise, and seemed determined that the wounds which were healing should be reopened, and that the passions which were lulled should be rekindled. He (Hill) wished the House to understand that he and his associates did not reciprocate either the purpose or the manifest desire of the gentleman; and while they felt their imperative duty to vindicate the truth of history as regards their section, they did not intend to say anything calculated to aid the gentleman in that work of crimination and recrimination and of keeping up the war by politicians after brave men have said it shall end. The gentleman from Maine had made two points in his speech—the magnanimity and grace of the Republican party and the brutality of those whom he pleased to term rebels. As to the first question, he did not propose to weary the House to-day; because with the history of the last fifteen years yet fresh in the mind of the world, it was useless to speak of the grace and magnanimity of the Republican party. With the master enslaved, with intelligence debauched, with society disordered, with States subdivided, and with legislatures dispersed, people could not afford to talk of magnanimity. If that were grace and magnanimity he would have saved the country in future from such virtues. The gentleman from Maine had made the grave indictment against Mr. Davis that he was guilty of the murders and crimes at Andersonville, and the gentleman (Mr. Blaine) stood before the country with his very face in peril, if, after making such a charge, he failed to prove it.

He (Hill) would take up the gentleman's propositions in their order. He hoped that no one would imagine that he was here to pass any eulogy on Mr. Davis. The record on which his fame most rest had been made up, and that record to which only friends had recourse, he would not touch. He would give an impartial judgment—honest posterity. In the meantime no eulogy of his could help it; no eulogy from the gentleman (Blaine) could damage it, and no act or resolution of the House could affect it. The charge against Mr. Davis was that he was a deliberate, wilful, scheming murderer of thousands of his fellow-citizens. Knowing the high character and reputation of the gentleman from Maine he (Hill) had supposed when he heard the charge fall from his lips that he had certainly made a recent discovery, and he listened for the evidence. But what was it? Nothing but the partial report of a Congressional committee. The testimony read was exclusively *ex parte* testimony, taken while the gentleman was on trial before the country was in prison, without a hearing, and without the opportunity of a hearing. If there was any private held sacred in the Anglo-Saxon mind, it was that an Englishman was not to be condemned until he should be confronted with his witnesses. But the testimony was not only *ex parte*, but was mutilated, palpably mutilated, most adroitly mutilated.

In this connection, Mr. Hill referred to the statement of Dr. Jones, one of the witnesses on the Wirt trial, who had been sent to the condition of Andersonville, but who had never reached the Confederate States. That report had, in the hands of the Judge Advocate, been mutilated, and Dr. Jones had called the attention of the court to the fact, one of the suppressed statements being that home-sickness and disappointment among the prisoners had been more destructive of life than any physical causes. During the whole month of the Wirt trial the Federal Government, with all the means at its disposal, had not produced a single atrocity. Even the day of his execution Wirt had been offered a commutation of his sentence if he would implicate Mr. Davis; but Wirt's answer to him was, "I have always told you that I do not know anything about Jefferson Davis. You had no connection with me as to what was done at Andersonville. I would not become a traitor against him or anybody else ever to save my life." But, said Mr. Hill, what poor Wirt, within two hours of his execution, would not say for his life, the gentleman from Maine says to the country for the sake of keeping his party in power. [Sensation.] Sir, Christianity is a falsehood, humanity is a lie, civilization is a cheat, or the man who would not make a full confession for his life was never guilty of a full murder.

Mr. Hill went on to argue that on the logic of Mr. Blaine's speech (holding Mr. Davis responsible for the acts of Mr. Winder, President Grant might be held responsible for the acts of McDonald and Joyce; and he asked whether Mr. Blaine meant to establish a rule of construction that would authorize the country to arraign President Grant for complicity in the whiskey frauds.

Was Mr. Grant responsible, he asked, for Credit Mobilier, for the Sanborn contract, or for the frauds in the District of Columbia? And yet Mr. Grant had absolutely sent to the Senate of the United States a man, holding for a high office the name of a man holding the name of Alexander R. Shepherd, of Washington, who stood charged before the country with the grossest peculations and frauds on this District, after the charges had been made and while they were pending. He (Hill) was neither the author nor the disciple of such political logic. But if the gentleman's (Blaine's) proposition with regard to Mr. Davis were true, then by the same logic General Grant, instead of being entitled to a third term, was entitled to twenty terms in twenty presidencies. [Laughter.] The argument was false; it was a libel on American republicanism, and was without precedent. No president for it could be found in any civilized country. He (Hill) acquitted General Grant of any complicity in the whiskey and the revenue frauds, and the facts acquitted Mr. Davis of complicity with any atrocity anywhere. Mr. Hill proceeded to quote the law of the Confederate Government on the subject of the treatment of prisoners, in which it is provided that the ration for prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the army. He did not look like a man who may be recalled.

Mr. Blaine—On the 1st of October, 1862, the Judiciary Committee of the Confederate Congress made a report and offered a series of resolutions; and thereupon Senator Hill, of Georgia, is recorded as having offered the resolution which I have just read.

Mr. Hill—It was Chairman of the Judiciary Committee in the Senate, and, very likely, like the Chairman of the Committee on Rules at the last session, I may have consented to that report. [Laughter at the expense of Mr. Blaine.]

Mr. Blaine—Does the gentleman admit that he made that report?

Mr. Hill—I do not know; but it is very likely. [Derisive laughter on the Republican side.]

Mr. Blaine (persistently)—The gentleman does not say that he was not the author of it.

Mr. Hill—I do not; but I think I was not the author of it.

Mr. Blaine—I thought that as the gentleman's effort was to show the humane character of the Confederate Congress this might aid him in remembering the facts.

Mr. Hill—With all due deference to the gentleman, he did not think any such thing. [Laughter.] He thought he would divert me from the purpose of my argument.

Mr. Blaine (apologetically)—Oh, so, the gentleman can have all the time he wants.

Mr. Hill—What measures the Confederate Government might have thought proper to take at this time to protect the women and children of the Confederacy from the consequences of the exchange of prisoners, man for man, I do not recollect, but I shall not be diverted by the gentleman from Maine from the course of my argument to go into the history of slavery, or of the insurrection, or John Brown's raid. I know this; that whether I or any other gentleman on the committee was author of the resolution (and which I think more than probable), our purpose was not to do injustice to any man, woman or child, North or South, but to adopt what we deemed stringent measures to protect our wives and children from servile insurrection and slaughter which have sprung from the field. [Murmur of applause from the Democratic side.] To the effect which I have read from Mr. Ould, our Commissioner of Exchange in 1864, proposing that each side should send surgeons to attend to their own prisoners, that those surgeons shall carry medicine to the prisoners, that they should nurse and treat them, and be also commissioned as commissaries and provide them with food, clothing and everything that was needed for their comfort, no reply was ever received. In August, 1864, there were two more propositions. The cartel of exchange had been broken, and the Federals under certain pretences on both sides the prisoners were accumulating. Mr. Ould made another proposition, to waive every objection and to agree to the exchange of prisoners without special demands, and to renew the exchange of prisoners, man for man and officer for officer, just as the Federal Government might prescribe. That proposition was also rejected. In the same month of August, 1864, finding that the Federal Government would neither exchange prisoners nor agree to sending surgeons to the prisoners on each side, and the Confederate Government finding itself with increasing numbers of prisoners on hand, proposed to send to the Federal Government the sick and wounded prisoners without special demands, and to renew the exchange of prisoners, man for man and officer for officer, just as the Federal Government might prescribe. That proposition was also rejected. In the same month of August, 1864, finding that the Federal Government would neither exchange prisoners nor agree to sending surgeons to the prisoners on each side, and the Confederate Government finding itself with increasing numbers of prisoners on hand, proposed to send to the Federal Government the sick and wounded prisoners without special demands, and to renew the exchange of prisoners, man for man and officer for officer, just as the Federal Government might prescribe. 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