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may all finally concur in a mode of settlement consistent with our true interests, and with our sworn duties to the Constitution, is too natural and too just to be easily relinquished. It is clear to my apprehension that the States lately in rebellion are still members of the National Union. When did they cease to be so? The Ordinances of secession, adopted by a portion of the people of a very small portion of their citizens were mere nullities. If we admit now that they were valid and effectual for the purpose intended by their authors, we sweep from under our feet the whole ground upon which we justified the war. Were those States, afterwards expelled from the Union State? The direct contrary was asserted by this government to be its purpose, and was so understood by all those who gave their blood and treasure to aid in its prosecution. It cannot be that a successful war, waged for the preservation of the Union, had the legal effect of dissolving it. The nation's arms were not disgraced by her policy; the defeat of Secession on the battlefield was not the triumph of its lawless principles; nor could Congress, with or without the consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States from each other. To dissolve the Union is to repeal the Constitution which holds it together, and that is a power which does not belong to any department of this government, or to all of them united. This is so plain that it has been acknowledged by all branches of the Federal Government. The Executive, my predecessor, as well as myself, and the heads of all the departments have uniformly acted upon the principle that the Union is not only undissolved, but indissoluble. Congress submitted an amendment to the Constitution to be ratified by the Southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest function. If they were States, or were States out of the Union, their consent to a change in the fundamental law of the Nation would have been nugatory, and Congress in asking it committed a political absurdity. The Judiciary has also given the solemn sanction of its authority to the same view of the case. The Judges of the Supreme Court have included the Southern States in their circuits, and they are constantly, *in hoc* and elsewhere, exercising jurisdiction which does not belong to them, unless those States are States of the Union. If the Southern States are component parts of the Union, the Constitution is the supreme law of the land, and they are bound to obey it, and so are we. The right of the Federal Government, which is clear and unquestionable, to enforce the Constitution upon them, implies the correlative obligation on our part to observe its limitations and execute its guarantees. Without the Constitution we are nothing; through it, and under the Constitution we are all that we are.

branches; not being granted, we violate our trust by assuming them as palpably as he would by acting in the face of a positive interdiction, for the Constitution forbids us to do whatever it does not affirmatively authorize, even by express words or by clear implication. If the authority we desire to use does not come to us through the Constitution, we are an exception to the general rule, and usurpation is one of the most dangerous of political crimes. By that crime the enemies of free government in all ages have worked out their design against public liberty and private right. It leads directly and immediately to the establishment of absolute rule; for undelegated power is always unlimited and unrestrained. The acts of Congress in question are not only objectionable for their assumption of ungranted power, but many of their provisions are in conflict with the direct prohibitions of the Constitution. The Constitution commands that a republican form of government shall be established in every State, and that no person shall be deprived of life, liberty or property, without due process of law; arrested without a judicial warrant, or punished without a fair trial before an impartial jury; that the privilege of *habeas corpus* shall not be denied in time of peace, and that no bill of attainder shall be passed even against a single individual. The system of measures established by these acts of Congress does totally subvert and destroy the form as well as the substance of republican government. In ten States to which they apply it binds them hand and foot in absolute slavery, and subjects them to a strange and hostile power more unlimited and more despotic than any other now known among civilized men. It tramples down all those rights in which the essence of liberty consists, and which a free government is always most careful to protect. It denies the *habeas corpus* and trial by jury. Personal freedom, property and life, if assailed by the passion, the prejudice or the rapacity of the ruler, have no security whatever. It has the effect of a bill of attainder, or bill of pains and penalties, not upon a few individuals, but upon whole masses, including the millions who inhabit the subject States, and even their unborn children. These wrongs being expressly forbidden, cannot be constitutionally inflicted upon any portion of our people, no matter how they may have come within our jurisdiction, and no matter whether they live in States, Territories or Districts. I have no desire to save from the proper and just consequences of their great crime those who engaged in rebellion against the government but as a mode of punishment, the measures under consideration are the most unreasonable that could be invented. Many of those persons are perfectly innocent. Many were incapable of any legal offence. A large proportion even of the persons able to bear arms were forced into the rebellion against their will, and of those who are guilty with their own consent, the degrees of guilt are as various as the shades of their character and conduct. Yesterday, as I have said, Congress embraced them all together in one common doom. Indiscriminate vengeance upon classes, sects and parties, or upon whole communities for offences committed by a portion of them against the government to which they owed obedience, was common in the barbarous ages of the world. But Christianity and civilization have made such a progress that recourse to a punishment so cruel and unjust would meet with the condemnation of all unprejudiced and right-minded men. The punitive justice of this act, and especially of this country, does not consist in stripping whole States of their liberties and reducing them to a state of servitude, or in the condition of slavery. It deals separately with each individual, confines itself to the forms of law, and vindicates its own purity by an impartial examination of every case before a competent judicial tribunal.

But they shall rule the white race, make and administer State laws, elect Presidents and members of Congress, and shape, to a greater or less extent, the future destiny of the whole country. Would such a trust and power be safe in such hands? The peculiar qualities which should characterize any person ever been successful in the management of public affairs for a great State, have seldom been combined. It is the glory of white men to know that they have had these qualities in sufficient measure to build upon this continent a great political fabric, and to preserve its stability for more than ninety years, while in every other part of the world all similar experiments have failed. But if anything can be proved by known facts; if all reasoning upon evidence is not abandoned, it must be acknowledged that in the progress of nations negroes have shown less capacity for government than any other race of people. No independent government of any form has ever been successfully established by them. On the contrary, wherever they have been left to their own devices they have shown a constant tendency to relapse into barbarism. In the Southern States, however, Congress has undertaken to confer upon them the privilege of the ballot. Just released from slavery, it may be doubted whether, as a class, they know more than their ancestors, how to organize and regulate civil society. Indeed, it is admitted that the blacks of the South are not only regardless of the rights of property, but so utterly ignorant of public affairs that their voting can consist in nothing more than carrying a ballot to the place where they are directed to deposit it. I need not remind you that the exercise of the elective franchise is the highest attribute of an American citizen, and that when guided by virtue, intelligence and patriotism, and a proper appreciation of our free institutions, it constitutes the true basis of a Democratic form of Government, in which the sovereign power is lodged in the body of the people. A trust artificially created, not for its own sake, but solely as a means of promoting the general welfare, its influence for good must necessarily depend upon the elevated character and true allegiance of the elector; it ought, therefore, to be reposed in none except those who are fitted morally and mentally to administer it well, for if conferred upon persons who do not justly estimate its value, and who are indifferent as to its results, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventually end in the complete destruction of that liberty of which it should be the most powerful conservator. 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He must prove, in addition to every other qualification, that he give reasonable ground for the belief that he will be faithful to the obligations which he assumes as a citizen of the Republic. Where a people, the source of all political power, speak by their suffrages through the instrumentality of the ballot-box, it must be carefully guarded against the control of those who are corrupt in principle and enemies of free institutions, for it can only become to our political and social system a safe conductor of healthy popular sentiment when kept free from demoralizing influences. Controlled through fraud and usurpation by the designing, anarchy and despotism must inevitably follow. In the hands of the native and worthy our government will be preserved upon the principles of the Constitution inherited from our fathers. 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I repeat the expression of my willingness to join in any plan within the scope of our constitutional authority which promises to better the condition of the negroes in the South, by encouraging them in industry, enlightening their minds, improving their morals and giving protection to all their rights as freemen. But the transfer of our political inheritance to them, would, in my opinion, be an abandonment of a duty which we owe alike to the memory of our fathers and the rights of our children. The plan of putting the Southern States wholly and the General Government partially into the hands of negroes, is proposed at a time, peculiarly inappropriate. The foundation of society have been broken up by civil war. Industry must be reorganized, justice re-established, public credit maintained, and order brought out of confusion. To accomplish these ends would require all the wisdom and virtue of the great men who formed our institutions originally. I confidently believe that their descendants will be equal to the arduous task before them; but it is worse than madness to expect that negroes will perform it for us. Certainly we ought not to ask their assistance until we despair of our own competency. The great difference between the two races in physical, mental and moral characteristics will prevent an amalgamation or fusion of them together in one homogeneous mass. If the inferiority obtains the ascendancy over the other, it will govern with reference only to its own interest—for it will recognize no common interest—and create such a tyranny as this Continent has never yet witnessed.

Already the negroes are influenced by promises of confiscation and plunder; they are taught to recognize as an enemy every white man who has any respect for the rights of his own race. This continues it must become worse and worse, until all order will be subverted, all industry cease, and the fertile fields of the South grow up into a wilderness, and all the dangers which our nation has yet encountered, none are equal to those which will result from the success of the effort now making to Africanize the half of our country. I would not put considerations of money in competition with justice and right, but the expenses incident to reconstruction under the system adopted by Congress aggravate what I regard as intrinsic wrong of the measure itself. It has cost uncounted millions already, and if persisted in will add largely to the weight of taxation already too oppressive to borne without a just cause. It may finally reduce the treasury of the nation to a condition of bankruptcy. We must not delude ourselves. It will require a strong standing army, and probably more than two hundred millions of dollars per annum to maintain the supremacy of negro governments after they are established. The sum thus thrown away would if properly used, form a sinking fund large enough to pay the whole national debt in less than fifteen years. It is vain to hope that negroes will maintain their ascendancy themselves. Without military power they are wholly incapable of holding in subjugation the white people of the South. To submit to the rule of a class, they know more than their ancestors, how to organize and regulate civil society. Indeed, it is admitted that the blacks of the South are not only regardless of the rights of property, but so utterly ignorant of public affairs that their voting can consist in nothing more than carrying a ballot to the place where they are directed to deposit it. 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to the people to protect themselves without the official aid of their elected defender; if, for instance the Legislative Department should pass an act, even through all the forms of law, to abolish a co-ordinate department of the government, in such a case the President must take the high responsibility of this act, and save the life of the nation at all hazard. The so-called Reconstruction acts, though as plainly unconstitutional as any that can be imagined, were not believed to be within the class last mentioned. The people were not wholly disarmed of the power of self-defence. In all the Northern States they still held in their hands the sacred rights of the ballot, and it was safe to believe that in due time they would come to the rescue of their own institutions. It gives me pleasure to add that the appeal to our common constituency was not taken in vain, and that my confidence in their wisdom and virtue seems not to have been misplaced. It is well and publicly known that enormous frauds have been perpetrated on the Treasury, and that colossal fortunes have been made at the public expense; this species of corruption has increased, is increasing and if not diminished, will soon bring us into total ruin and disgrace. The public creditors and tax payers are alike interested in an honest administration of the finances, and neither class will long endure the high-handed robberies that have recently occurred. For this disgraceful state of things there are several causes. Some of the taxes are so laid as to present an irresistible temptation to evade payment. The great sums which are raised are either misappropriated, or fraudulently converted into a private fund, and there can be no doubt that the open disregard of constitutional obligations avowed by some of the highest and most influential men in the country, has greatly weakened the moral sense of those who serve in subordinate places. The expenses of the United States, including interest on the public debt, are more than six times as much as they were seven years ago. To collect and disburse this vast amount requires careful supervision as well as systematic vigilance. The system, never perfected, was much disorganized by the "Tenure of Office bill," which has almost destroyed official accountability. The President may be thoroughly convinced that an officer is incapable, dishonest and unfaithful to the Constitution, but under the law which I have named, the utmost he can do is to complain to the Senate, and ask the privilege of supplying his place with a better man. If the Senate be regarded as a reasonably or politically hostile to the President, he is natural and altogether unreasonable for the officer to expect that it will take his part as far as possible, restore him to his place, and give him a triumph over his Executive superior. The officer has other chances of impunity arising from accidental defects of evidence, the mode of investigating it and the secrecy of official malfeasance should be bold in proportion as the delinquents learn to think themselves safe. I am entirely persuaded that under such a rule the President cannot perform the great duty assigned to him, of seeing the laws faithfully executed, and that it disables him most especially from enforcing that rigid accountability which is necessary to the due execution of the Revenue laws. The Constitution invests the President with authority to decide whether a removal should be made in any given case, and if Congress declares a substance that he shall only accuse such as he supposes to be unworthy of their trust. The Constitution makes him the sole judge in the premises; but the statute takes away his jurisdiction, transfers it to the Senate, and leaves him nothing but the odious, and sometimes impracticable duty, of becoming a prosecutor. The prosecution is to be conducted before a tribunal whose members are not, like him, responsible to the whole people, but to separate constituent bodies, and who may hear his accusation with great disfavor. The Senate is absolutely without any known standard of judgment applicable to such a case, its judgment cannot be anticipated, for it is not governed by any rule. The law does not define what shall be deemed good cause for removal; it is impossible even to conjecture what may or may not be so considered by the Senate. The nature of the subject forbids clear proof. If the charge be incapable, what evidence will support it? Fidelity to the Constitution may be understood or misunderstood in a thousand different ways; and by violent party men, in violent party times, unfaithfulness to the Constitution may even come to be considered meritorious. If the officer be accused of dishonesty, how shall he be made out? Will he be believed? 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