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GEORGE Q. CANNON, Editor.

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[On Tuesday, December 3rd, 1867, the President's Message was delivered by him to the Senate and House of Representatives; the last words of that Message reached here by Telegraph, at 8 o'clock, Wednesday morning, the 4th, and at 9 o'clock—one hour afterwards—we had the whole document in print and ready for our city readers.]

[Special to the Deseret Evening News.]

PRESIDENT'S MESSAGE.

FELLOW CITIZENS OF THE SENATE
AND HOUSE OF REPRESENTATIVES:

The continued disorganization of the Union, to which the President has so often called the attention of Congress, is yet a subject of profound and patriotic concern. We may, however, find some relief from that anxiety in the reflection, that the painful political situation, although before untried by ourselves, is not new in the experience of nations. Political science, perhaps as highly perfected in our own time and country as in any other, has not yet disclosed any means by which civil wars can be absolutely prevented. An enlightened nation, however, with a wise and beneficent Constitution of free government, may diminish their frequency and mitigate their severity, by directing all its proceedings in accordance with its fundamental law. When a civil war has been brought to a close, it is manifestly the first interest and duty of the State to repair the injuries which the war has inflicted, and to secure the benefit of the lessons it teaches as fully and as speedily as possible. This duty was, upon the termination of the rebellion, promptly accepted not only by the Executive Department, but by the insurrectionary States themselves, and restoration in the first moment of peace was believed to be as easy and certain as it was indispensable. The expectations, however, then so reasonably and confidently entertained, were disappointed by legislation from which I felt constrained by my obligations to the Constitution to withhold my assent.

It is therefore a source of profound regret that, in complying with the obligation imposed upon the President by the Constitution to give to Congress from time to time information, of the state of the Union, I am unable to communicate any definite adjustment, satisfactory to the American people, of the questions which since the close of the Rebellion have agitated the public mind. On the contrary, candor compels me to declare that at this time there is no union as our fathers understood the term, and as they meant it to be understood by us. The Union which they established can exist only where all the states are represented in both Houses of Congress, where one State is as free as another to regulate its internal concerns according to its own will, and where the laws of the Central Government, strictly confined to matters of National jurisdiction, apply with equal force to all the people of every section. That such is not the present state of the Union is a melancholy fact; and we all must acknowledge that the restoration of the States to their proper legal relations with the Federal Government and with one another, according to the terms of the original compact, would be the greatest temporal blessing which God, in His kindest Providence, could bestow upon this nation.

It becomes our imperative duty to consider whether or not it is impossible to effect this most desirable consummation. The Union and the Constitution are inseparable. As long as one is obeyed by all parties the other will be preserved; and if one is destroyed both must perish together. The destruction of the Constitution will be followed by other and still greater calamities.

It was ordained not only to form a more perfect union between the States, but to establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare,

and secure the blessings of liberty to ourselves and to our posterity. Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without that obedience we can look forward only to continual outrages upon individual rights, incessant breaches of the public peace, national weakness, financial dishonor, the total loss of our prosperity, the general corruption of morals, and the final extinction of popular freedom.

To save our country from evils so appalling as these we should renew our efforts again and again. To me the process of restoration seems perfectly plain and simple. It consists merely in a faithful application of the Constitution and laws. The execution of the laws is not now obstructed or opposed by physical force. There is no military or other necessity, real or pretended, which can prevent obedience to the Constitution either North or South. All the rights and all the obligations of States and individuals can be protected and enforced by means perfectly consistent with the fundamental law. The courts may be everywhere open, and if open their process would be unimpeded. Crimes against the United States can be prevented or punished by the proper judicial authority, in a manner entirely practicable and legal.

There is, therefore, no reason why the Constitution should not be obeyed, unless those who exercise its power have determined that it shall be disregarded and violated. The mere naked will of this Government, or of some one or more of its branches, is the only obstacle that can exist to a perfect Union of all the States. On this momentous question and some of the measures growing out of it, I have had the misfortune to differ from Congress and have expressed my conviction without reserve, though with becoming deference to the opinion of the Legislative Department. Those convictions are not only unchanged but strengthened by subsequent events and further reflection. The transcendent importance of the subject will be a sufficient excuse for calling your attention to some of the reasons which have so strongly influenced my own judgment.

The hope that we may all finally concur in a mode of settlement consistent at once 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—in most of them 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 grounds upon which we justified the war. Were these States afterwards expelled from the Union by the war? The direct contrary was averred 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 victory of the Nation's arms was not the disgrace of her policy; the defeat of secession on the battle-field was not the triumph of its lawless principle. 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, nor 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 all 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 of 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 not States, or were States out of the Union, their consent to a change in the fundamental law of the Union

would have been nugatory, and Congress in asking 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 *Banco* 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 for them as it is for the other States. 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. By, through and under the Constitution, we are what it makes us. We may doubt the wisdom of the law, we may not approve of its provisions, but we cannot violate it merely because it seems to confine our powers within limits narrower than we would wish. It is not a question of individual or class or sectional interest, much less of party predominance; but of duty—high and sacred duty—which we are all sworn to perform. If we cannot support the Constitution with the cheerful alacrity of those who love and believe in it, we must give to it at least the fidelity of public servants, who act under solemn obligations and commands which they dare not disregard.

The Constitutional duty is not the only one which requires the State to be restored. There is another consideration; which, though of minor importance, is yet of great weight. On the 22nd day of July, 1861, Congress declared by an almost unanimous vote of both Houses, that the war should be conducted solely for the purpose of preserving the Union and maintaining the supremacy of the Federal Constitution and laws, without impairing the dignity, equality and rights of the States or of individuals; and that when this was done, the war should cease. I do not say that this declaration is personally binding on those who joined in making it, any more than individual members of Congress are personally bound to pay a public debt created under a law for which they vote. But it was a solemn public official pledge of the national honor and I cannot imagine upon what grounds the repudiation of it is to be justified. If it be said that we are not bound to keep faith with the rebels, let it be remembered that this promise was not made to rebels only. Thousands of true men in the South were drawn to our standard by it, and hundreds of thousands in the North gave their lives in the belief that it would be carried out. It was made on the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then saw the necessity of giving such an assurance, and believed that without it the war would end in disaster to our cause.

Having given that assurance in the extremity of our peril, the violation of it now in the day of our power would be a rude rending of that good faith which holds the moral world together. Our country would cease to have any claim upon the confidence of men. It would make the war not only a failure but a fraud. Being sincerely convinced that these views are correct, I would be unfaithful to my duty if I did not recommend the repeal of the acts of Congress which place ten of the Southern States under the domination of military masters. If calm reflection shall satisfy a majority of your honorable bodies that the acts referred to are not only a violation of the National faith but in direct conflict with the Constitution I dare not permit myself to doubt that you will immediately strike them from the statute book. To demonstrate the unconstitutional character of those acts, I need do no more than refer to their general provisions. It must be seen at once that they are not authorized to dictate what alterations shall be made in the Constitutions of the several States, to control the elections of State legislators and State officers, members of Congress, and elections

of President and Vice President, by arbitrarily declaring who shall vote and who shall be excluded from that privilege; to dissolve State Legislatures or prevent them from assembling, to dismiss Judges and other Civil functionaries of the State, and appoint others without regard to State law; to organize and operate all the political machinery of the States; to regulate the whole administration of their domestic and local affairs, according to the mere will of strange and irresponsible agents sent among them for that purpose. These are powers not granted to the Federal Government or to any one of its branches. Not being granted, we violate our trust by assuming them, as palpably as we would by acting in the face of a positive interdiction, for the Constitution forbids us to do whatever it does not affirmatively authorize either by express words or by clear implication.

If the authority we desire to use does not come to us through the Constitution we can exercise it only by usurpation, and usurpation is the most dangerous of political crimes. By that crime the enemies of a free Government in all ages have worked out their designs against public liberty and private rights. It leads directly and immediately to the establishment of absolute rule, for undelimited 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 guaranteed to all the States; 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. Yet 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 the 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 likely to be abused than any other now known among civilized men. It tramples down all these 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 the 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 State, 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, or 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 people are perfectly innocent; many kept their fidelity to the Union untainted to the last; many were incapable of any legal offense; a large proportion even of the persons able to bear arms were forced into 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 temper. But these acts of Congress confound 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 progress that recourse to a punishment so cruel and unjust would meet with

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