

DAILY NEWS.

SATURDAY MORNING, DECEMBER 9, 1865.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

To the Two Houses of Congress at the Commencement of the First Session of the Thirty-ninth Congress.

Fellow-Citizens of the Senate and House of Representatives: To express gratitude to God, in the name of the people, for the preservation of the United States, is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of paralytic treason. The grief of the nation is still fresh; it finds some solace in the consideration that he lived to enjoy the highest honors of his country, and that he died in the renewed term of the Chief Magistracy, to which he had been elected; that he brought the civil war substantially to a close; that his loss was deplored in all parts of the Union; and that foreign nations have rendered justice to his memory. His removal cast upon me a heavier weight of responsibility than ever devolved upon any of my predecessors. To fulfill my trust I need the support and confidence of all who are associated with me in the various departments of government, and the support and confidence of the people. There is but one way in which I can hope to gain the principles which govern my conduct, and their application to the present state of affairs, will assure that the efficiency of my labors will, in a great measure, depend on your and their undivided approbation.

The Union of the United States of America was intended by its authors to last as long as the States themselves shall last. "THE UNION SHALL BE PERPETUAL," are the words of the Confederation. "TO FORM A MORE PERFECT UNION," by an ordinance of the people of the United States, is the declared purpose of the Constitution. The hand of Divine Providence was never more plainly visible in the affairs of men than in the formation of this great instrument. It is, beyond comparison, the greatest event in American history; and indeed is it not, of all events in modern times, the most pregnant with consequences for every people of the earth? The members of the Convention which prepared it, brought to their work the experience of the Confederation, the wisdom of the States, and the sagacity of other Republican Governments, old and new; but they needed and they obtained a wisdom superior to experience. And when for its validity it required the approval of a people that occupied a large part of a continent and acted separately in many distinct conventions, what is more wonderful than that, after earnest contention among the States, all changes of all opinions were ultimately drawn in one way to its support?

The Constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has power to enforce the laws, punish treason, and ensure domestic tranquility. In case of the usurpation of the Government by one man, it provides an oligarchy; it becomes a duty of the States to make good the guarantee of that State of a republican form of government, and so to maintain the homogeneity of all. Does the lapse of time reveal defects? A simple mode of amendment is provided in the Constitution itself, so that its conditions are not to be regarded as permanent. No room is allowed even for the thought of a possibility of its coming to an end. And these powers of self-preservation have always been asserted in their complete integrity by every patriotic Chief Magistrate—by Jefferson and Jackson, not less than by Washington and Adams, who yet preceded to the people of the United States, was that "the free Constitution, which was the work of their hands, might be sacredly maintained," and the inaugural words of President Jefferson held up "the preservation of the General Government, in its constitutional form, as the object of our peace and home and safety abroad." The Constitution is the work of "the People of the United States," and it should be as indestructible as the people.

It is not strange that the framers of the Constitution, which had no model in the past, should not have fully comprehended the excellence of their own work. Fresh from a struggle against a tyrannical power, many patriots suffered from harassing fears of an absorption of the State Governments by the General Government, and many from a dread that the States would break away from their orbits. But the very greatness of our country should allay the apprehension of encroachments by the General Government. The subjects that come before us are not its weakness, but its strength; and it is not its weakness that we are embarrassed by questions that lie beyond it. Were it otherwise, the Executive would sink beneath the burden; the channels of justice would be choked; legislation would be obstructed by excess; so that there is a greater temptation to exercise some of the functions of the General Government, than there is to restrict them to their rightful sphere. "The absolute acquiescence in the decisions of the majority" was, at the beginning of the country, enforced by Jefferson "as the vital principle of republics," and the events of the last four years have established, we will hope for ever, that there lies no appeal to force.

The main object of the framers of the Constitution was "the support of the State Governments in all their rights;" but it is not one of the rights of any State Government to renounce its own place in the Union, or to nullify the laws of the Union. The largest liberty is to be maintained in the discussion of the acts of the General Government; but there is no appeal from its laws, except to the various branches of the State Government. The laws which grant to the members of the Legislative and of the Executive Departments no tenure but a limited one, and in that manner always retain the powers of redress.

"The sovereignty of the States" is the language of the Confederation, and not the language of the Constitution. The words of the Confederation are: "The Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding."

Certainly the Government of the United States is a limited government; and so is every State Government a limited government. With us, this idea of limitation spreads through every form of administration, general, State, and municipal, and rests on the great distinguishing principle, the recognition of the rights of the individual. The ancient republics absorbed the individual in the State, prescribed his religion, and controlled his activity. The American system rests on the assertion of the equal right of every man to life, liberty, and the pursuit of happiness; to freedom of conscience, to the culture and exercise of all his faculties. As a consequence, the Government is limited, as to the General Government in the interest of Union, as to the individual citizen in the interest of freedom. States, with proper limitations of power, are essential to the existence of the Constitution of the United States. At the very commencement, when the assenting place among the Powers of the earth, the Declaration of Independence was adopted by States; so also were the Articles of Confederation; and when "the People of the United States" ordained and established the Constitution, it was the assent of the States, one by one, which gave it vitality. In the event, too, of any amendment to the Constitution, the proposition of Congress needs the confirmation of States. Without States, one great branch of the legislative government would be wanting. And, if we look beyond the letter of the Constitution to the character of our country, its capacity for comprehending within its jurisdiction a vast continental empire, its system of government, its security for the people, its position in the world, the Constitution of the United States is the "supreme authority" of the Constitution of the United States. "The perpetuity of the Constitution," with its full perpetuity of the States; their mutual relations makes us what we are, and in our political system their connexion is inseparable. The whole cannot exist without the parts; nor can the parts exist without the whole. The Constitution of the United States, therefore, is the destruction of the one is the destruction of the other; the preservation of the one is the preservation of the other.

I have thus explained my views of the mutual relations of the Constitution and the States, because they unfold the principles on which I have sought to solve the momentous questions that have overcome the appalling difficulties that met me in the recent commencement of my administration. It has been my steadfast object to escape from the sway of momentary passions, and to derive a healing policy from the fundamental and unchanging principles of the Constitution.

I found the States suffering from the effects of a civil war. Resistance to the General Government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals; and their armies were in the occupation of every State which had attempted to secede. Whether the territory within the limits of those States should be held as conquered territory, under military authority emanating from the President as the head of the army, was the first question that presented itself for decision.

Now, military governments, established for an indefinite period, would have offered no security for the early suppression of the rebellion; and would have divided the people into the vanquished and the vanquisher; and would have envenomed hatred, rather than have restored affection. Once established, no precise limit to their continuance was conceivable. They would have occasioned an incalculable and exhausting expense. Peaceful emigration and from the territory in the hands of the best means that can be thought of for the restoration of harmony; and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule? The chief persons who would have followed the traitors of the army would have followed the traitors of the General Government, or men who expected profit from the miseries of their erring fellow-citizens. The powers of patronage and rule which would have been exercised, under the President, over a vast, and populous, and naturally wealthy region, are greater than unless under extreme necessity, I should be willing to entrust to any one man; they are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise. The willful use of such powers, if continued through a period of years, would have endangered the purity of the general administration and the liberties of the States which would have been exercised, under the President, over a vast, and populous, and naturally wealthy region, are greater than unless under extreme necessity, I should be willing to entrust to any one man; they are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise. The willful use of such powers, if continued through a period of years, would have endangered the purity of the general administration and the liberties of the States which would have been exercised, under the President, over a vast, and populous, and naturally wealthy region, are greater than unless under extreme necessity, I should be willing to entrust to any one man; they are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise.

Besides, the policy of military rule over a conquered territory would have implied that the States whose inhabitants may have taken part in the rebellion had, by the act of those inhabitants, ceased to exist. But the true theory is, that all pretended acts of secession were, from the beginning, null and void. The States cannot be in treason, nor screen the individual citizens who may have committed treason, any more than they can make valid treaties or engage in lawful commerce with any foreign power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished—their functions suspended, but not destroyed.

But if any State neglects or refuses to perform its offices, there is the more need that the General Government should maintain all its authority, and, as soon as practicable, resume the exercise of all its functions. On this principle I have acted, and I have gradually and quietly, and almost unperceptibly, re-established the restoration of the vital energy of the General Government and of the States. To that end, Provisional Governors have been appointed for the States, Conventions called, Legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. At the same time, the courts of the United States have been re-established, and the Courts of the States have been re-opened, so that the laws of the United States may be enforced through their agency. The blockade has been removed, and the Custom-houses re-established in ports of entry, so that the revenue of the United States may be collected. The Post Office Department renews its business activity; the telegraph system is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invites the restoration of industry and commerce; the post office renews the facilities of social intercourse and of business. And is it not a cause of joy to us all, that the restoration of one of these functions of the General Government brings with it a blessing to the States over which they are extended? Is it not a sure promise of harmony and renewed attachment to the Union that, after all that has happened, the return of the General Government is known only as a beneficent power?

I know very well that this policy is attended with some risk; that for its success it requires at least the acquiescence of the States which it concerns; that it implies an invitation to those States by renewing their allegiance to the United States, to resume their functions as States of the Union. But it is a risk that must be taken, in the choice of difficulties, the smallest risk, and to diminish, and, if possible, to remove all danger, I have felt it incumbent on me to assert one other power of the General Government—the power of pardon. As no State can throw a defence over the crime of treason, the power of pardon is exclusively vested in the Executive Government of the United States. In exercising that power, I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States, and an unqualified acknowledgment of the great social change of condition in regard to slavery which has grown out of the war.

The next step which I have taken to restore the constitutional relations of the States, has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety, and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not too much to ask, in the name of the whole people, that the States, in a willingness to cast the disorders of the past into oblivion; and that, on the other, the evidence of sincerity in the future maintenance of the Union shall be put beyond the power of the States to retract. The adoption of an amendment to the Constitution, which provides for the abolition of slavery forever, within the limits of our country, so long as the adoption of this amendment is delayed, would be a great and a just concession to the people, renewed and strengthened, bound more than ever to mutual affection and support.

The Amendment to the Constitution being adopted, it would remain for the States, who are now so long in abeyance, to resume their places in the two branches of the National Legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens, that I make a request. The adoption of the House of Representatives, to judge each of you for yourselves, of the elections, returns, and qualifications of your own members. The full restoration of the powers of the General Government requires the holding of Circuit Courts of the United States within the districts where their authority has been interrupted. In the present posture of our public affairs, strong objections have been urged to holding those courts in any of the States where the rebellion has existed; and it was ascertained, by inquiry, that the Circuit Court of the United States would not be held within the District of Virginia during the autumn or early winter, nor until Congress has had an opportunity to consider and act on the whole subject. To your deliberations the restoration of this branch of the civil authority of the United States is, therefore, necessarily referred; with the hope that early provision will be made for the resumption of all its functions. It is manifest that treason, most flagrant in character, has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated; the truth clearly established and affirmed that treason is a crime, that traitors should be punished and the offence made infamous; and, at the same time, that no State, of its own will, has the right to renounce its place in the Union.

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cautions prevailed with regard to the officers who were to be chosen. The Constitution of the United States requires that the members of the House of Representatives of the United States, "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." The formation of the Constitution, it remained, as before, the uniform usage for each State to enlarge the body of its electors, according to its own judgment; and it is not to be supposed that the framers of the Constitution intended to increase the number of its electors, until now universal usage, or something very near it, is the general rule. So fixed was this reservation of power in the mind of the framers of the Constitution, that during the civil war the late President never harbored the purpose—certainly never avowed the purpose—of disregarding it; and it is not to be supposed that the framers of the Constitution intended, during the continuance of hostilities, much less after their close, would have sanctioned any departure by the Executive from a policy which has so uniformly prevailed in the several States. The elective franchise to the freedmen, by act of the President of the United States, must have been extended to all colored men, wherever found, and so must have established a large majority in the Northern and Middle and Western States, not less than in the Southern and Southern Western. Such an act would have created a new class of voters, and would have been an assumption of power by the President which nothing in the Constitution or laws of the United States would have warranted.

On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several States. They can, each for itself, decide on the issue, and they will do so, if they are not influenced, absolutely, or introduced gradually and with conditions. In my judgment, the freedmen, if they show patience and mainly virtues, will sooner obtain a participation in the elective franchise, if they are not introduced by the General Government, even if it had power to intervene. When the tumult of emotions that has been raised by the suddenness of the social change shall have subsided, it may prove that there is still a strong and honest usage from some of those who have heretofore most closely depended.

But while I have no doubt that now, after the close of the war, it is not impossible for the General Government to extend the elective franchise in the several States, it is equally clear that good faith requires the security of the freedmen in their liberty and their property, their right of labor, and their right to claim the just return of their labor. The treatment of this subject, which should be carefully kept aloof from party strife. We must equally avoid hasty assumptions of any natural impossibility for the two classes to be associated together in the same industry and good will. The experiment involves us in no inconsistency; let us, then, go on and make that experiment in good faith, and not be too easily discouraged. The country is not in a state of anarchy, and the freedmen are not a new and useful industry; where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment. The freedmen are not a new and useful industry; where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment. The freedmen are not a new and useful industry; where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment.

I know that sincere philanthropy is earnest for the immediate realization of its noblest aims; but time is not to be anxiously measured by the clock. The freedmen are not a new and useful industry; where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment. The freedmen are not a new and useful industry; where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment.

Now that slavery is at an end, or near its end, the greatness of its evil, in the point of view of public economy, is more manifestly seen. Slavery was essentially a monopoly of labor, and as such locked the States where it prevailed against the incoming of free industry. Where labor was the property of the State, the laborer was not free to seek employment, or had but the second best chance of finding it; and the foreign emigrant turned away from the region where his condition would be so precarious. For us all, that the removal of the monopoly of labor is a pledge that those regions will be peopled by a numerous and enterprising population, which will vie with any in the Union in compactness and industry. Our Government springs from and was made for the people—not the people for the Government. To them it owes allegiance; from them it must derive its courage, strength, and wisdom. The Government is subordinate to the people, from whom it derives its existence, its strength, its power of resistance to the establishment of inequalities. Monopolies, perpetuated by law, are a source of evil to the people, and ought not to be allowed. Here, there is no room for favored classes or monopolies, the principle of our Government is that of equal laws and freedom of enterprise. Wherever monopoly attains a source of power, it is a source of danger and trouble. We shall but fulfill our duties as legislators by according "equal and exact justice to all men," special privileges to none. The Government is subordinate to the people, from whom it derives its existence, its strength, its power of resistance to the establishment of inequalities. Monopolies, perpetuated by law, are a source of evil to the people, and ought not to be allowed. Here, there is no room for favored classes or monopolies, the principle of our Government is that of equal laws and freedom of enterprise. 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