

On both sides there was war, with all its incidents, all its claims, its rights and its results.

The States in rebellion tried, under the lead of their new Confederacy, to conquer the Union; but in the attempt they were themselves conquered.

They did not revert by their rebellion nor by our conquest into "Territories." They did not commit suicide. But they rebelled, they went to war; and they were conquered.

A "Territory" of the United States is a possession or dependency of the United States having none of the distinctive constitutional attributes of a State. A Territory might be in rebellion; but not thereby cease to be a Territory. It would be properly described as a Territory in rebellion. Neither does a State in rebellion cease to be a State. It would be correctly described, a State in rebellion. And it would be subject to the proper consequences of rebellion both direct and incidental,—among which may be that of military government or supervision by the nation, determinable only by the nation at its own just discretion in the due exercise of the rights of war. The power to put an end to its life is not an attribute of a State of our Union. Nor can the Union put an end to its own life, save by an alteration of the national constitution, or by suffering such defeat in war as to bring it under the jurisdiction of a conqueror. The nation has a vested interest in the life of the individual State. The States have a vested interest in the life of the Union. I do not perceive, therefore, how a State has the power by its own action alone, without the co-operation of the Union, to destroy the continuity of its corporate life. Nor do I perceive how the national Union can by its own action, without the action or omission of the States, destroy the continuity

of its own corporate life. It seems to me that the stream of life flows through both State and nation from a double source; which is a distinguishing element of its vital power. Eccentricity of motion is not death; nor is abnormal action organic change.

The position of the rebel States is fixed by the constitution, and by the laws or rights of war. If they had conquered the Union they might have become independent, or whatever else it might have been stipulated they should become by the terms of an ultimate treaty of peace. But being conquered they failed in becoming independent, and they failed in accomplishing anything but their own conquest. They were still States,—though belligerents conquered. But they had lost their loyal organization as States, lost their present possession of their political and representative power in the Union. Under the constitution they have no means nor power of their own to regain it. But the exigency is provided for by that clause in the federal constitution in which the federal government guarantees a republican form of government to every State. The regular and formal method would be therefore for the national government to provide specifically for their reorganization.

The right and duty, however, of the general government under the circumstances of their present case is not the single one of reorganizing these disorganized States. The war imposed rights and duties peculiar to itself, and to the relations and the results of war. The first duty of the nation is to regain its own power. It has already made a great advance in the direction of its power.

If ours were a despotic government it might even now be thought that it had already accomplished the re-establishment of its power as a government. But ours being a repub-

lican and a popular government, it cannot be affirmed that the proper power of the government is restored until a peaceful, loyal and faithful state of mind gains a sufficient ascendancy in the rebel and belligerent States, to enable the Union and loyal citizens everywhere to repose alike on the purpose and the ability of their people in point of numbers and capacity, to assert, maintain, and conduct State governments, republican in form, loyal in sentiment and character, with safety to themselves and to the national whole. If the people, or too large a portion of the people of a given rebel State are not willing and able to do this, then the state of war still exists, or at least a condition consequent upon and incidental thereto exists, which only the exercise on our part of belligerent rights, or some of their incidents can meet or can cure. The rights of war must continue until the objects of the war have been accomplished and the nation recognizes the return of a state of peace. It is absolutely necessary then for the Union government to prescribe some reasonable test of loyalty to the people of the States in rebellion. It is necessary to require of them conformity to those arrangements which the war has rendered or proved to be necessary to the public peace and necessary as securities for the future. As the conquering party, the national government has the right to govern these belligerent States meanwhile, at its own wise and conscientious discretion, subject: 1st. To the demands of natural justice, humanity, and the usages of civilized nations. 2d. To its duty under the constitution, to guarantee republican governments to the States.

But there is no arbiter, save the people of the United States, between the government of the Union and those States. Therefore the precise things to be done, the precise way to do them, the precise steps to be taken, their order,

progress, and direction, are all within the discretion of the national government, in the exercise, both of its belligerent and its more strictly constitutional functions,—exercising them according to its own wise, prudent, and just discretion. Its duty is not only to restore those States, but also to make sure of a lasting peace of its own ultimate safety and the permanent establishment of the rights of all its subjects. To this end I venture the opinion that the government of the United States ought to require the people of those States to reform their constitutions:

1. Guaranteeing to the people of color, now the wards of the nation, their civil rights as men and women on an equality with the white population by amendments irrepealable in terms.
2. Regulating the elective franchise according to certain laws of universal application, and not by rules merely arbitrary, capricious, and personal.
3. Annulling the ordinances of secession.
4. Disaffirming the rebel debt, and
5. To ratify the anti-slavery amendment of the United States constitution by their legislatures.

And I would have all these questions save the fifth—the disposition of which is regulated by the federal constitution—put to the vote of the people themselves. We should neither be satisfied with the action of the conventions which have been held nor with what is termed the “loyal vote.” We want the popular vote. And the rebel vote is better than the loyal vote if on the right side. If it is not on the right side, then I fear those States are incapable at present of reorganization; the proper power of the Union government is not restored; the people of those States are not yet prepared to assume their original functions with safety to the Union;

and the state of war still exists; for they are contumacious and disobedient to the just demands of the Union, disowning the just conditions precedent to reorganization.

We are desirous of their reorganization and to end the use of the war power. But I am confident we cannot reorganize political society with any proper security: 1. Unless we let in the people to a co-operation, and not merely an arbitrarily selected portion of them. 2. Unless we give those who are, by their intelligence and character, the natural leaders of the people, and who surely will lead them by-and-by, an opportunity to lead them now.

I am aware that it has been a favorite dogma in many quarters, "No rebel voters." But it is impossible in certain States to have any voting by white men if only "loyal men"—that is, those who continued so during the rebellion—are permitted to vote. This proposition is so clear that the President adopted the expedient of assuming that those who had not risen above certain civil or military grades in the rebel public service, and who had neither inherited nor earned more than a certain amount of property, should be deemed and taken to be sufficiently harmless to be intrusted with the suffrage in the work of reorganization. Although there is some reason for assuming that the less conspicuous and less wealthy classes of men had less to do than their more towering neighbors in conducting the State into the rebellion and through it—still I do not imagine that either wealth or conspicuous position, which are only the accidents of men, or at most only external incidents, affect the substance of their characters. I think the poorer and less significant men who voted or fought for Southern independence had quite as little love for the Yankees, quite as much prejudice against the Abolitionists, quite as much contempt for the colored man,

and quite as much disloyalty at heart as their more powerful neighbors.

The true question is now not of past disloyalty but of present loyal purpose. We need not try to disguise the fact that we have passed through a great popular revolution. Everybody in the rebel States was disloyal with exceptions too few and too far between to comprise a loyal force sufficient to constitute the State, even now that the armies of the rebellion are overthrown. Do not let us deceive ourselves. The truth is the public opinion of the white race in the South was in favor of the rebellion. The colored people sympathized with the Union cause. To the extent of their intelligence they understood that the success of the South meant their continued slavery; that an easy success of the North meant leaving slavery just where we found it; that the war meant, if it lasted long enough—their emancipation. The whites went to war and supported the war because they hoped to succeed in it; since they wanted or thought they wanted separation from the Union, or Southern independence. There were then three great interests—there were the Southern whites, who as a body wished for what they called Southern independence; the Southern blacks who desired emancipation; the people of the "loyal States" who desired to maintain the constitutional rights and the territorial integrity of the nation. Some of us in the North had a strong hope, which by the favor of God has not been disappointed, out of our defence of the Union to accomplish the deliverance of our fellow men in bondage. But the loyal idea included emancipation, not for its own sake but for the sake of the Union—if the Union could be saved or served by it. There were many men in the South—besides those known as loyal—who did not like to incur the responsibility of war

against the Union; or who did not think the opportune moment had arrived to fight the North; or in whose hearts there was "a divided allegiance." But they were not the positive men. They were with very few exceptions not the leading minds, the courageous men, the impressive and powerful characters,—they were not the young and active men. And when the decisive hour came they went to the wall. No matter what they thought or how they felt about it; they could not stand, or they would not stand—certainly they did not stand against the storm. The revolution either converted them or swept them off their feet. Their own sons volunteered. They became involved in all the work and in all the consequences of the war. The Southern people—as a people—fought, toiled, endured, and persevered, with a courage, a unanimity, and a persistency not outdone by any people in any revolution. There was never an acre of territory abandoned to the Union while it could be held by arms. There was never a rebel regiment surrendered to the Union arms until resistance was overcome by force; or a surrender was compelled by the stress of battle or of military strategy. The people of the South, men and women, soldiers and civilians, volunteers and conscripts, in the army and at home followed the fortunes of the rebellion and obeyed its leaders so long as it had any fortunes or any leaders. Their young men marched up to the cannon's mouth a thousand times where they were mowed down like grain by the reapers when the harvest is ripe. Some men had the faculty and the faith in the rebel cause to become its leaders. The others had the faculty and faith to follow them.

All honor to the loyal few! But I do not regard the distinction between loyal and disloyal persons of the white race residing in the South during the rebellion as being for

present purposes a practical distinction. It is even doubtful whether the comparatively loyal few (with certain prominent and honorable exceptions), can be well discriminated from the disloyal mass. And since the President finds himself obliged to let in the great mass of the disloyal by the very terms of his proclamation of amnesty to a participation in the business of reorganizing the rebel States, I am obliged also to confess that I think to make one rule for the richer and higher rebels and another rule for the poorer and more lowly rebels is impolitic and unphilosophical. I find evidence in the granting of pardons that such also is the opinion of the President.

When the day arrives which must surely come, when an amnesty, substantially universal, shall be proclaimed, the leading minds of the South, who by temporary policy and artificial rules had been for the while disfranchised, will resume their influence and their sway. The capacity of leadership is a gift, not a device. They whose courage, talents, and will entitle them to lead, will lead. And these men—not then estopped by their own consent or participation in the business of reorganization—may not be slow to question the validity of great public transactions enacted during their own disfranchisement. If it is asked in reply, "What can they do?" and "What can come of their discontent?" I answer, that while I do not know just what they can do nor what may come of it, neither do I know what they may not attempt nor what they may not accomplish. I only know that we ought to demand and to secure the co-operation of the strongest and ablest minds and the natural leaders of opinion in the South. If we cannot gain their support of the just measures needful for the work of safe reorganization, reorganization will be delusive and full of danger.

Why not try them? They are the most hopeful subjects to deal with in the very nature of the case. They have the brain and the experience and the education to enable them to understand the exigencies of the present situation. They have the courage as well as the skill to lead the people in the direction their judgments point, in spite of their own and the popular prejudice. Weaker men, those of less experience, who have less hold on the public confidence are comparatively powerless. Is it consistent with reason and our knowledge of human nature to believe the masses of Southern men able to face about, to turn their backs on those they have trusted and followed, and to adopt the lead of those who have no magnetic hold on their hearts or minds? Reorganization in the South demands the aid of men of great moral courage, who can renounce their own past opinions and do it boldly; who can comprehend what the work is and what are the logical consequences of the new situation; men who have interests urging them to rise to the height of the occasion. They are not the strong men from whom weak, vacillating counsels come; nor are they the great men from whom come counsels born of prejudices and follies, having their root in an institution they know to be dead and buried beyond the hope of resurrection.

Has it never occurred to us all that we are now proposing the most wonderful and unprecedented of human transactions? The conquering government at the close of a great war is about restoring to the conquered rebels not only their local governments in the States, but their representative share in the general government of the country! They are, in their States, to govern themselves as they did before the rebellion. The conquered rebels are in the Union to help govern and control the conquering loyalists! These being

the privileges which they are to enjoy when reorganization becomes complete, I declare that I know not any safeguard, precaution, or act of prudence, which wise statesmanship might not recognize to be reasonable and just. If we have no right to demand guarantees for the future; if we have no right to insist upon significant acts of loyal submission from the rebel leaders themselves; if we have no right to demand the positive popular vote in favor of the guarantees we need; if we may not stipulate for the recognition of the just rights of the slaves, whom, in the act of suppressing the rebellion, we converted from slaves into freemen, then I declare that we had no right to emancipate the slaves nor to suppress the rebellion.

It may be asked: Why not demand the suffrage for colored men in season for their vote in the business of reorganization? My answer is—I assume that the colored men are in favor of those measures which the Union needs to have adopted. But it would be idle to reorganize those States by the colored vote. If the popular vote of the white race is not to be had in favor of the guarantees justly required, then I am in favor of holding on—just where we now are. I am not in favor of a surrender of the present rights of the Union to a struggle between a white minority aided by the freedmen on one hand, against a majority of the white race on the other. I would not consent, having rescued those States by arms from secession and rebellion, to turn them over to anarchy and chaos. I have however no doubt—none whatever—of our right to stipulate for colored suffrage. The question is one of statesmanship, not a question of constitutional limitation.

If it is urged that the suffrage question is one peculiarly for the States, I reply: so also that of the abolition of slavery