


HENRY J. RAYMOND

 HENRY JARVIS RAYMOND, American politician, journalist, and orator, was born at Lima, N. Y., Jan. 24, 1820, and died there June 18, 1869. Educated at the University of Vermont, he studied law in New York city, and then taking up the profession of journalism became assistant-editor of the "New York Tribune," 1841-43, and editor of the "New York Courier and Enquirer," 1843-50. In 1849, he entered the State legislature as a Whig member and was reelected in the following year. In September, 1851, he issued the first number of the "New York Times," the editor of which he became and continued for the remainder of his life. Mr. Raymond was a delegate to the Baltimore Whig convention of 1852, making there an able speech justifying Northern sentiment on the questions then at issue, and in the organization of the Republican party in 1856 took a prominent part. He declined a nomination for the governorship of New York in 1857, and in 1860, favored Seward as a Presidential candidate. During the Civil War, Raymond was again a member of the State legislature, and in 1864, he entered the Federal Congress, making there, in December, 1865, a notable speech in which he maintained that the Southern States had never been out of the Union. He was a supporter of the reconstruction policy of President Johnson and wrote an "Address and Declaration of Principles," which the Loyalists' convention at Philadelphia, in 1866, issued and disseminated. He declined a renomination to Congress and also the Austrian mission tendered him by President Johnson. Mr. Raymond as a speaker had much force and the power of effective address; he is, however, best known as a journalist, who exerted a wholesome influence in softening the asperities of newspaper controversy. His published writings consist of "Political Lessons of the Revolution" (1854); "History of the Administration of President Lincoln" (1864), revised in the following year and issued under the title of "Life and Public Services of Abraham Lincoln."

SPEECH ON RECONSTRUCTION

DELIVERED IN THE HOUSE OF REPRESENTATIVES, DECEMBER 27, 1865

MR. CHAIRMAN,—I should be glad, if it meet the sense of those members who are present, to make some remarks upon the general question before the House; but I do not wish to trespass at all upon their disposition in regard to this matter. I do not know, however, that there will be a better opportunity to say what little I

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have to say than is now offered; and if the House shall indicate no other wish, I will proceed to say it.

I need not say that I have been gratified to hear many things which have fallen from the lips of the gentleman from Ohio [Mr. Finck], who has just taken his seat. I have no party feeling, nor any other feeling, which would prevent me from rejoicing in the indications apparent on that side of the House of a purpose to concur with the loyal people of the country, and with the loyal administration of the government, and with the loyal majorities in both Houses of Congress, in restoring peace and order to our common country. I cannot, perhaps, help wishing, sir, that these indications of an interest in the preservation of our government had come somewhat sooner. I cannot help feeling that such expressions cannot now be of as much service to the country as they might once have been.

If we could have had from that side of the House such indications of an interest in the preservation of the Union, such heartfelt sympathy with the efforts of the government for the preservation of that Union, such hearty denunciation of those who were seeking its destruction, while the war was raging, I am sure we might have been spared some years of war, some millions of money, and rivers of blood and tears.

But, sir, I am not disposed to fight over again battles now happily ended. I feel, and I am rejoiced to find that members on the other side of the House feel, that the great problem now before us is to restore the Union to its old integrity, purified from everything that interfered with the full development of the spirit of liberty which it was made to enshrine.

I trust that we shall have a general concurrence of the members of this House and of this Congress in such measures

as may be deemed most fit and proper for the accomplishment of that result. I am glad to assume and to believe that there is not a member of this House, nor a man in this country, who does not wish, from the bottom of his heart, to see the day speedily come when we shall have this nation—the great American Republic—again united, more harmonious in its action than it ever has been, and forever one and indivisible. We in this Congress are to devise the means to restore its union and its harmony, to perfect its institutions, and to make it in all its parts and in all its action, through all time to come, too strong, too wise, and too free ever to invite or ever to permit the hand of rebellion again to be raised against it.

Now, sir, in devising those ways and means to accomplish that great result, the first thing we have to do is to know the point from which we start, to understand the nature of the material with which we have to work—the condition of the territory and the States with which we are concerned. I had supposed at the outset of this session that it was the purpose of this House to proceed to that work without discussion, and to commit it almost exclusively, if not entirely, to the joint committee raised by the two Houses for the consideration of that subject.

But, sir, I must say that I was glad when I perceived the distinguished gentleman from Pennsylvania [Mr. Stevens], himself the chairman on the part of this House of that great committee on reconstruction, lead off in a discussion of this general subject, and thus invite all the rest of us who choose to follow him in the debate. In the remarks which he made in this body a few days since, he laid down, with the clearness and the force which characterize everything he says and does, his point of departure in commencing this great work.

I had hoped that the ground he would lay down would be such that we could all of us stand upon it and co-operate with him in our common object. I feel constrained to say, sir—and do it without the slightest disposition to create or to exaggerate differences—that there were features in his exposition of the condition of the country with which I cannot concur. I cannot for myself start from precisely the point which he assumes.

In his remarks on that occasion he assumed that the States lately in rebellion were and are out of the Union. Throughout his speech—I will not trouble you with reading passages from it—I find him speaking of those States as “outside of the Union,” as “dead States,” as having forfeited all their rights and terminated their State existence. I find expressions still more definite and distinct; I find him stating that they “are and for four years have been out of the Union for all legal purposes;” as having been for four years a “separate power,” and “a separate nation.”

His position therefore is that these States, having been in rebellion, are now out of the Union and are simply within the jurisdiction of the constitution of the United States as so much territory to be dealt with precisely as the will of the conqueror, to use his own language, may dictate. Now, sir, if that position is correct it prescribes for us one line of policy to be pursued very different from the one that will be proper if it is not correct.

His belief is that what we have to do is to create new States out of this territory at the proper time—many years distant—retaining them meantime in a territorial condition and subjecting them to precisely such a state of discipline and tutelage as Congress or the government of the United States may see fit to prescribe. If I believed in the premises which

he assumes, possibly, though I do not think probably, I might agree with the conclusion he has reached.

But, sir, I cannot believe that this is our condition. I cannot believe that these States have ever been out of the Union or that they are now out of the Union. I cannot believe that they ever have been or are now in any sense a separate power. If they were, sir, how and when did they become so? They were once States of this Union—that every one concedes; bound to the Union and made members of the Union by the constitution of the United States. If they ever went out of the Union it was at some specific time and by some specific act.

I regret that the gentleman from Pennsylvania [Mr. Stevens] is not now in his seat. I should have been glad to ask him by what specific act and at what precise time any one of those States took itself out of the American Union. Was it by the ordinance of secession? I think we all agree that an ordinance of secession passed by any State of this Union is simply a nullity, because it encounters in its practical operation the constitution of the United States, which is the supreme law of the land. It could have no legal actual force or validity. It could not operate to effect any actual change in the relations of the State adopting it to the national government, still less to accomplish the removal of that State from the sovereign jurisdiction of the constitution of the United States.

Well, sir, did the resolutions of the States, the declarations of their officials, the speeches of members of their legislatures, or the utterances of their press accomplish the result? Certainly not. They could not possibly work any change whatever in the relations of these States to the general government. All their ordinances and all their resolutions were

simply declarations of a purpose to secede. Their secession, if it ever took place, certainly could not date from the time when their intention to secede was first announced.

After declaring that intention they proceeded to carry it into effect. How? By war. By sustaining their purpose by arms against the force which the United States brought to bear against it. Did they sustain it? Were their arms victorious? If they were then their secession was an accomplished fact. If not it was nothing more than an abortive attempt—a purpose unfulfilled. This, then, is simply a question of fact and we all know what the fact is. They did not succeed. They failed to maintain their ground by force of arms—in other words, they failed to secede.

But the gentleman from Pennsylvania [Mr. Stevens] insists that they did secede, and that this fact is not in the least affected by the other fact that the constitution forbids secession. He says that the law forbids murder, but that murders are nevertheless committed. But there is no analogy between the two cases. If secession had been accomplished, if these States had gone out and overcome the armies that tried to prevent their going out, then the prohibition of the constitution could not have altered the fact.

In the case of murder the man is killed, and murder is thus committed in spite of the law. The fact of killing is essential to the committal of the crime; and the fact of going out is essential to secession. But in this case there was no such fact. I think I need not argue any further the position that the rebel States have never for one moment, by any ordinances of secession, or by any successful war, carried themselves beyond the rightful jurisdiction of the constitution of the United States.

They have interrupted for a time the practical enforce-

ment and exercise of that jurisdiction; they rendered it impossible for a time for this government to enforce obedience to its laws; but there has never been an hour when this government, or this Congress, or this House, or the gentleman from Pennsylvania himself, ever conceded that those States were beyond the jurisdiction of the constitution and laws of the United States. . . .

Why, sir, if there be no constitution of any sort in a State, no law, nothing but chaos, then that State would no longer exist as an organization. But that has not been the case, it never is the case in great communities, for they always have constitutions and forms of government. It may not be a constitution or form of government adapted to its relation to the government of the United States; and that would be an evil to be remedied by the government of the United States.

That is what we have been trying to do for the last four years. The practical relations of the governments of those States with the government of the United States were all wrong—were hostile to that government. They denied our jurisdiction and they denied that they were States of the Union, but their denial did not change the fact; and there was never any time when their organizations as States were destroyed. A dead State is a solecism, a contradiction in terms, an impossibility.

These are, I confess, rather metaphysical distinctions, but I did not raise them. Those who assert that a State is destroyed whenever its constitution is changed, or whenever its practical relations with this government are changed, must be held responsible for whatever metaphysical niceties may be necessarily involved in the discussion. I do not know, sir, that I have made my views on this point clear to

the gentleman from Pennsylvania [Mr. Kelley], who has questioned me upon it, and I am still more doubtful whether, even if they are intelligible, he will concur with me as to their justice. But I regard these States as just as truly within the jurisdiction of the constitution, and therefore just as really and truly States of the American Union now, as they were before the war.

Their practical relations to the constitution of the United States have been disturbed, and we have been endeavoring through four years of war to restore them and make them what they were before the war. The victory in the field has given us the means of doing this; we can now re-establish the practical relations of those States to the government. Our actual jurisdiction over them, which they vainly attempted to throw off, is already restored. The conquest we have achieved is a conquest over the rebellion, not a conquest over the States whose authority the rebellion had for a time subverted. . . .

I think, moreover, that we accept virtually and practically the doctrine of State sovereignty, the right of a State to withdraw from the Union, and to break up the Union at its own will and pleasure. I do not see how upon those premises we can escape that conclusion. If the States that engaged in the late rebellion constituted themselves by their ordinances of secession or by any of the acts with which they followed those ordinances, a separate and independent power, I do not see how we can deny the principles on which they professed to act or refuse assent to their practical results. I have heard no clearer, no stronger statement of the doctrine of State sovereignty as paramount to the sovereignty of the nation than would be involved in such a concession.