

## THE CONSTITUTIONAL AMENDMENT.

EDITORIAL CORRESPONDENCE.

WASHINGTON, June 16.

I HAPPENED to be a spectator in the House of Representatives during the two most important votes of the present session—the vote on the Civil Rights bill, and the vote on the Constitutional Amendment. The contrast between these two occasions was striking. The passage of the Civil Rights bill was a scene of cheers, clapping of hands, waving of handkerchiefs, and universal delight. But the vote of last Wednesday elicited no more enthusiasm than any piece of ordinary business. The galleries were thin—as if people supposed beforehand that the scene would be hardly worth witnessing. Although the vote was nearly four to one, 120 yeas to 33 nays—a unanimity unexpected—there was not a cheer, not a murmur of applause, not even a ripple of enthusiasm. The floor being dumb, the gallery had nothing to echo. This was right—the measure was not worth a cheer. The amendment contains nothing to touch the popular heart. Of course, I do not forget that it includes the Civil Rights bill—but our cheering for *that* victory was done last April. Excellent as are many of the features of the Committee's plan, it does not present that basis of justice on which just men wish to see the Union rebuilt. It is plaster, not rock. It is something less than Equal Rights—and therefore cannot endure.

Thaddeus Stevens confessed and lamented this imperfectness, and magnificently charged the mingled blunder and crime upon the President of the United States. "With his cordial assistance," said Mr. Stevens, "the rebel states might have been made model republics, and this nation an empire of universal freedom." How true and fearful is this accusation! How solemnly it fell from the lips of the venerable man who uttered it. He had just risen from a sick-bed, and had ridden to the Capitol at the peril of his life. During the brief quarter of an hour which he occupied in speaking, the solemnity of the chamber was such as I have never before witnessed in that noisy body. Members left their seats to gather closely about the old hero—feeling that perhaps it was the last time he would ever speak in that hall. With an enfeebled voice, yet with a courageous and defiant air, he charged the responsibility for that day's patch-work upon an Executive who might, by helping instead of hindering Congress, have reconstructed the Union, not on a foundation of wood, hay, and stubble, but on the adamant of impartial justice.

I enclose an accurate copy of the proposed Constitutional Amendment, as follows:

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

### ARTICLE —

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The first section is admirable. It incorporates the Civil Rights bill into the Constitution of the United States. Let us be thankful for so much clear gain.

The second section is elaborate and complex, and if, recited to a popular audience, would probably not be understood on the first reading. Considered, therefore, as a battle-cry for the fall elections, it is not altogether so clear and ringing as party-managers might desire. But the campaign orator will find in it a mine of explanatory argument: and the disadvantage of

scheme will thus turn to the advantage of the advocate. What does this section offer to the negro? Happy will be our disappointment if this dry stalk shall bud and blossom into Impartial Suffrage. I have no faith, however, that the keenest-eyed negro will ever be able to discern in it the sure promise of the ballot. Does the section appeal to the self-interest of the South to grant negro suffrage? Such an appeal is unmanly to ourselves and unjust to the negro. When the Government of the United States was beseeching the slave to shoulder a musket in its defense, what if it had officially proclaimed, "Fight for us to-day, but to-morrow, after you have rescued the Government, look for your political rights to your enemies, not to your friends;" would not mankind have scoffed at such a proclamation? Now, although the Government made no such promise, it is fulfilling exactly such a one. Congress takes the ground that the rebels were, by their rebellion, stripped of all civil and political rights. It, therefore, proposes to reinvest these rebels, not only with their own civil and political rights, but with discretionary power to say whether or not the negro shall be invested with his political rights! "A scheme containing much positive good," says Mr. Stevens, "as well, I am bound to admit, as the omission of many better things."

It is like Mr. Lincoln's preliminary proclamation of September 22, 1862, which, had it been accepted by the enemy, would have made that enemy the master both of the slave and of the country.

If the question now at issue in the reconstruction were simply, What shall be the relation of representation to suffrage? then the Committee's plan would be perfect. But, as the vital question is not whether the negro shall be represented by white men, but whether he shall be represented by his own vote, the scheme is imperfect. It says to the South, "If you do not let the negroes vote, you shall not count them in your basis of representation." To which the South replies (as I have heard Alexander H. Stephens reply), "Well, then, rather than let the negroes vote, we will diminish our delegation in Congress." What, then, becomes of the negro? He remains under the foot of his enemy.

The supplemental legislation which is to follow this amendment has not been fully determined. A chance yet remains that it may hinge on Equal Suffrage. For instance, suppose a bill should pass declaring that none of the Southern constitutions shall be held legal until ratified by the people, without distinction of color; and declaring, also, that until these states shall present to Congress such constitutions so ratified no admission shall be granted. Without some such precautionary measure, the new Constitutional Amendment will prove useful for the negro's civil rights, but useless for his political. Other congressmen hold that the terms of admission should be declared by a concurrent resolution, instead of by a law. Others, still, hold that the present amendment should not be followed by any legislation whatever during the present session—leaving to a more radical Congress to enact a more radical plan. The debate goes busily on, and perhaps in the multitude of counselors there will be wisdom.

Meanwhile, Andrew Johnson remains at the head of the Confederate cause. His obstacles in the way of Congress have been thus far so great as to delay Impartial Suffrage for a season. In this respect he has gained a partial victory over Congress; but in every other Congress has gained an unexampled victory over the President. It is a marvel to old politicians to witness how the same senators and representatives who in former years were greatly influenced by Executive patronage have stood proof against all purchase by President Johnson. A member of Congress finds that he cannot control the appointments for his own district. Formerly, he would have cringed to the Executive; but the same member now stands firm. "We used to be bought up," said a member to me; "but we no longer sell ourselves." Accordingly, no former Congress, even with the co-operation of the Executive, was ever stronger than this Congress is without it. The Union majority stands like a stone-wall against the President's usurpation. Would to God it could stand equally erect for Impartial Justice!

The Executive is steadfastly accomplishing his own destruction. The Fenian proclamation is weaning the Irish from shouting for Andy. "Bridget and all the other chambermaids," says Senator Wilson, "are now against the President!" Democratic leaders in both Houses, who cannot live except on the Irish vote, begin to see that they can no longer carry the Executive as luggage. Indeed, they are already saying, "Take your President back again; we want him no longer." Moreover, the expected third party—the Johnson party, the party organized by Montgomery Blair—has wilted in the summer heat. Its hope was to carry the fall elections. But the fall elections will never know that such a party was conceived. The political fortunes of the President will go down before the Union banner in the fall elections. After which, he will be no longer the hope of a new party, but the Tylerized President of an old. After which, again, he will lapse into nothing but Andrew Johnson. He might have earned a golden memory. Let him count himself fortunate if he shall succeed in being forgotten.