Mr. BINGHAM. Mr. Speaker, I approach the discussion of this subject, aware that it will be utterly impossible for me, within the time allotted me by the rules of the House, to do justice to the proposition reported by the joint committee.

I think, sir, that the honorable gentleman from Vermont [Mr. Woodbridge] has uttered words that ought to be considered and accepted by gentlemen of the House, when he says that the action of this Congress in its effect upon the future prosperity of the country will be felt by generations of men after we shall all have paid the debt of nature. I believe, Mr. Speaker, as I have had occasion to say more than once, that the people of the United States have intrusted to the present Congress in some sense the care of the Republic, not only for the present, but for all the hereafter. Your committee, sir, would not have sent this House for its consideration this proposition but for the conviction that its adoption by Congress and its ratification by the people of the United States is essential to the safety of all the people of every State. I repel the suggestion made here in the heat of debate, that the committee or any of its members who favor this proposition seek in any form to mar the Constitution of the country, or take away from any State any right that belongs to it, or from any citizen of any State any right that belongs to him under that Constitution. The proposition pending before the House is simply a proposition to arm the Congress of the United States, by the consent of the people of the United States, with the power to enforce the bill of rights as it stands in the Constitution today. It "hath that extent—no more." It is in these words:

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 the said Legislatures, shall be valid as part of said Constitution, namely:

Article — The Congress shall have power to make all laws which shall be necessary and proper to secure to the citizens of each State all privileges and immunities of citizens in the several States, and to all persons in the several States equal protection in the rights of life, liberty, and property.

Gentlemen who seem to be very desirous (although it has very recently come to them) to stand well with the President of the United States, if they will look narrowly into the message which he addressed to this Congress at the opening of the session will find that the proposition pending is approved in that message. The President in the message tells this House and the country that "the American system rests on the assertion of the equal right of
the gentleman was not speaking seriously, if he was not speaking ironically, one would suppose he would have to withdraw himself from all connection with such a committee as that of which he thus speaks. Surely the gentle- man did not imply that the committee was to present the Constitution to its white brothers. I believe that is a matter of the gentleman's opinion of himself, it is, time he should explain, "My soul, be not thou united with their assembly or sit in the counsel of the ungodly." We have the extraordinary argument of the gentleman from Pennsylvania, [Mr. RANDALL], that however just the amendment may be, or ought to be, it is an irrepeatable injury to the commerce of the United States, for the commerce of the United States to become the Constitution for those nine States, the covenants of the Articles of Confederation to the contrary notwithstanding. We then refuse to put the supine law of some ten States, in the absence of assent thereto on the part of three, and in direct violation of the express covenant of the Constitution. The gentleman from Pennsylvania was asked of one of the Fathers of the Constitu- tion, how can you break up the Confeder- ation without the consent of all the States, and upon what principle? He replied, can you break the covenant "of perpetual Union" under the Articles of Confederation? he gave an answer, that the right of the people is a right that is not, the transcendent right of nature, and nature's God. That right is still in the people and has justified their action through all this trial. It is that right, as Mr. BINGHAM justly said, that the Constitution mean? Exception from unequal bur- dens? Ah! say gentlemen who oppose this amendment, we are not opposed to equal rights; we are only opposed to those rights that shall be protected alike in life, liberty, and prop- erty; we are only opposed to enforcing it by national authority, even by the consent of the legislatures of all States.

Mr. ROGERS. Will the gentleman yield to me?

Mr. BINGHAM. The gentleman must excuse me. I am only asking a question. I only wish to know what you mean by "due process of law."

Mr. BINGHAM. I reply to the gentleman, the courts have settled that long ago, and the gentleman can and shall decide their decisions. Mr. HALE. Allow me to put a question. Mr. BINGHAM. Excuse me. Mr. SPEEGE. We have the argument here of the gentleman from New York, [Mr. HALE], and the argument of the gentleman from Pennsylvania. The gentleman from New York, [Mr. HALE], concedes that the Constitution does contemplate equality in the protection of the rights of life, liberty, and property; that the Constitution does contemplate that the citizen of each State shall be entitled to all the privileges and immunities of citizens in the several States. It will be noticed, and I would like to urge to notice, the language in opposition to that part of the amendment which seeks the enforcement of the second section of the fourth article of the Constitution, "no State shall deprive any person of life, liberty or property, without due process of law." But the gentleman reiterates the old cry of State rights and says, "You are impairing State rights." I would like to know, if the gentleman from New York has omitted something in his argument, or in his amendment, is he a member of the House of Representatives, or a State, or is he a member of any State legislature, or is he a member of Congress, or is he a member of any community of citizens, and I know any such denial by any State would be condemned by every sense of his nature. If a State has not the right to do that, what right has the Union, or the committee on the basis of this convention, or the committee on the Constitution, or the committee in any way, or the gentleman in any way, or the committee in any State, or the gentleman in any State, or the gentleman in any community of citizens, and I know any such denial by any State would be condemned by every sense of his nature.

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Why should it not be so? Is the bill of rights to stand in our Constitution hereafter, as in the past five years within the State Legislatures, for the protection of the rights and liberties of the people? That is the question, and the whole question. The adoption of the proposed amendment will take from the States no rights that belong to the people, and it will not impair their laws for the punishment of crimes against liberty, property, or person; but in the event of this adoption of this amendment, if liberty, property, or the right of the citizen to equal protection to life, liberty, or property, the Congress is thereby vested with power to hold them to answer before the bar of the natural justice of the States and of the rights of their fellow-men. Why should it not be so? That is the question.
these rebel States, go on with your confiscation statutes, your statutes of banishment, your statutes of unjust imprisonment, your statutes of murder and death against men because of their loyalty to the Constitution and Government of the United States.

That is the issue that is before the American people; and God helping me, without respect for persons in high places who show a disposition to betray this great cause, I will not be moved off from it, so long as I sit in the seat of the right.

Pend the great issue, what utterances do we hear? You have, in the first place, the utterances of him whom we elected Vice President of the United States, and who is now, by the work of an assassin, President of the United States. I do not know that he has been accustomed to speak with great respect. The House and the country will remember that at the opening of this session I declared in my place here that if an issue was to be made between the Presidet and the representatives of the people, I would stand by him and not by us. It has been made by him.

I trust in God that for his own sake, for the sake of his country, and of the friends who gave him his high position, he will retrace his steps. But I have reached a point, and I trust that the American people will not strike the word 'forward' from their vocabulary, but will go right on to the consummation of the great work which Providence has committed to their hands; that is, that the eleventh amendment to the constitution shall be applied to every State, in every Territory, and upon every sea, wherever our flag floats, whoever may oppose at home or abroad.

What, in brief, are those utterances? Why, says the President in his speech—not in his message, for I have not seen his message, because it is involved with so many mandata in certain quarters, and over which, it seems, the gentleman from New Jersey [Mr. Roscass] and his party held a sort of general jubilation—Let all those lately in insurrection against the government and laws of the United States, who will now declare their allegiance and take the oath, be admitted into this Union, and by their representatives into the councils of this nation.

Take the oath! What oath? Not the oath of the Constitution, under God, by the Constitution as described by the President himself, and which, except in the tribunals of military justice, has no more force or effect than the paper upon which it is printed. Ay, take the oath! 'Swear him, and let him go.'

Would I be so unwise, in unadvising circumstances, to swear that venomous reptile which was the symbol of South Carolina's treason—the rattlesnake—and let it go.

What have we more touching this great issue? The venerable Secretary of the Treasury, of the State of New York, then so much, and in the course of that speech gives to the country another of his prophecies. I have been accustomed to sustain, in my humble way, that gentleman in the past, and I am accustomed now to speak of him most gratefully. I believe in his deep and disinterested patriotism, by his surpassing skill as a diplomatist, and by his undoubted fidelity to the interests of his country in his great office as minister of foreign affairs. What I say of him now I speak with regret and sorrow, not in anger or spite, but with sorrow, I say, with a sense of duty to a cause which I think imperiled by his speech. It is fit the people should not be deceived. "The man who speaks the truth is greater than a king."

Ned, the period is at hand, this country be reminded of this. We do know, that he is no prophet, that his other memorable prophecies have failed. I remember, sir, that when the foundations of the Republic were rocking beneath the musing tread of the armed hosts who were about to strike at the nation's life, that gentlemen of the same city of New York uttered his oracular declaration that the rising storm would last only sixty days.