Mr. BINGHAM. The want of the Republic to-day is not a Democratic party, is not a Republican party, is not any party save a party for the Constitution, for the supremacy of the laws, for the restoration of all the States to their political rights and powers under such irrevocable guarantees as will forevermore secure the safety of the Republic, the equality of the States, and the equal rights of all the people under the sanctions of inviolable law.

I trust, Mr. Speaker, that after the roll shall have been called this day, and the departing sun shall have gilded with its last rays the dome of the Capitol, it will not be recorded by the pen of the historian that the sad hour had come to this great Republic which, in the day of its approaching dissolution, came to the republic of ancient Rome, when it was said Caesar had his party, Antony had his party, Brutus had his party, but the Commonwealth had none! I speak to-day, Mr. Speaker, to the party that is for the Federal; to the party it is, for the Constitution; to the party that is for the speedy restoration to their constitutional relations of the late insurrectionary States, under such perpetual guaranties as will screen, wherefore the future of the Republic by the united voice of a united people against the sad calamities which have in these late years befallen it.

Mr. Speaker, the final solution of this grave question which touches the nation's life is at last with the people of the loyal States—loyal people of the Union. To the end, therefore, knowing, as the committee did know, that parties must dissolve, that men must perish from the earth, but that the Commonwealth is for all time, if its laws be just and its people be faithful, they propose to the several States a perpetual covenant in the form of a constitutional amendment, never to be broken so long as the people adhere to their cherished forms of government, which, when ratified, will secure the safety of all and the rights of each, not only during the present generation, but throughout all generations, until this grand example of free government shall itself be forgotten. The amendment reported by the committee is as follows:

 ARTICLE

SEC. 1. 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 which may be included within this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male citizens not less than twenty-one years of age, or in any way abridged, except for participation in rebellion or other crime, the seats of representation in such State shall be reduced in the proportion which the number of such male citizens bears to the whole number of male citizens not less than twenty-one years of age.

SEC. 3. Until the 4th day of July, in the year 1870, all persons who voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for Representatives in Congress and for electors for President and Vice President of the United States.

SEC. 4. Neither the United States nor any State shall assume or pay any debt or obligation already incurred, or which may hereafter be incurred, in aid of insurrection or of war against the United States, or any claim for compensation for loss of involuntary service or labor.

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

The necessity for the first section of this amendment to the Constitution, Mr. Speaker, is one of the lessons that have been taught to your committee and taught to all the people of this country by the history of the past four years of terrific conflict—that history in which God is, and in which He teaches the profoundest lessons to men and nations. There was a want of fidelity, and there remains a want now in the Constitution of our country, which the proposed amendment will supply. What is that? It is the power in the people, the whole people of the United States, by express authority of the Constitution to do that by congressional enactment which hitherto they have not had the power to do, and have never even attempted to do; it is the constitutional law the privileges and immunities of all the citizens of the Republic and the inborn rights of every person within its jurisdiction whenever the same shall be abridged or denied by the unconstitutional acts of any State.

Allow me, Mr. Speaker, in passing, to say that this amendment takes from no State any right that ever pertained to it. No State ever had the power, the force of law or otherwise, to deny to any freeman the equal protection of the laws or to abridge the privileges or immunities of any citizen of the Republic, although Congress, by the compact, did not legislatively, nor did it execute the law, and that without remedy. The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States. The second section excludes the conclusion that by the first section suffrage is subjected to congressional law; save, indeed, with this exception, that as the right in the people of each State to choose their Representatives in Congress is one of the guarantees of the Constitution, by this amendment a remedy might be given directly for the wrong, for the popular government might change a State government from a republican to a despotic government, and thereby deny suffrage to the people. Why should any such remedy be given, that many instances of State injustice and oppression have already occurred in the State legislation of this Union, of flagrant violations of the guaranteed privileges of citizens, which national Government furnished and could furnish by law no remedy whatever. Contrary to the express letter of your Constitution, cruel and unusual punishments have been inflicted under State laws within this Union upon citizens, not only for crimes committed, but for sacred duty done, for which and against which the Government of the United States has provided no remedy and could provide none.

Sir, the words of the Constitution that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. The amendment simply places the right to bear true allegiance to the Constitution and laws of the United States, and to be protected in life, liberty, and property, property, with which we are all to God our Creator, is the allegiance which we owe to our common country.

The time was in our history, thirty-three years ago, when the South Carolina ordinance of secession was adopted by solemn ordinance adopted in a convention held under the authority of State law, it was ordained, as a part of the fundamental law of South Carolina, that no more citizens of the United States, being citizens of the United States as well, should abjure their allegiance to every other government or authority than that of the State of South Carolina.

That ordinance contained these words:

"The allegiance of the citizens of this State is due to the State; and no allegiance is due from them to the laws. (See 4 Statutes at Large, 532-33.)"

I appeal to the bar of the House, to the bench, and to the governors of the different States, to the Senate and the House of Representatives of the United States, that they would not infringe upon the rights of the people, and that they would not assist in compelling their citizens, who have to-day the desire to remain here, to leave this country unless they commit crimes against the government.

There was, also, as gentlemen know, an attempt made at the same time by that State to nullify the revenue laws of the United States. What was the legislation of Congress in that day to protect the rights of the people against that State, by that State, violative alike of the rights of the national Government and of the rights of the citizen? In that hour of danger and trial to the country there was as able a body of men in this Capitol as was ever convened in Washington, and of these were Webster, Clay, Benton, Silas Wright, John Quincy Adams, and Edward Livingston. The power understanding and the knowledge of that day, the knowledge of the rights of the citizens of the United States, and the right of the national Government and to the protection of that State and the other States in the execution of the revenue laws. (See 4 Statutes at Large, 532-33.) A remedy was provided to protect the citizen. Why was the act to provide for the collection of the revenue passed, and to protect all acting under it, and no protection given to secure the citizen against punishment for fidelity to
his country? But one answer can be given. There was in the Constitution of the United States a provision for the power to lay and collect duties and imposts to pass all laws necessary to carry that grant of power into execution. But, sir, that power, he further said, was not to be exercised in vain for any grant of power in the Constitution by which to give protection to the citizens of the United States resident in South Carolina against the insults and outrages of the negroes in the South, East, and West. It makes no discrimination. New York has a colored population of fifty thousand. By this section, if that great State was to be deprived of the effectual protection against the insurrection of slaves, derived by the national law from unconstitutional State enactments, it would be the first section of this amendment. That is the extent that it hath, no more; and let gentlemen answer to God and their country who opposed its incorporation into the organic law of the land.

The second section of the amendment simply provides for the equalization of representatives in Congress, to the States of the Union, South, East, and West. It makes no discrimination. New York has a colored population of fifty thousand. By this section, if that great State was to be deprived of the effectual protection against the insurrection of slaves, derived by the national law from unconstitutional State enactments, it would be the first section of this amendment. That is the extent that it hath, no more; and let gentlemen answer to God and their country who opposed its incorporation into the organic law of the land.

Upon the third section of the amendment gentlemen are divided upon this side of the House as well as upon the other. It is a provision that will not do. All parties voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for Representatives in Congress, and shall not be eligible to the office of President or Vice President of the United States. This section imposes no other or further disability. It seems to me, Mr. Speaker, that this section can be put to no other purpose than what I have stated. It is a provision for the exclusion from the rights of citizenship. As to the last two sections, I am of opinion that they are unnecessary, as the Constitution in its own terms will provide for them. I am of opinion, therefore, that the amendment is a provision for the exclusion from the rights of citizenship.

Mr. Speaker, there is another section which simply prohibits the United States or any State of this Union from ever assuming or paying any public debt or engaging in any public obligation or incurrence of any public debt other than the public debt in existence on the 1st of January, 1803. It is a provision for the exclusion from the rights of citizenship. I am of opinion, therefore, that the amendment is a provision for the exclusion from the rights of citizenship.

Mr. Speaker, I trust that I have not been long in occupying your attention. I wish to say that the amendment does not grant to Congress the power to enslave any part of the people of the United States. It is a provision for the exclusion from the rights of citizenship. As to the last two sections, I am of opinion that they are unnecessary, as the Constitution in its own terms will provide for them. I am of opinion, therefore, that the amendment is a provision for the exclusion from the rights of citizenship.

Mr. Speaker, I trust that I have not been long in occupying your attention. I wish to say that the amendment does not grant to Congress the power to enslave any part of the people of the United States. It is a provision for the exclusion from the rights of citizenship. As to the last two sections, I am of opinion that they are unnecessary, as the Constitution in its own terms will provide for them. I am of opinion, therefore, that the amendment is a provision for the exclusion from the rights of citizenship.
her mountains and plains blasted by the ravages of war and stained with the blood of her faithful children fallen in the great struggle for the maintenance of the Union—having already conformed her constitution and laws to every provision of this amendment, will at once upon its submission by Congress irrevocably ratify it, and be without further delay represented in Congress by her loyal Representatives and Senators, duly elected and duly qualified and ready to take the oath of office prescribed by existing law.

Let that great example be set by Tennessee and it will be worth a hundred thousand votes to the loyal people in the free North. Let this be done and it will be hailed as the harbinger of that day for which all good men pray, when the fallen pillars of the Republic shall be restored without violence or the noise of words or the sound of the hammer, each to its original place in the sacred temple of our national liberties, thereby giving assurance to all the world that for the defense of the Republic it was not in vain that a million and a half of men, the very elect of the earth, rushed to arms; that the Republic still lives, and will live forevermore, the sanctuary of an inviolable justice, the refuge of liberty, and the imperishable monument of the nation's dead, from the humblest soldier who perished on the march, or went down amid the thunder and tempest of the dread conflict, up through all the shining roll of heroes, and patriots, and martyrs, to the incorruptible and immortal Commander-in-Chief, who fell by an assassin's hand in the capital, and thus died that his country might live.