In response to a public call, Thaddeus Stevens enunciated his fullest pro-
gram for Reconstruction to a large meeting of Lancaster County residents on Sep-
tember 6, 1865. During the Civil War, Stevens had spoken on confiscation, equal
rights, and Congressional control over the “conquered territories” of the former
rebel states. But here in Lancaster he first presented his detailed plan to confiscate
the property of Confederate leaders and divide it into forty-acre plots for the
freedmen. The speech gained the immediate attention of the national press;
besides appearing in the Lancaster papers, the full speech was printed in the New
Pennsylvania and as far away as Missouri generally praised Steven's views. A former
state treasurer wrote prophetically to Stevens: “. . . the speech appears to be well
received, with the exception of your extreme views on confiscation” (Joseph Baily,
In a similar vein the New York Tribune, while lauding Steven's leadership, criti-
cized his confiscation plan as being impractical, vulnerable to corruption, and,
most seriously, ultimately harmful to the freedman (September 12, 1865:4). The
New York Times, leaning toward a policy which Stevens termed “Restoration,”
commented that Stevens “was universally known to be extreme in all his views,”
views which “are never allowed to shape, to any considerable extent, the practical
conduct of public affairs” (September 15, 1865:4).
No manuscript copy of this speech has been located, and it is not known
whether Stevens furnished a copy to any newspaper printer. The text is taken from
the Lancaster Evening Express, the source for the New York Times copy; obvious
printer's errors are corrected with brackets added. The Evening Express version
differs from the Lancaster Examiner and Herald copy in punctuation, capitaliza-
tion, and division of sentences, as well as in some word usage, such as "rally" for
"tarry" in the last paragraph, and "elective franchise" for "entire franchise" midway
through the speech. Remarkably, the date of the speech has been inconsis-
tently cited. The Examiner and Herald dates it “Wednesday, September 7th” when
September 7 fell on Thursday in 1865. The New-York Times and other papers
assigned the correct date, September 6. Even today some scholars date it Septem-

"Reconstruction," September 6, 1865
Edited by Beverly Wilson Palmer and Holly Byers Ochoa
Pomona College

DOCUMENTS
The Examiner and Herald copy, with its many printer's errors and misspellings, as well as the September 7 date, formed the text for the widely-distributed pamphlet edition, which has until now been the standard source.

The Thaddeus Stevens Papers project will publish all of Stevens's correspondence, speeches, committee work, and legal arguments in a comprehensive microfilm edition to be brought out by Scholarly Resources in 1994. A two-volume edition of selected Stevens letters and speeches is being planned.

Editor's note: The Thaddeus Stevens Papers project is supported by Pomona College and by grants from the National Endowment for the Humanities and the National Historical Publications and Records Commission. The editors wish to thank research assistants Laura Morrow and Erika Hizel for their help in preparation of this article.

RECONSTRUCTION

Speech of the Hon. Thaddeus Stevens, delivered in the city of Lancaster, September 6th, 1865

Fellow Citizens:

In compliance with your request, I have come to give my views of the present condition of the rebel States—of the proper mode of reorganizing the Government, and the future prospects of the Republic. During the whole progress of the war, I never for a moment felt doubt or despondency. I knew that the loyal North would conquer the rebel despots who sought to destroy freedom. But since that traitorous confederation has been subdued, and we have entered upon the work of "reconstruction" or "restoration," I cannot deny that my heart has become sad at the gloomy prospects before us.

Four years of bloody and expensive war, waged against the United States by eleven States, under a government called the "Confederate States of America," to which they acknowledged allegiance, have overthrown all governments within those States which could be acknowledged as legitimate by the Union. The armies of the Confederate States having been conquered and subdued, and their territory possessed by the United States, it becomes necessary to establish governments therein which shall be republican in form and principles and form a more "perfect
Union" with the parent government. It is desirable that such a course should be pursued as to exclude from those governments every vestige of human bondage, and render the same forever impossible in this nation; and to take care that no principles of self-destruction shall be incorporated therein. In effecting this, it is to be hoped that no provision of the Constitution will be infringed, and no principle of the law of nations disregarded. Especially must we take care that in rebuking this unjust and treasonable war, the authorities of the Union shall indulge in no acts of usurpation which may tend to impair the stability and permanency of the nation. Within these limitations, we hold it to be the duty of the government to inflict condign punishment on the rebel belligerents, and so weaken their hands that they can never again endanger the Union; and so reform their municipal institutions as to make them republican in spirit as well as in name.

We especially insist that the property of the chief rebels should be seized and appropriated to the payment of the National debt, caused by the unjust and wicked war which they instigated.

How can such punishments be inflicted and such forfeitures produced without doing violence to established principles?

Two positions have been suggested.

First—to treat those States as never having been out of the Union, because the Constitution forbids secession, and therefore, a fact forbidden by law could not exist.

Second—to accept the position to which they placed themselves as severed from the Union; an independent government de facto, and an alien enemy to be dealt with according to the laws of war.

It seems to me that while we do not aver that the United States are bound to treat them as an alien enemy, yet they have a right to elect so to do if it be for the interest of the Nation; and that the "Confederate States" are estopped from denying that position. South Carolina, the leader and embodiment of the rebellion, in the month of January, 1861, passed the following resolution by the unanimous vote of her Legislature:

"Resolved, That the separation of South Carolina from the Federal Union is final, and she has no further interests in the Constitution of the United States; and that the only appropriate negotiations between her and the Federal Government are as to their mutual relations as foreign States."

The convention that formed the Government of the Confederate States, and all the eleven States that composed it, adopted the same declaration, and pledged
their lives and fortunes to support it. That Government raised large armies and by its formidable power compelled the nations of the civilized world as well as our own Government to acknowledge them as an independent belligerent, entitled by the law of nations to be considered as engaged in a public war, and not merely in an insurrection. It is idle to deny that we treated them as a belligerent, entitled to all the rights, and subject to all the liabilities of an alien enemy. We blockaded their ports, which is an undoubted belligerent right; the extent of coast blockaded marked the acknowledged extent of their territory—a territory criminally acquired but *de facto* theirs. We acknowledged their sea-rovers as privateers, and not as pirates, by ordering their captive crews to be treated as prisoners of war. We acknowledged that a commission from the Confederate Government was sufficient to screen SEMMES¹ and his associates from the fate of lawless buccaneers. Who but an acknowledged government *de jure* or *de facto*, could have power to issue such a commission? The invaders of the loyal States were not treated as outlaws, but as soldiers of war, because they were commanded by officers holding commissions from that government. The Confederate States were for four years what they claimed to be, an alien enemy, in all their rights and liabilities. To say that they were States under the protection of that constitution which they were rending, and within the Union which they were assaulting with bloody defeats, simply because they became belligerents through crime, is making theory overrule fact to an absurd degree. It will, I suppose, at least be conceded that the United States, if not obliged so to do, have a right to treat them as an alien enemy, now conquered, and subject to all the liabilities of a vanquished foe.

If we are also at liberty to treat them as never having been out of the Union, and that their declarations and acts were all void because they contravened the constitution, and therefore they were never engaged in a public war, but were merely insurgents, let us inquire which position is best for the United States. If they have never been otherwise than States in the Union, and we desire to try certain of the leaders for treason, the constitution requires that they should be indicted and tried "by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

The crime of treason can be committed only where the person is actually or potentially present. JEFFERSON DAVIS, sitting in Richmond, counseling, or advising, or commanding an inroad into Pennsylvania, has committed no overt act in this State, and can be tried, if anywhere, only in the Richmond District. The doctrine of constructive presence, and constructive treason, will never, I hope, pollute
our statutes, or judicial decisions. Select an impartial jury from Virginia, and it is obvious that no conviction could ever be had. Possibly a jury might be packed to convict, but that would not be an "impartial" jury. It would be judicial murder, and would rank in infamy with the trial of Lord Russell,² except only that the one was the murder of an innocent man, the other of a traitor. The same difficulties would exist in attempting forfeitures, which can only follow conviction in States protected by the constitution; and then it is said only for the life of the malefactor. Congress can pass no "bill of attainder."

Nor, under that theory, has Congress, much less the Executive, any power to interfere in remodeling those States upon reconstruction. What reconstruction is needed? Here are States which they say have never been out of the Union, and which are, consequently, now in it without asking leave of any one. They are competent to send Senators and members to Congress. The state of war has broken no constitutional ligaments, for it was only an insurrection of individuals, not a public war waged by States. Such is the reasoning, notwithstanding every State acted in its municipal capacity; and the court in the prize cases (2 Black, 673) say: "Hence in organizing this rebellion they have acted as States."³ It is no loose, unorganized rebellion, having no defined boundary or possessions. It has a boundary, marked by lines of bayonets, and which can be crossed only by force—south of this line is enemy's territories, because it is claimed and held in possession by an ["]organized, hostile and belligerent power." What right has any one to direct a convention to be held in a sovereign State of this Union, to amend its constitution and prescribe the qualifications of voters? The sovereign power of the nation is lodged in Congress. Yet where is the warrant in the constitution for such sovereign power, much less in the Executive, to intermeddle with the domestic institutions of a State, mould its laws, and regulate the elective franchise? It would be rank, dangerous and deplorable usurpation. In reconstruction, therefore, no reform can be effected in the Southern States if they have never left the Union. But reformation must be effected; the foundation of their institutions, both political, municipal and social, must be broken up and relaid, or all our blood and treasure have been spent in vain. This can only be done by treating and holding them as a conquered people. Then all things which we can desire to do, follow with logical and legitimate authority. As conquered territory, Congress would have full power to legislate for them; for the territories are not under the constitution, except so far as the express power to govern them is given to Congress. They would be held in a territorial condition until they are fit to form State Constitutions, republican in fact, not
in form only, and ask admission into the Union as new States. If Congress approve of their constitutions, and think they have done works meet for repentance, they would be admitted as new States. If their constitutions are not approved of, they would be sent back, until they have become wise enough so to purge their old laws as to eradicate every despotic and revolutionary principle—until they shall have learned to venerate the Declaration of Independence. I do not touch on the question of negro suffrage. If in the Union, the States have long ago regulated that, and for the Central Government to interfere with it would be mischievous impertinence. If they are to be admitted as new States they must form their own constitutions; and no enabling act could dictate its terms. Congress could prescribe the qualifications of voters while a Territory, or when proceeding to call a convention to form a State government. That is the extent of the power of Congress over the elective franchise, whether in a Territorial or State condition. The President has not even this or any other power to meddle in the subject, except by advice to Congress—and they on Territories. Congress, to be sure, has some sort of compulsory power by refusing the States admission until they shall have complied with its wishes over this subject. Whether those who have fought our battles should all be allowed to vote, or only those of a paler hue, I leave to be discussed in the future when Congress can take legitimate cognizance of it.

If capital punishments of the most guilty are deemed essential as examples, we have seen that, on the one theory, none of them can be convicted on fair trials—the complicity of the triers would defeat it. But, as a conquered enemy, they could not escape. Their trials would take place by courts-martial. I do not think they could thus be tried for treason; but they could be tried as belligerents, who had forfeited their lives, according to the laws of war. By the strict rights of war, as anciently practiced, the victor held the lives, the liberty and the property of the vanquished at his disposal. The taking of the life, or reduction to bondage of the captives, have long ceased to be practiced in case of ordinary wars, but the abstract right—the *summum jus*—is still recognized in exceptional cases where the cause of the war, or the character of the belligerent, or the safety of the victors justify its exercise. The same thing may be said of the seizure of property on land. HALLECK (457) says some modern writers—HAUTÉFEUILLE, for example—contends for the ancient rule, that private property on land may be subject to seizure. They are undoubtedly correct, with regard to the general abstract right, as deduced from [*the law of nature and ancient practice*]. VAITEL says: “When, therefore, he has subdued a hostile nation, he undeniably may, in the first place, do himself justice

Volume 60, Number 2 • April 1993
respecting the object which has given rise to the war, and indemnify himself for
the expenses and damages which he has sustained by it.” And at page 369: “A con-
queror, who has taken up arms not only against the sovereign but against the
nation herself, and whose intention it was to subdue a fierce and savage people,
and once for all to reduce an obstinate enemy, such a conqueror may, with justice,
lay burdens on the conquered nation, both as a compensation for the expenses of
the war, and as a punishment.”

I am happy to believe that the Government has come to this conclusion. I
cannot otherwise see how Capt. WIRZ can be tried by a court-martial at Washing-
ton for acts done by him at Andersonville. He was in no way connected with our
military organization, nor did he as a citizen connect himself with our army so as
to bring his case within any of the acts of Congress. If he committed murder in
Georgia, and Georgia was a state in the Union, then he should be tried according
to her laws. The General Government has no jurisdiction over such crime, and the
trial and execution of this wretch by a United States military court would be illegal.
But if he was an officer of a belligerent enemy, making war as an independent
people, now being conquered, it is a competent, holding them as a conquered foe,
to try him for doing acts contrary to the laws of war, and if found guilty to execute
or otherwise punish him. As I am sure the loyal man at the head of the government
will not involve the nation in illegal acts and thus set a precedent injurious to our
national character, I am glad to believe that hereafter we shall treat the enemy as
conquered, and remit their condition and reconstruction to the sovereign power
of the nation.

In short, all writers agree that the victor may inflict punishment upon the van-
quished enemy, even to the taking of his life, liberty, or the confiscation of all his
property; but that this extreme right is never exercised except upon a cruel,
barbarous, obstinate, or dangerous foe who has waged an unjust war.

Upon the character of the belligerent, and the justice of the war, and the man-
nner of conducting it, depends our right to take the lives, liberty and property of the
belligerent. This war had its origin in treason without one spark of justice. It was
prosecuted before notice of it, by robbing our forts and armories, and our navy-
yards; by stealing our money from the mints and depositories, and by surrendering
our forts and navies by perjurers who had sworn to support the constitution. In its
progress our prisoners, by the authority of their government, were slaughtered in
cold blood. Ask Fort Pillow and Fort Wagner. Sixty thousand of our prisoners have
been deliberately starved to death because they would not enlist in the rebel
armies. The graves at Andersonville have each an accusing tongue. The purpose and avowed object of the enemy "to found an empire whose corner-stone should be slavery," rendered its perpetuity or revival dangerous to human liberty.

Surely, these things are sufficient to justify the exercise of the extreme rights of war—"to execute, to imprison, to confiscate." How many captive enemies it would be proper to execute, as an example to nations, I leave others to judge. I am not fond of sanguinary punishments, but surely some victims must propitiate the manes of our starved, murdered, slaughtered martyrs. A court-martial could do justice according to law.

But we propose to confiscate all the estate of every rebel belligerent whose estate was worth $10,000, or whose land exceeded two hundred acres in quantity. Policy if not justice would require that the poor, the ignorant, and the coerced should be forgiven. They followed the example and teachings of their wealthy and intelligent neighbors. The rebellion would never have originated with them. Fortunately those who would thus escape, form a large majority of the people, though possessing but a small portion of the wealth. The proportion of those exempt compared with the punished would be I believe about nine-tenths.

There are about six millions of freedmen in the South. The number of acres of land is 465,000,000. Of this, those who own above two hundred acres each number about 70,000 persons, holding, in the aggregate, (together with the States,) about 394,000,000 acres, leaving for all the others below 200 each about 71,000,000 of acres. By thus forfeiting the estates of the leading rebels, the government would have 394,000,000 of acres, beside their town property, and yet nine-tenths of the people would remain untouched. Divide this land into convenient farms. Give, if you please, forty acres to each adult male freedman. Suppose there are one million of them. That would require 40,000,000 of acres, which, deducted from 394,000,000, leaves 354,000,000 of acres for sale. Divide it into suitable farms, and sell it to the highest bidders. I think it, including town property, would average at least $10 per acre. That would produce $3,540,000,000—three billions five hundred and forty millions of dollars.

Let that be applied as follows to wit:

1. Invest $300,000,000 in six per cent government bonds, and add the interest semi-annually to the pensions of those who have become entitled by this villainous war.

2. Appropriate $200,000,000 to pay the damages done to loyal men, North and South, by the rebellion.
3. Pay the residue, being $3,040,000,000 towards the payment of the National debt.

What loyal man can object to this? Look around you, and every where behold your neighbors, some with an arm, some with a leg, some with an eye, carried away by rebel bullets. Others horribly mutilated in every form. And yet numerous others wearing the weeds which mark the death of those on whom they leaned for support. Contemplate these monuments of rebel perfidy, and of patriotic suffering, and then say if too much is asked for our valiant soldiers.

Look again, and see loyal men reduced to poverty by the confiscations by the Confederate States, and by the rebel States—see Union men robbed of their property, and their dwellings laid in ashes by rebel raiders, and say if too much is asked for them. But, above all, let us inquire whether imperative duty to the present generation and to posterity, does not command us to compel the wicked enemy to pay the expenses of this unjust war. In ordinary transactions, he who raises a false clamor, and prosecutes an unfounded suit, is adjudged to pay the costs on his defeat. We have seen that, by the law of nations, the vanquished in an unjust war must pay the expense.

Our war debt is estimated at from three to four billions of dollars. In my judgment, when all is funded, and the pensions capitalized, it will reach more than four billions.

The interest at 6 per cent., only (now much more) .................................... $240,000,000
The ordinary expenses of our Government are ............................................. 120,000,000
For some years the extraordinary expenses of
our army and navy will be............................................................. 110,000,000

Total $470,000,000

Four hundred and seventy millions to be raised by taxation—our present heavy taxes will not, in ordinary years, produce but little more than half that sum. Can our people bear double their present taxation? He who unnecessarily causes it will be accursed from generation to generation. It is fashionable to belittle our public debt, lest the people should become alarmed, and political parties should suffer. I have never found it wise to deceive the people. They can always be trusted with the truth. Capitalists will not be affected, for they can not be deceived. Confide in the people, and you will avoid repudiation. Deceive them, and lead them into false measures, and you may produce it.
We pity the poor Englishmen whose national debt and burdensome taxation we have heard deplored from our childhood. The debt of Great Britain is just about as much as ours, ($4,000,000,000) four billions. But in effect it is but half as large—it bears but three per cent. interest. The current year, the Chancellor of the Exchequer tells us, the interest was $131,806,990. Ours, when all shall be funded, will be nearly double.

The plan we have proposed would pay at least three-fourths of our debt. The balance could be managed with our present taxation. And yet to think that even that is to be perpetual is sickening. If it is to be doubled, as it must be, if "restoration" instead of "reconstruction" is to prevail, would to God the authors of it could see themselves as an execrating public and posterity will see them.

Our new Doctors of National law, who hold that the "Confederate States" were never out of the Union, but only insurgents and traitors, have become wiser than Grotius, and Puffendorf, and Rutherford, and Vattel, and all modern publicists down to Halleck and Phillimore. They all agree that such a state of things as has existed here for four years is public war, and constitutes the parties independent belligerents, subject to the same rules of war as foreign nations engaged in open warfare.

The learned and able professor at law in the Cambridge University, THEOPHILUS PARSONS, lately said in a public speech:

"As we are victorious in war we have a right to impose upon the defeated party any terms necessary for our security. This right is perfect. It is not only in itself obvious, but it is asserted in every book on this subject, and is illustrated by all the wars of history. The rebels forced a war upon us; it was a long and costly and bloody war; and now that we have conquered them, we have all the rights which victory confers."

The only argument of the Restorationists is, that the States could not and did not go out of the Union because the Constitution forbids it. By the same reasoning you could prove that no crime ever existed. No man ever committed murder for the law forbids it! He is a shallow reasoner who could make theory overrule fact!

I prefer to believe the ancient and modern publicists, and the learned professors of legal science, to the extemporized doctrines of modern sciolists.

If "Restoration," as it is now properly christened, is to prevail over "Reconstruction," will some learned pundit of that school inform me in what condition slavery and the slave laws are? I assert that upon that theory not a slave has been liberated, not a slave law has been abrogated, but on the "Restoration" the whole
slave code is in legal force. Slavery was protected by our constitution in every State in the Union where it existed. While they remained under that protection no power in the Federal Government could abolish Slavery. If, however, the Confederate States were admitted to be what they claimed, an independent belligerent de facto, then the war broke all treaties, compacts and ties between the parties, and slavery was left to its rights under the law of nations. These rights were none; for the law declares that “Man can hold no property in man.” (Phillimore, page 316.) Then the laws of war enabled us to declare every bondman free, so long as we held them in military possession. And the conqueror, through Congress, may declare them forever emancipated. But if the States are “States in the Union,” then when war ceases they resume their positions with all their privileges untouched. There can be no “mutilated” restoration. That would be the work of Congress alone, and would be “Reconstruction.”

While I hear it said everywhere that slavery is dead, I cannot learn who killed it. No thoughtful man has pretended that LINCOLN’s proclamation, so noble in sentiment, liberated a single slave. It expressly excluded from its operation all those within our lines. No slave within any part of the rebel States in our possession, or in Tennessee, but only those beyond our limits and beyond our power were declared free. So Gen. SMITH11 conquered Canada by a proclamation! The President did not pretend to abrogate the slave laws of any of the States. “Restoration,” therefore, will leave the “Union as it was,”—a hideous idea. I am aware that a very able and patriotic gentleman, and learned historian, Mr. BANCROFT,12 has attempted to place their freedom on different grounds. He says, what is undoubtedly true, that the proclamation of freedom did not free a slave. But he liberates them on feudal principles. Under the feudal system, when a king conquered his enemy, he parcelled out his lands and conquered subjects among his chief retainers; the lands and serfs were held on condition of fealty and rendering military service when required. If the subordinate chief rebelled, he broke the condition on which he held them, and the lands and serfs became forfeited to the Lord paramount. But it did not free the serfs. They, with the manors, were bestowed on other favorites. But the analogy fails in another important respect. The American slaveholder does not hold, by virtue of any grant from any Lord paramount—least of all by a grant from the General Government. Slavery exists by no law of the Union, but simply by local laws, by the laws of the States. Rebellion against the National authority is a breach of no condition of their tenure. It were more analogous to say that rebellion against a State under who laws they held, might work a forfeiture. But rebellion against neither government would per se
have any such effect. On whom would the Lord paramount again bestow the slaves? The theory is plausible, but has no solid foundation.

The President says to the rebel States: "Before you can participate in the government you must abolish slavery and reform your election laws." That is the command of a conqueror. That is reconstruction, not restoration—reconstruction too by assuming the powers of Congress. This theory will lead to melancholy results. Nor can the constitutional amendment abolishing slavery ever be ratified by three-fourths of the States, if they are States to be counted. Bogus conventions of those States may vote for it. But no convention honestly and fairly elected will ever do it. The frauds will not permanently avail. The cause of liberty must rest on a firmer basis. Counterfeit governments, like the Virginia, Louisiana, Tennessee, Mississippi and Arkansas pretenses, will be disregarded by the sober sense of the people, by future law, and by the courts. "[R]estoration" is replanting the seeds of rebellion, which, within the next quarter of a century will germinate and produce the same bloody strife which has just ended.

But, it is said, by those who have more sympathy with rebel wives and children than for the widows and orphans of loyal men, that this stripping the rebels of their estates and driving them to exile or to honest labor, would be harsh and severe upon innocent women and children. It may be so; but that is the result of the necessary laws of war. But it is revolutionary, say they. This plan would, no doubt, work a radical reorganization in Southern institutions, habits and manners. It is intended to revolutionize their principles and feelings. This may startle feeble minds and shake weak nerves. So do all great improvements in the political and moral world. It requires a heavy impetus to drive forward a sluggish people. When it was first proposed to free the slaves and arm the blacks, did not the nation tremble? The prim conservatives, the snobs, and the male waiting-maids in Congress, were in hysterics.

The whole fabric of southern society must be changed, and never can it be done if this opportunity is lost. Without this, this Government can never be, as it never has been, a true republic. Heretofore, it had more the features of aristocracy than of democracy. The Southern States have been despotisms, not governments of the people. It is impossible that any practical equality of rights can exist where a few thousand men monopolize the whole landed property. The larger the number of small proprietors the more safe and stable the government. As the landed interest must govern, the more it is subdivided and held by independent owners, the better. What would be the condition of the State of New York if it were not for her
independent yeomanry? She would be overwhelmed and demoralized by the Jews, Milesians and vagabonds of licentious cities. How can republican institutions, free schools, free churches, free social intercourse exist in a mingled community of nabobs and serfs; of the owners of twenty thousand acre manors with lordly palaces, and the occupants of narrow huts inhabited by "low white trash?" If the South is ever to be made a safe republic, let her lands be cultivated by the toil of the owners or the free labor of intelligent citizens. This must be done even though it drive her nobility into exile. If they go, all the better. It will be hard to persuade the owner of ten thousand acres of land, who drives a coach and four, that he is not degraded by sitting at the same table, or in the same pew, with the embrowned and hard-handed farmer who has himself cultivated his own thriving homestead of 150 acres. This subdivision of the lands will yield ten bales of cotton to one that is made now, and he who produced it will own it and feel himself a man.

It is far easier and more beneficial to exile 70,000 proud, bloated and defiant rebels, than to expatriate four millions of labors, native to the soil and loyal to the Government. This latter scheme was a favorite plan of the BLAIRS, with which they had for awhile inoculated our late sainted President. But a single experiment made him discard it and its advisers. Since I have mentioned the BLAIRS, I may say a word more of these persistent apologists of the South. For, when the virus of Slavery has once entered the veins of the slaveholder, no subsequent effort seems capable of wholly eradicating it. They are a family of considerable power, some merit, of admirable audacity and execrable selfishness. With impetuous alacrity they seize the White House, and hold possession of it, as in the late administration, until shaken off by the overpowering force of public indignation. Their pernicious counsel had well nigh defeated the reelection of ABRAHAM LINCOLN; and if it should prevail with the present administration, pure and patriotic as President JOHNSON is admitted to be, it will render him the most unpopular Executive—save one—that ever occupied the Presidential chair. But there is no fear of that. He will soon say, as Mr. LINCOLN did: "YOUR TIME HAS COME!"

This remodeling the institutions, and reforming the rooted habits of a proud aristocracy, is undoubtedly a formidable task, requiring the broad mind of enlarged statesmanship, and the firm nerve of the hero. But will not this mighty occasion produce—will not the God of liberty and order give us—such men? Will not a Romulus, a Lycurgus, a Charlemagne, a Washington arise, whose expansive views will found a free empire, to endure till time shall be no more?
This doctrine of Restoration shocks me. We have a duty to perform which our
fathers were incapable of, which will be required at our hands by God and our
country. When our ancestors found a “more perfect Union” necessary, they found
it impossible to agree upon a constitution without tolerating, nay, guaranteeing,
slavery. They were obliged to acquiesce, trusting to time to work a speedy cure, in
which they were disappointed. They had some excuse, some justification. But we
can have none if we do not thoroughly eradicate slavery and render it forever
impossible in this republic. The slave power made war upon the nation. They
declared the “more perfect Union” dissolved—solemnly declared themselves a for-
ign nation, alien to this republic; for four years were in fact what they claimed to
be. We accepted the war which they tendered and treated them as a government
capable of making war. We have conquered them, and as a conquered enemy we
can give them laws; can abolish all their municipal institutions and form new ones.
If we do not make those institutions fit to last through generations of free men, a
heavy curse will be on us. Our glorious, but tainted republic has been born to new
life through bloody, agonizing pains. But this frightful “Restoration” has thrown it
into “cold obstruction, and to death.”16 If the rebel States have never been out of
the Union, any attempt to reform their State institutions, either by Congress or the
President, is rank usurpation.

Is then all lost? Is this great conquest to be in vain? That will depend upon the
virtue and intelligence of the next Congress. To Congress alone belongs the power
of reconstruction—of giving law to the vanquished. This is expressly declared by
the Supreme Court of the United States in the Dorr case, 7th Howard, 42.17 The
court say, “Under this article of the constitution (the 4th) it rests with Congress to
decide what government is the established one in a State, for the United States
guarantees to each a republican form of government,” etc. But we know how diffi-
cult it will be for a majority of Congress to overcome preconceived opinions.
Besides, before Congress meets, things will be so inaugurated—precipitated—it
will be still more difficult to correct. If a majority of Congress can be found wise
and firm enough to declare the Confederate States a conquered enemy, recon-
struction will be easy and legitimate; and the friends of freedom will long rule in
the councils of the nation. If restoration prevails the prospect is gloomy, and new
“lords will make new laws.” The Union party will be overwhelmed. The Copper-
head party has become extinct with secession. But with secession it will revive.
Under “restoration” every rebel State will send rebels to Congress, and they, with
their allies in the North, will control Congress, and occupy the White House. Then
restoration of laws and ancient constitutions will be sure to follow, our public debt
will be repudiated, or the rebel national debt will be added to ours, and the people be crushed beneath heavy burdens.

Let us forget all parties, and build on the broad platform of "reconstructing" the government out of the conquered territory converted into new and free States, and admitted into the Union by the sovereign power of Congress, with another plank—"THE PROPERTY OF THE REBELS SHALL PAY OUR NATIONAL DEBT, and indemnify freedmen and loyal sufferers—and that under no circumstances will we suffer the national debt to be repudiated, or the interest scaled below the contract rates; nor permit any part of the rebel debt to be assumed by the nation."

Let all who approve of these principles rally with us. Let all others go with Copperheads and rebels. Those will be the opposing parties. Young men, this duty devolves on you. Would to God, if only for that, that I were still in the prime of life, that I might aid you to fight through this last and greatest battle of freedom.
Notes
1. Raphael Semmes (1809-1877) a former US navy officer, was commissioned by the Confederate government to capture and/or destroy scores of Union vessels during the war.
2. The trial and subsequent execution of Lord William Russell (b. 1639) in 1683 for insurrection against Charles II and his successor James II were later characterized by British whigs as an especial example of injustice.
3. While hedging on the legality of the Civil War itself, the Supreme Court ruled, 5-4, on the status of captured Confederate ships, on March 10, 1863 (2 Black 635). The Court held that a state of war did exist between the Union and the Confederacy, and that the Union could exercise whatever powers necessary to end it (Thomas D. Morris, Historic U.S. Court Cases, ed. John W. Johnson, 1992, 663).
4. TS had consistently argued from the war's beginning that the Confederacy was a belligerent and should be treated as an enemy.
5. Radical Republicans frequently turned to the works of Henry W. Halleck (1815-72), Civil War general and author of International Law, 1861, Laurent-Basile Hautefeuille (1805-75), French specialist on international law, and Swiss jurist Emmerich de Vattel (1714-67).
6. Fort Pillow, a Union garrison on the Mississippi, was destroyed on April 12, 1864, and several dozen black soldiers and some whites were massacred by rebel forces. Fort Wagner, a Confederate stronghold near Charleston, North Carolina, was attacked by the showcase black 54th Massachusetts Infantry on July 18, 1863, losing half its men in the attempt.
7. In a speech given in Savannah on March 21, 1864, vice president Alexander H. Stephens said that his Confederate government's "corner-stone rests, upon the great truth, that the negro is not equal to the white man; that slavery . . . is his natural and moral condition" (New York Times, March 27, 1861:2).
8. Actually four million, as Stevens says later in this speech.
9. Hugo Grotius (1583-1645), Dutch scholar of international law; Samuel von Pufendorf (1632-94), German philosopher of natural law; Thomas T. Rutherford (1712-71), British philosopher; Sir Robert J. Phillimore (1810-85), British legal scholar.
10. Theophilus Parsons (1797-1882), professor of law at Harvard University, spoke on June 21, 1865, at a meeting of Boston citizens concerned about Reconstruction policy (New York Times, June 22, 1865:5).
11. Possibly Edmund Kirby Smith (1824-93), commander of the trans-Mississippi Department of the Confederacy.
13. By August 28, 1865, 23 states of a possible 36 (counting seceding states) had ratified the Thirteenth Amendment. As Stevens notes, some of the ratifying legislatures were provisional bodies organized in the former Confederate states.
15. Francis Preston Blair (1791-1876), newspaper editor and adviser to presidents and his sons Montgomery Blair (1813-83), postmaster general in Lincoln's cabinet until September 1864, and Francis Preston Blair, Jr. (1821-75), Civil War general and Missouri congressman. Stevens had frequently criticized their lenient policies toward the former Confederate states. In August 1862, apparently under the influence of Montgomery Blair, Lincoln had spoken in favor of colonization in Central America (Collected Works of Abraham Lincoln), ed. Roy P. Basler, 1853, V:370-75). The "experiment" referred to by TS is probably the ill-fated attempt to settle a shipload of free blacks, gathered from the District of Columbia area, on the Ile La Vache off the coast of Haiti.
16. Stevens could be quoting from Shakespeare’s *Measure for Measure*, III, i, 116: “to lie in cold obstruction and to rot.”

17. In *Luther v. Borden* (7 Howard 1: 849), the Supreme Court declined to rule on the constitutionality of the 1842 Dorr rebellion against the state of Rhode Island.