History text books falsely claim that Lincoln declared war to fee the Slaves, but the truth is: The declaration of war by the masters of illusion and deceit was for a war declared upon the people AND labeled as a Rebellion, aka Civil War and/or War between the states, when is fact the true intent of the war was to destroy the rights of **all the people**, of all states, North and/or South. Under Martial Law which **avoids Constitution** and **destroys 9th and 10th Amendments**, it remained for Congress to administer Martial Law Proper deceitfully hidden as acts of Congress under **Reconstruction Acts**. Please note that: Whiting, who was the Solicitor General of the War Department of The United States, teamed up with Francis Lieber who wrote the "Lieber Code" that we are now under hidden within the **Reconstruction Acts.** The results of said acts, is the fact that you no longer have any rights, and that you are only **granted privileges** under **Three Types of Military Jurisdiction:**

> "There are under the Constitution three kinds of military jurisdiction: one to be exercised both in peace and war, another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within states or districts occupied by rebels treated [p142] as belligerents, and a third to be exercised in time of invasion or insurrection within the limits of the United States or during rebellion within the limits of states maintaining adhesion to the National Government, when the public danger requires its exercise. The first of these may be called jurisdiction under **MILITARY LAW**, and is found in acts of Congress prescribing rules and articles of war or otherwise providing for the government of the national forces; the second may be distinguished as **MILITARY GOVERNMENT**, superseding, as far as may be deemed expedient, the local law and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress, while the third may be denominated **MARTIAL LAW PROPER**, and is called into action by Congress, or temporarily, when the action of Congress cannot be invited, and, in the case of justifying or excusing peril, by the President **in times of insurrection** or invasion or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights." (emphasis added) and for more information click Ex parte Milligan

After reviewing the information below, for all details of the criminal acts of the **Thirty-Ninth Congress** click: **History**

The major question of the hour is: **Why** it is **impossible to protect and/or demand** any of your **rights** WHICH **you think** are secured by the **Constitution** of your **state and/or US Constitution?**

The answer is because: **All** judges are subject to **Martial Law restrictions hidden in Reconstruction Acts,** which make all judges **subject to fine and imprisonment if they dare to uphold state law instead of the will of Congress.**

The bottom of page 249 and top of page 50 have been extracted from **The History of the Thirty-Ninth Congress** to exhibit the control upon judges exerted under Martial Law and hidden deceitfully as an act of Congress.

Quoting President Johnson's message to the Senate from p.249 & 250 - THE THIRTY-NINTH CONGRESS:

> "The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights "in the courts or judicial tribunals of the State." In other words, when a State judge, acting upon a question involving a conflict between a State law and a Federal law, and bound, according to his own judgment and responsibility, to give an impartial decision between the two, comes to the conclusion that the State law is valid and the Federal law is invalid, he must not follow the dictates of his own judgment, **at the peril of fine and imprisonment. The legislative department of the Government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decree according to the will of Congress."**

The foregoing destruction **of judicial decision** is only **one of many reasons** for **Andrew Johnson's veto** of the **Civil Rights Bill of 1865** and **Freedmen's Bureau Bill**, and it is in your **best interest** to

study and **review** the President's veto message to the Senate in an attempt to **over ride** the use of **Martial Law Proper** within all the states as follows:

CHAPTER XI.

THE CIVIL RIGHTS BILL AND THE VETO.

THE Civil Rights Bill having finally passed through Congress, on the 15th of March, by the concurrence of the Senate in the amendments of the House, was submitted to the President for his approval. Much anxiety was felt throughout the country to know what would be the fate of the bill at the hands of the Executive. Some thought it incredible that a President of the United States would veto so plain a declaration of rights, essential to the very existence of a large class of inhabitants. Others were confident that Mr. Johnson's approval would not be given to a bill interfering, as they thought, so flagrantly with the rights of the States under the Constitution.

All doubts were dispelled, on the 27th of March, by the appearance of the President's Secretary on the floor of the Senate, who said, in formal phrase: " Mr. President, I am directed by the President of the United States to return to the Senate, in which house it originated, the bill entitled An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication,' with his objections thereto in writing."

The Secretary of the Senate then read the message, which was heard with profound attention by the Senators, and a large assembly which thronged the galleries, drawn thither in anticipation of the President's veto message.

"To the Senate of the United States:

"I regret that the bill which has passed both houses of Congress, entitled ' An act to protect all persons in the United States in their civil rights, and furnish the means for their vindication,' **contains provisions which I can not approve, consistently with my sense of duty to the whole people and my obligations to the Constitution of the United States.** I am therefore constrained to return it to the Senate, the house in which it originated, with my objections to its becoming a law.

“By the first section of the bill, all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called Gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood. Every individual of those races, born in the United States, is by the bill made a citizen of the United States. It does not purport to declare or confer any other right of citizenship than Federal citizenship. It does not purport to give these classes of persons any status as citizens of States, except that which may result from their status as citizens of the United States. The power to confer the right of State citizenship is just as exclusively with the several States as the power to confer the right of Federal citizenship is with Congress.

"The right of Federal citizenship thus to be conferred on the several excepted races before mentioned is now, for the first time, proposed to be given by law. If, as is claimed by many, all persons who are native-born, already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill can not be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make them such, the grave question presents itself, whether, when eleven of the thirty-six States are unrepresented in Congress, at this time it is sound policy to make our entire colored population and all other excepted classes citizens of the United States? Four millions of them have just emerged from slavery into freedom. Can it be reasonably supposed that they possess the requisite qualifications to entitle them to all the privileges

and immunities of citizens of the United States? Have the people of the several States expressed such a conviction? It may also be asked whether it is necessary that they should be declared citizens in order that they may be secured in the enjoyment of civil rights. Those rights proposed to be conferred by the bill are, by Federal as well as by State laws, secured to all domiciled aliens and foreigners even before the completion of the process of naturalization, and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those for whom this bill provides special legislation. Besides, the policy of the Government, from its origin to the present time, seems to have been that persons who are strangers to and unfamiliar with our institutions and our laws should pass through a certain probation, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens as contemplated by the Constitution of the United States.

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" The bill, in effect, proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro, to whonC after long years of bondage, the avenues to freedom and intelligence have now been suddenly opened. He must, of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of our institutions than he who, coming from abroad, has to some extent at least, familiarized himself with the principles of a Government to which he voluntarily intrusts 'life, liberty, and the pursuit of happiness.' Yet it is now proposed by a single legislative enactment to confer the rights of citizens upon all persons of African descent, born within the extended limits of the United States, while persons of foreign birth, who make our land their home, must undergo a probation of five years, and can only then become citizens upon proof that they are of 'good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.'

" The first section of the bill also contains an enumeration of the rights to be enjoyed by these classes, so made citizens, 'in every State and Territory in the United States.' These rights are, ' To make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property,' and to have ' full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.' So, too, they are made subject to the same punishment, pains, and penalties in common with white citizens, and to none others. Thus a perfect equality of the white and black races is attempted to be fixed by Federal law, in every State of the Union, over the vast field of State jurisdiction covered by these enumerated rights. In no one of these can any State ever exercise any power of discrimination between the different races.

"In the exercise of State policy ever matters exclusively affecting the people of each State; it has frequently been thought expedient to discriminate between the two races. By the statutes of some of the States, Northern as well as Southern, it is enacted, for instance, that no white person shall intermarry with a negro or mulatto. Chancellor Kent says, speaking of the blacks, that 'marriages between them and whites are forbidden in some of the States where slavery does not exist, and they are prohibited in all the slaveholding States, and when not absolutely contrary to law, they are revolting and regarded as an offense against public decorum.'

"I do not say this bill repeals State laws on the subject of marriage between the two races, for as the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore can not, under this bill, enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy as to discrimination, and to inquire whether, if Congress can abrogate all State laws of discrimination between the two races in the matter of real estate, of suits, and of contracts generally, Congress may not also repeal the State laws as to the contract of marriage between the two races? Hitherto every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging

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to the States. They all relate to the internal policy and economy of the respective States. They are matters which in each State concern the domestic condition of its people, varying in each according to its own peculiar circumstances, and the safety and well-being of its own citizens. I do not mean to say that upon all these subjects there are not Federal restraints, as, for instance, in the State power of legislation over contracts, there is a Federal limitation that no State shall pass a law impairing the obligations of contracts; and as to crimes, that no State shall pass an ex post facto law; and as to money, that no State shall make any thing but gold and silver a legal tender. But where can we find a Federal prohibition against the power of any State to discriminate, as do most of them, between aliens and citizens, between artificial persons called corporations and natural persons, in the right to hold real estate?

"If it be granted that Congress can repeal all State laws discriminating between whites and blacks, in the subjects covered by this bill, why, it may be asked, may not Congress repeal in the same way all State laws discriminating between the two races on the subject of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State, then Congress can by law also declare who, without regard to color or race, shall have the right to sit as a juror or as a judge, to hold any office, and, finally, to vote, 'in every State and Territory of the United States.' As respects the Territories, they come within the power of Congress, for, as to them, the law-making power is the Federal power; but as to the States, no similar provisions exist, vesting in Congress the power 'to make rules and regulations' for them.

"The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares ' that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at one time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, in the discretion of the court.' This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put, or attempt to put, them into execution. It means an official offense, not a common crime committed against law upon the persons or property of the black race. Such an act may deprive the black man of his property, but not of the right to hold property. It means a deprivation of the right itself, either by the State Judiciary or the State Legislature. It is therefore assumed that,

under this section, members of State Legislatures who should vote for laws conflicting with the provisions of the bill; that judges of the State courts who should render judgments in antagonism with its terms; and that marshals and sheriffs, who should, as ministerial officers, execute processes, sanctioned by State laws and issued by State judges, in execution of their judgments, could be brought before higher tribunals, and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose.

"The legislation thus proposed invades the judicial power of the State. It says to every State court or judge, If you decide that this act is unconstitutional; if you refuse, under the prohibition of a State law, to allow a negro to testify; if you hold that over such a subject-matter the State law is paramount, and 'under color' of a State law refuse the exercise of the right to the negro, your error of judgment, however conscientious, shall subject you to fine and imprisonment. I do not apprehend that the conflicting legislation which the bill seems to contemplate is so likely to occur as to render it necessary

at this time to adopt a measure of such doubtful constitutionality.

"In the next place, this provision of the bill seems to be unnecessary, as adequate judicial remedies could be adopted to secure the desired end without invading the immunities of legislators, always important to be preserved in the interest of public liberty; without assailing the independence of the judiciary, always essential to the preservation of individual rights; and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order. The remedy proposed by this section seems to be, in this respect, not only anomalous, but unconstitutional; for the Constitution guarantees nothing with certainty, **if it does not insure to the several States the right** of making and executing laws in regard to all matters arising within their jurisdiction, subject only to the restriction that, in cases of conflict with the Constitution and constitutional laws of the United States, the latter should be held to be the supreme law of the land.

"The third section gives the district courts of the United States exclusive 'cognizance of all crimes and offenses committed against the provisions of this act,' and concurrent jurisdiction with the circuit courts of the United States of all civil and criminal cases ' affecting persons who are denied or can not enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section.' The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights 'in the courts or judicial tribunals of the State.' It stands, therefore, clear of doubt, that the offense and the penalties provided in the second section are intended for the State judge, who, in the clear exercise of his function as a judge, not acting ministerially, but judicially, shall decide contrary to this Federal law. **In other words,** when a State judge, acting upon a question involving a conflict between a State law and a Federal law, and bound, according to his own judgment and re-

sponsibility, to give an impartial decision between the two, comes to the conclusion that the State law is valid and the Federal law is invalid, he must not follow the dictates of his own judgment, at the peril of fine and imprisonment. **The legislative department of the Government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decree according to the will of Congress.**

"It is clear that, in States which deny to persons whose rights are secured by the first section of the bill any one of those rights, all criminal and civil cases affecting them will, by the provisions of the third section, come under the exclusive cognizance of the Federal tribunals. It follows that if, in any State which denies to a colored person any one of all those rights, that person should commit a crime against the laws of the State — murder, arson, rape, or any other crime — all protection and punishment through the courts of the State are taken away, and he can only be tried and punished in the Federal courts. How is the criminal to be tried? If the offense is provided for and punished by Federal law, that law, and not the State law, is to govern.

"It is only when the offense does not happen to be within the purview of the Federal law that the Federal courts are to try and punish him under any other law; then resort is to be had to 'the common law, as modified and changed ' by State legislation, ' so far as the same is not inconsistent with the Constitution and laws of the United States.' So that over this vast domain of criminal jurisprudence, provided by each State for the protection of its own citizens, and for the punishment of all persons who violate its criminal laws, Federal law, wherever it can be made to apply, displaces State law.

(NOTE: THIS STATEMENT is NOT from the history of the 39th Congress: Andrew Johnson questions the authority of Congress to control the states under Martial Law Proper, which is still in force today hidden deceitfully as acts of Congress because Johnson's veto was over ridden. His

veto was the true underlying cause of the impeachment of Andrew Johnson.) For more information click: **Johnson impeachment**

"**The question here naturally arises, from what source Congress derives the power to transfer to Federal tribunals certain classes of cases embraced in this section.** The Constitution expressly declares that the judicial power of the United States ' shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming land under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

"Here the judicial power of the United States is expressly set forth and defined; and the act of September 24, 1789, establishing the judicial courts of the United States, in conferring upon the Federal courts jurisdiction over cases originating in State tribunals, is careful to refine them to the classes enumerated in the above recited clause of the Constitution. This section of the bill undoubtedly comprehends case, and authorizes the exercise of powers that are not, by the Constitution, within the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of

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all the States ; for the bill applies alike to all of them — as well to those that have as to those that have not been engaged in rebellion.

"It may be assumed that this authority is incident to the power granted to Congress by the Constitution, as recently amended, to enforce, by appropriate legislation, the article declaring that 'neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." It can not, however, be justly claimed that, with a view to the enforcement of this article of the Constitution, there is, at present, any necessity for the exercise of all the powers which this bill confers.

Slavery has been abolished, and, at present, nowhere exists within the jurisdiction of the United States; nor has there been, nor is it likely there will be, any attempt to revive it by the people of the States. If, however, any such attempt shall be made, it will then become the duty of the General Government to exercise any and all incidental powers necessary and proper to maintain inviolate this great constitutional law of freedom.

"The fourth section of the bill provides that officers and agents of the Freedmen's Bureau shall be empowered to make arrests, and also that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes circuit courts of the United States and the superior courts of the Territories to appoint, without limitation, commissioners, who are to be charged with the performance of quasi judicial duties. The fifth section empowers the commissioners so to be selected by the courts to appoint, in writing, under their hands, one or more suitable persons, from time to time, to execute warrants and other processes described by the bill. These numerous official agents are made to constitute a sort of police, in addition to the military, and are authorized to summon a posse comitatus and even to call to their aid such portion of the land and naval forces of the United States, or of the militia, 'as may be necessary to the performance of the duty with which they are charged."

"This extraordinary power is to be conferred upon agents irresponsible to the Government and to the people, to whose number the discretion of the commissioners is the only limit, and in whose hands

such authority might be made a terrible engine of wrong, oppression, and fraud. The general statutes regulating the land and naval forces of the United States, the militia, and the execution of the laws, are believed to be adequate for every emergency which can occur in time of peace. If it should prove otherwise, Congress can, at any time, amend those laws in such manner as, while sub-serving the public welfare, not to jeopardize the rights, interests, and liberties of the people.

"The seventh section provides that a fee of ten dollars shall be paid to each commissioner in every case brought before him, and a fee of five dollars to his deputy, or deputies, for each person he or they may arrest and take before any such commissioner,' ' with such other fees as may be deemed reasonable by such commissioner,' ' in general for performing such other duties as may be required in the premises.' All these fees are to be ' paid out of the Treasury of the United States,' whether there is a conviction or not;

but in case of conviction, they are to be recoverable from the defendant. It seems to me that, under the influence of such temptations, bad men might convert any law, however beneficent, into an instrument of persecution and fraud.

"By the eighth section of the bill, the United States courts, which sit only in one place for white citizens, must migrate, with the marshal and district attorney (and necessarily with the clerk, although he is not mentioned), to any part of the district, upon the order of the President, and there hold a court ' for the purpose of the more speedy arrest and trial of persons charged with a violation of this act;' and there the judge and the officers of the court must remain, upon the order of the President, 'for the time therein designated."

"The ninth section authorizes the President, or such person as he may empower for that purpose, to employ such part of the land and naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.' This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate."

"I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the South have hitherto lived together under the relation of master and slave — capital owning labor. Now, suddenly, that relation is changed, and, as to the ownership, capital and labor are divorced. They stand, now, each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and, if left to the laws that regulate capital and labor, it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence ; but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value. This bill frustrates this adjustment. It intervenes between capital and labor, and attempts to settle questions of political economy through the agency of numerous officials, whose interest it will be to foment discord between the two races; for, as the breach widens, their employment will continue, and when it is closed, their occupation will terminate."

"In all our history, in all our experience as a people living under Federal and State law, no such system as that contemplated by the details of this bill has ever before been proposed or adopted. They establish, for the security of the colored race, safeguards which go infinitely beyond any that the General Government has ever provided for the white race. In fact, the distinction of race and color is, by the bill, made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State — an absorption and assumption of power by the General Government which, if acquiesced in, must sap and destroy our federative system of limited powers, and break down the barriers which preserve the rights of the States. It is another

step, or rather stride, to centralization and the concentration of all legislative power in the National Government. The tendency of the bill must be to resuscitate the spirit of rebellion, and to arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace.

"My lamented predecessor, in his proclamation of the 1st of January, 1863, ordered and declared that all persons held as slaves within certain States and parts of States therein designated, were and thenceforward should be free; and, further, that the Executive Government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons. This guarantee has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I, therefore, fully recognize the obligation to protect and defend that class of our people whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States.

"Entertaining these sentiments, it only remains for me to say that I will cheerfully cooperate with Congress in any measure that may be necessary for the protection of the civil rights of the freedmen, as well as those of all other classes of persons throughout the United States, by judicial process under equal and impartial laws, in conformity with the provisions of the Federal institution.

"I now return the bill to the Senate, and regret that, in considering the bills and joint resolutions — forty-two in number — which have been thus far submitted for my approval, I am compelled to withhold my assent from a second measure that has received the sanction of both houses of Congress.

"ANDREW JOHNSON.
"Washington, D. C, March. 27, 1866."

The death and funeral obsequies of Senator Foot prevented the Senate from proceeding to the consideration of the President's veto message for more than a week after it was read. On the 4th of April the Civil Rights Bill came up to be reconsidered, the question being, " Shall the bill pass, the objections of the President notwithstanding."

It devolved upon Mr. Trumbull, the author of the bill, to answer the objections of the President. In answer to the President's position that the bill conferred only Federal citizenship, and did not give any status as citizens of States, Mr. Trumbull said : -* Is it true that when a person becomes a citizen of the United States he is not also a citizen of every State where he may happen to be? On this point I will refer to a decision pronounced by the Supreme Court of the United States, delivered by Chief-Justice Marshall, the most eminent jurist who ever sat upon an American bench. In the case of Gassies vs. Ballon, reported iu 6 Peters, the Chief-Justice, in delivering the opinion of the court, says :

“The defendant in error is alleged in the proceedings to be a citizen of the United Stated States, naturalized in Louisiana, and residing there. This is equivalent to an averment that he is a citizen of that State. A citizen of the United States residing in any State of the Union is a citizen of that State."

The message declared "that the right of Federal citizenship is now for the first time proposed to be given by law." "This," said Mr. Trumbull, "is not a misapprehension of the law, but a mistake in fact, as will appear by references to which I shall call the attention of the Senate." Mr. Trumbull then referred to the "collective naturalization" of citizens of Louisiana, Texas, and Cherokees, Choctaw, and

Stockbridge Indians.

To the remark in the message that "if, as many claim, nativeborn persons are already citizens of the United States, this bill can not be necessary to make them such," Mr. Trumbull replied: "An act declaring what the law is, is one of the most common of acts known by legislative bodies. When there is any question as to what the law is, and for greater certainty, it is the most common thing in the world to pass a statute declaring it."

To the objection that eleven States were unrepresented, the Senator replied: "This is a standing objection in all the veto messages, yet the President has signed some forty bills. If there is any thing in this objection, no bill can pass Congress till the States are represented here. Sir, whose fault is it that eleven States are not represented? By what fault of theirs is it that twenty-five loyal States which have stood by this Union and by the Constitution are to be deprived of their right to legislate? If the reason assigned is a good one now, it has been a good one all the time for the last five years. If the fact that some States have rebelled against the Government is to take from the Government the right to legislate, then the criminal is to take advantage of his crime; the innocent are to be punished for the guilty.

"But the President tells us that the bill, in effect, proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro.' Is that true? What is the bill? It declares that there shall be no distinction in civil rights between any other race or color and the white race.

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It declares that there shall be no different punishment inflicted on a colored man in consequence of his color than that which is inflicted on a white man for the same offense. Is that a discrimination in favor of the negro and against the foreigner — a bill the only effect of which is to preserve equality of rights?

"But perhaps it may be replied to this that the bill proposes to make a citizen of every person born in the United States, and, therefore, it discriminates in that respect against the foreigner. Not so; foreigners are all upon the same footing, whether black or white. The white child who is born in the United States a citizen is not to be presumed at its birth to be the equal intellectually with the worthy, intelligent, and patriotic foreigner who immigrates to this country. And, as is suggested by a Senator behind me, even the infant child of a foreigner born in this land is a citizen of the United States long before his father. Is this, therefore, a discrimination against foreigners?

"The President also has an objection to the making citizens of Chinese and Gypsies. I am told that but few Chinese are born in this country, and where the Gypsies are born, I never knew.

[Laughter.] Like Topsy, it is questionable, whether they were born at all, but “just come”. [Laughter.]

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