

Petitioners' Excerpts of Select Exhibits for Readability

Because some of the newspaper articles that Petitioners cited and included as exhibits were difficult to read due to the file compression needed to file the PDFs on the Court's electronic filing service, Petitioners attach this document containing excerpts of the relevant portions of those articles (Exhibits J-M, AC-AH, AJ).

Rebels and Federal Officers.

The new plan of reconstruction proposed by the President and his Southern friends is not so objectionable for what it contains, as for its omission of one important measure contained in the Amendment proposed by Congress. We refer to the fact, that it imposes no disabilities, political or otherwise, upon the leading men of the rebellion, but leaves them, as they were prior to their treason, eligible to any and all offices under the Federal government. Reconstruction upon this basis would render Jefferson Davis eligible to the Presidency of the United States, and place it in the power of the South to return to Congress the very men, who in 1861, left it for the avowed purpose of destroying the government. To such reconstruction the loyal North can never assent. There is something revolting in the very thought. Honor with the highest national offices men who have prostituted their talents and ability in a wicked and cruel attempt to destroy the nation—who have entailed upon the people an immense national debt, and who stand now, as they will in history, accountable for the sacrifice of hundreds of thousands of lives? So re-

Exhibit K, Milwaukee Sentinel, Wed. July 3, 1867 (Col. 2, "Shall we have a Southern Ireland?):

What has Congress or what have the people done to provoke the *Times*, a professedly republican journal, to institute an odious parallel between their treatment of the South and England's treatment of Ireland? Have they confiscated anything? No, not an acre, and there is not the faintest prospect that they ever will. Have they excluded "large classes from all high office?" Yes, actual rebels, who in rebelling violated an oath to support the constitution of the United States—a class numbering perhaps thirty thousand out of twelve millions, or one in four hundred, and not more than one in every hundred of the male inhabitants twenty-one years of age; and these are not hopelessly excluded from office, but only at the pleasure of two-thirds of Congress. Even Jefferson Davis, unless by some miracle of justice he should first expiate his atrocious crimes upon the gallows, may be rendered eligible to the Presidency by a two-thirds vote of Congress. There has been no attempt to work corruption of blood extending to forfeiture of estate or loss of political rights. The son of Jefferson Davis, though at heart he may be every whit as black a traitor as his father, may come in possession of the family estates, and he may be President of the United States, if he can get votes enough, whether Congress will or no.

Exhibit L: The Pulaski Citizen, Thu. Apr. 13, 1871 (p. 4 col. 3)

The remedy follows, in the fourteenth amendment, its specified rebel disabilities, and it is these simple words, referring to the particular disability of any individual—"but Congress may, by a vote of two-thirds of each house, remove such disability." All, then, that is wanted to place the dominant and responsible white classes of the South in full rapport with the government of the United States is to restore these men to the full and equal condition of loyal citizens.—They will trust you if you trust them. Try it. The experiment has been tried in scores of individual cases, and no failures, that we are aware of, have been reported among them. Try, then, a universal amnesty, as provided for in the fourteenth amendment, such an amnesty as will make even Jeff Davis eligible again to the Presidency, and you will do more to disarm the Ku Klux Klans than you can possibly accomplish by the employment of the army and the navy, and the United States courts and marshals, and the suspension of the habeas corpus with the continuance of these rebel disabilities.

Exhibit M, Tiffin Tribune, Jul. 18, 1872 (Speech of John Bingham, p. 2 col. 5):

Why, then, do these gentlemen talk about general amnesty? Is the Republican party to be stricken down unless Jefferson Davis is made eligible to be the Democratic candidate for President of the United States next after Horace Greeley? [Laughter.] That is all there is left of this amnesty question. The general bill has passed; it has received the approval of Ulysses S. Grant; it is upon the statute book, and is a law of the land. All disabilities, I repeat, are removed, except from such persons as Jefferson Davis and a few others like him. I don't know that the country will suffer if they are never relieved from their disabilities. I don't know that it is essential to the safety of the Republic, or to the equal rights of any of the citizens of this Union, that Jefferson Davis, or Beauregard, or any man of that character who bore the commissions of the United States, and were bound by oaths to support the Constitution of the United States, and committed treason against the United States, should ever hereafter be permitted to be either President or Governor, Senator or Representative. I think that Jefferson Davis, and all those men who acted as he did, ought to be forever grateful to the American people that they dealt with them so generously and so kindly, permitting them to stand up in the presence of all the world, and say: "I, too, am an American citizen, entitled to the equal protection of its laws at home and abroad, on the land and on the sea."

Exhibit AC, Daily Journal (Montpellier, Vt), "On the Eve of Battle," Oct. 18, 1868 (Col. 3):

3. The third article of the fourteenth amendment excludes leading rebels from holding offices in the Nation and the State, from the Presidency downward, until Congress, by a two-thirds vote in each branch, shall have removed the disability ; and this section the Democratic Platform declares to be void. Then the Democracy propose to open the way for restoration to power again of the very men who sought to destroy the nation, who have scathed it by war, and weighed it down by debt. Treason, murder, arson, theft, all on the grandest scale, are not crimes ; those guilty of these things shall be eligible to all the offices and honors of the Nation and the State. Yes, the Democracy embraced these men at the New York Convention ; they honored them by committing to them the making of their platform, and when that platform repudiated all the fruits of the war, they pledged to that declaration their support, and nominated men to execute the pledge. Whoso is ready to fraternize with rebels and take the guilt of blood on his soul, let him vote the Democratic ticket.— Whoso would expose the nation to another rebellion and another war, let him vote the Democratic ticket. We only wonder that any Vermonters can be found so ignorant or so unpatricotic as to do any such thing. They know not what they do.

AD, Public Ledger (Memphis, TN), May 24, 1872 (Col. 1)

Fred Douglass is not ineligible to the Presidency of the United States. No other negro is ineligible. But the Radical party when making the negro equal to the native, conveniently forgot foreign born citizens. It had the power to pass an amendment rendering foreign citizens eligible to the Presidency, but failed to do so. There is the great German element of the West led by Schurz. How has it ranged itself in politics? It has uniformly given its strength to the Republican party, and assisted the American Radicals to confer civil rights on the negro race. It asked nothing for itself. Germans, it is well known, are not office hunters, but they, in conjunction with citizens of all nationalities, have a right to ask of the party that assumes to overthrow States and mould Constitutions at pleasure, that the clause which excludes them from the highest office in the Government, be stricken out. This is but just, and to ignore the subject is to exhibit a degree of ingratitude seldom found outside that party. When the three amendments were pushed through with the bayonet, and the declaration made that all men on this continent were equal, every man of sense knew it was not true. While the negro was endowed with all the privileges of Grant himself, two classes were proscribed—the prominent

men of the South and the whole foreign population of the country. Under the Fourteenth Amendment certain described persons in the South cannot hold office. Under a clause of the Constitution no foreign born citizen can hold the office of President or Vice President, and probably not, legally, the office of President pro tem or of the Senate, Speaker of the House. The Constitution builders put Southern disfranchisement into the instrument. It was an act of cool deliberation. The power which placed it there could have taken out the clause proscribing foreigners. Failing to do so was deliberation equally cool. Is it not, or would it not be folly for the proscribed men of the South and the proscribed foreign citizens to boast of their citizenship? They possess only a qualified citizenship. The negro possesses it in all its fullness. Fred Douglass might be President. Carl Schurz cannot. Every Southern man who lies under the ban of the Fourteenth Amendment cannot. And this is the boasted new nation, as fashioned by the party in power. Why may not Southern men and foreign men, entitled by every principle of justice to have and to hold every right and privilege accorded to the negro and the Puritan, unite in a common struggle for their deliverance?

AMNESTY.

The Cincinnati Convention declared for General Amnesty. The Administration leaders in Congress had repeatedly declared they would not pass an Amnesty bill. But the response from all parts of the country to the Cincinnati address was not to be mistaken, and so, three weeks after the nomination of Greeley, the Senate, which had so often sworn never to admit unrepentant rebels to office, took up and passed the Amnesty bill.

The whole number of persons now disfranchised by the Fourteenth Amendment is less than 500, and, with few exceptions, they are inconsequential in character. But the great work has been wrought. The Administration leaders have been compelled, by the public sentiment evoked at Cincinnati, to do this act of grace and pardon. The men who sneered at Horace Greeley's sympathy for the disfranchised have hastened to vote for amnesty. The men who talked so loudly and vehemently, three weeks ago, of unrepentant rebels, on Wednesday voted to make Alexander H. Stephens, the Vice President of the Rebel Confederacy, eligible to the Presidency of the United States. The Senatorial caucus repudiated its own decree in a desperate attempt to place Grant on Greeley's platform of General Amnesty.

Ex. AF, The Highland Weekly News (Hillsboro, Ohio), Sept. 21, 1871

The Amendment further provides that no rebel who had violated an official oath to support the Constitution of the United States, should ever be eligible to the Presidency, or to Congress, or any office, civil or military, of the U. States, or of any State. What loyal man could object to *this* provision? It excludes no one from office, remember, except rebels who had sworn to obey the Constitution and laws of the U. States, and then perjured themselves by rebelling against them! Yet Mr. Hughes voted against even this mild and tender punishment of perjured rebels!

Ex. AG, The New National Era (Washington, D.C.), How Traitors Are Punished, Aug. 31, 1871

How Traitors are Punished.

Senator MORTON, in his recent very able speech at St. Louis, discussing the question of universal amnesty, fully confirmed what we stated some weeks ago, in an article on the subject, that there were not more than thirty thousand rebels who are rendered ineligible to office by the fourteenth amendment, and *not one who is denied the right to vote.* Even JEFF. DAVIS himself can vote, if he will, and so may every other traitor. He declared, as we have scores of times, and as the loyal people of the Union believe, that no man who had taken an oath to support the Constitution and then committed perjury by taking up arms against the Government should be eligible to office again. Is that a very severe punishment for perjury and treason? For a five years' war, the slaughter of more than a quarter of a million of good and loyal men, and of creating a tax upon the people, including interest, of eight thousand millions of dollars, thirty thousand of the most prominent and mischievous of the perjured traitors are prevented holding office. That is all. And it is to render these infamous men eligible to the Presidency, to Congress, to the Supreme Court, to foreign missions, &c., that all the clamor in favor of universal amnesty is made.

Ex. AH, The Indiana Progress (Indiana, Pennsylvania), Speech of Senator Morton, Aug. 24, 1871

But my friends, there is a class of men who engaged in that rebellion whom I would never vote to relieve. I do not refer to the masses of those who are under disability by the Fifteenth Amendment, but I refer more particularly to those men who were in the Congress of the United States and went out of it and organized a rebellion; those who had been educated by the Government as soldiers, and who had left our army and carried their swords over to the rebellion. So far as that class of rebels are concerned, I for one will never vote to relieve them. As far as general amnesty for others may be concerned, I shall be extremely liberal; but to the authors and creators of the rebellion—such men as Davis and Toombs and Breckinridge—those men who made a great national funeral, at which more than four hundred thousand men were buried; who made more than a hundred thousand wives widows, more than three hundred thousand children orphans; those men who sinned against light and knowledge, and, as I believe, committed the greatest crime of this or any other century, I will never vote to take from them the last legal work of disapprobation of their crime. Amnesty of such men I denounce as morally wicked and cruelty to future generations, cruelty to the children that are growing up. I am not willing to say that rebellion was no crime; I am not willing to instruct posterity that this rebellion was no crime—a mere political difference—a mere question between politics, by voting to admit again to the Congress of the United States, it may be even to the Presidency, the very men who made that rebellion and were the cause of all the differing and sorrow. Punishment has gone by;

Ex. AJ, Terre-Haute Weekly Express, General Amnesty Shriekers, April 19, 1871

WERE the demands of the amnesty shriekers complied with, JEFF DAVIS would be eligible to the Presidency, and would be the most available of all Democratic candidates.