

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
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### CHARLES SUMNER, ONE MAN POWER VS. CONGRESS (1866)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

Charles Sumner (R-MA) was a leading radical voice in the U.S. Senate during the Civil War and Reconstruction. He often stood alone politically, representing the most ambitious stands on issues of racial equality and Southern reconstruction. With the outbreak of the Civil War, the Republican Congress divided over how best to conceive of the political status of the ex-Confederate States. Offering a bold theory, Sumner argued that when the ex-Confederate States seceded from the Union, they had committed state “suicide” and reverted to the status of mere territories of the United States. As a result, Congress had broad authority to govern the ex-Confederate States and impose various conditions on them before they could be readmitted to the Union. On the opening day of its new session in December 1865, the Republican-controlled Congress excluded Southern representatives until the ex-Confederate states met certain requirements. In this powerful speech, Sumner defended Congress's authority to exclude the Southern representatives. He also attacked President Andrew Johnson for undermining congressional efforts to reconstruct the ex-Confederate states, protect the rights of African Americans, and ensure a Second Founding for post-Civil War America.

#### Excerpt

**We must exclude the ex-Confederate states from Congress until we reconstruct them on a stronger constitutional foundation; in recent months, a conflict has arisen between the Republican Congress and President Andrew Johnson over the proper approach to Reconstruction.** It is now more than a year since I last had the honor of addressing my fellow citizens of man. On that occasion I dwelt on what seemed to be the proper policy towards the states recently in rebellion—insisting that it was our duty, while renouncing indemnity for the past, to obtain at least security for the future; and this security I maintained could be found only in the exclusion of ex-rebels from political power . . . . During the intervening months the country has been agitated by this question, which was perplexed by an unexpected difference between the President and Congress: The President insists upon installing ex-rebels in political power, and sets at naught the claim of guarantees and the idea of security for the future, while he denies to Congress any control over this question and takes it all to himself. Congress has asserted its control and has endeavored to shut out ex-rebels from political power and to establish guarantees, to the end that there might be security for the future. Meanwhile the states recently in rebellion, with the exception of Tennessee, are without representation in Congress. Thus stands the case. . . .

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**It is Congress's job to set the course of Reconstruction, not the President's; plus, President Johnson was never elected to the presidency (he took over after Lincoln's assassination), and he is a man of inferior abilities and character.** The two parties to the controversy are the President on the one side and the people of the United States in Congress assembled on the other side; the first representing the Executive; the second representing the Legislative. It is the One Man Power vs. Congress. Of course each of these performs its part in the government; but until now it has always been supposed that the Legislative gave the laws to the Executive, not that the Executive gave the law to the Legislative. Perhaps this irrational assumption becomes more astonishing when it is considered, that the actual President, besides being the creature of an accident, is inferior in ability and character, while the House of Representatives is eminent in both respects. A President, who has already sunk below any other president, even Buchanan, madly undertakes to give the law to a House of Representatives, which there is reason to believe is the best that has sat since the formation of the Constitution. Thus, in looking at the parties, we are tempted to exclaim - such a President dictating to such a Congress! . . .

**We must use Reconstruction to realize the broadest ambitions of the Civil War and emancipation; otherwise, the war will not have been worth it; if President Johnson wins this battle, the ex-Confederates will seize power and African Americans will face intimidation, violence, and unjust laws; however, if Congress prevails, we will crush the rebels, protect the rights of African Americans, ensure peace throughout the nation, and bring the nation together again under the right set of constitutional principles.** The question at time is one of the vastest ever presented for practical decision, involving the name and weal of this Republic at home and abroad. It is not a military question; it is a question of statesmanship. We are to secure by counsel what was won by the war. Failure now will make the war itself a failure, surrender now will undo all our victories. Let the President prevail, and straightway the plighted faith of the Republic will be broken; the national creditor and the national freedman will be sacrificed; the Rebellion itself will flaunt its insulting power; the whole country in its length of wealth will be disturbed; and the rebel region will be handed over to misrule and anarchy. Let Congress prevail and all this will be reversed; the plighted faith of the Republic will be preserved; the national creditor and the national freedman will be protected; the Rebellion itself will be trampled out forever; the whole country in its length and breadth will be at peace; the rebel region, no longer harassed by controversy and injustice, will enjoy richest fruits of security and reconciliation. To labor for this cause may well tempt the young and rejoice the old. . . .

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**The Civil War was a brutal war; we must use this moment to secure a better future for America; we must hold the ex-Confederates out of Congress until we write the results of the Civil War (emancipation) and the promise of equal rights for all into our laws and into the Constitution itself.** Here I stand. At the close of a terrible war—which has wasted our treasure—which has murdered our fellow citizens—which has filled the land with funerals—which has maimed and wounded many whom it has spared from death—and which has broken up the very foundations of peace—our first duty is to provide safeguards for the future. This can be only by provisions, sure, fundamental ir repealable, which shall fix forever the results of the war—the obligations of government—and the equal rights of all. Such is the suggestion of Common prudence and of self-defence, as well as of common honesty. To this end we must make haste slowly, states which precipitated themselves out of Congress must not be allowed to precipitate themselves back. They must not be allowed to enter those halls which they treasonably deserted, until we have every reasonable assurance of future good conduct. We must not admit them and then repent our folly. . . .

**President Johnson argues that he has the power to set Reconstruction policy; his policy is to restore the ex-Confederates to power and abandon African Americans and white Unionists in the South; this is a serious mistake.** Glance, if you please, at that Presidential Policy—so constantly called “my policy”— which is now so vehemently pressed upon the country and you will find that it pivots on at least two alarming blunders—as can be easily seen; first, in setting up the One Man Power, as the source of jurisdiction over this great question; and secondly, in using the One Man Power for the restoration of rebels to place and influence, so that good Unionists, whether white or black, are rejected, and the rebellion itself is revived in the new government. Each of these assumptions is an enormous blunder. . . .

**President Johnson and his supporters say that they're simply following Lincoln's path; they are wrong.** Partizans of the Presidential “policy” are in the habit of declaring that it is a continuation of the policy of the martyred Lincoln. This is a mistake. Would that he could rise from his bloody shroud to repel the calumny! . . .

**I am willing to reconcile with the ex-Confederates, but not until we reconstruct the South.** I am not against pardon, clemency or magnanimity, except where they are at the expense of good men. I trust that they will always be practiced; but I insist that recent rebels shall not be admitted without proper precautions to the business of the firm. . . .

**President Johnson promised me that he would approach Reconstruction differently.** I was in Washington during the first month of the new Administration, destined to fill such an unhappy place in history. During this period I saw the President [Johnson] frequently, sometimes at the private house he then occupied and sometimes at his office in the Treasury. On these occasions the constant topic was “reconstruction,” which was considered in every variety and aspect. More than Once, I ventured to press upon him the duty and the renown of

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carrying out the principles of the Declaration of Independence and of founding the new governments in the rebel states on the consent of the governed, without any distinction of color. To this earnest appeal he replied on one occasion, as I sat with him alone in words which I can never forget; "On this question, Mr. Sumner, there is no difference between us. You and I are alike." . . .

**But President Johnson decided to pursue a different course; he chose the ex-Confederates over Congressional Republicans; the ex-Confederates retook power in the Southern states and imposed the Black Codes, trampled on white Unionists, and violated core rights like free speech and a free press.** Only a short time afterwards there was a change which seemed like a summerset; and then ensued a strange sight. Instead of faithful Unionists recent rebels thronged the Presidential antichambers, rejoicing in a new-found favor. They made speeches at the President and he made speeches at them. A mutual sympathy was manifest. . . . Every where ex-rebels came out of their hiding-places. They walked the streets defiantly and asserted their old domination! Under the auspices of the President a new campaign was planned against the Republic, and they who failed in open war sought to enter the very citadel of political power. Victory, punctuated by so much loyal blood and treasure, was little better than a cypher. Slavery itself re-appeared in the spirit of Caste. Unionists, who had been trampled down by the Rebellion were trampled down still more by these Presidential governments. There was no liberty of the press or liberty of speech, and the lawlessness of Slavery began to rage anew.

**Under President Johnson's policy, the rebellion began anew; and the ex-Confederates expressed hatred towards Congressional Republicans and treated African Americans unjustly.** Every day brought tidings that the rebellion was re-appearing in its essential essence. Amidst all professions of submission there was an immitigable hate to the national Government, and a prevailing injustice to the freedman. . . .

**President Johnson has kept up his battle against Congressional Republicans; he opposes the Fourteenth Amendment.** Meanwhile the Presidential madness has become more than ever manifest. It has shown itself in frantic efforts to defeat the Constitutional Amendment [the Fourteenth Amendment] proposed by Congress for adoption by the people. By this amendment certain safeguards are established. Citizenship is defined, and protection is assured at least in what are called civil rights. The basis of representation is fixed on the number of voters, so that if colored citizens are not allowed to vote they will not by their numbers contribute to representative power, and one voter in South Carolina will not be able to neutralize two voters in Massachusetts or Illinois. Ex-rebels who had taken an oath to support the Constitution of the United States are excluded from office, national or state. The national debt is guaranteed, while the rebel debt and all claim for slaves are annulled. But all these essential safeguards are rudely rejected by the President. . . .

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**In response, we must continue to exclude the ex-Confederates from Congress; we must ratify the Fourteenth Amendment; we must end racial discrimination in voting; we must give African Americans land of their own; we must ensure a good education for African American children; and we must protect free speech, a free press, and the right to travel.**

And now that I may give practical direction to these remarks, let me tell you plainly what must be done. In the first place, Congress must be sustained in its conflict with the One Man Power, and in the second place, ex-rebels must not be restored to power. Bearing these two things in mind the way will be easy. Of course, the constitutional amendment must be adopted. As far as it goes, it is well; but it does not go far enough. More must be done. Impartial suffrage must be established. A homestead must be secured to every freedman, if in no other way, through the pardoning power. If to these is added Education, there will be a new order of things, with liberty of the press, liberty of speech and liberty of travel, so that Wendell Phillips may speak freely in Charleston or Mobile. . . . Our present desires may be symbolized by four "E's," standing for Emancipation, Enfranchisement, Equality and Education. Let these be secured and all else will follow. . . .

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

