



*Address of Governor Jenkins.*

*To the people of Georgia :*

During the late civil war you were distinctly informed by legislative resolves and by executive proclamations emanating from the United States government, that it was waged against you not vindictively, not for the purpose of conquest, but solely for the maintenance of the Union. The theory announced was that by her ordinance of secession Georgia had not placed herself, nor could in any way place herself, without its pale, but that, at whatever cost of blood and treasure, the resistance of her people to the authority of the United States must be suppressed.

With these ideas in your minds, (actuated by what considerations it matters not,) in April, 1865, you, in good faith, ceased that resistance, laid down your arms, and made full submission. From these premises it is undeniable that you had a right to expect, as it is notoriously true you did expect, speedy restoration to the position in the Union from which you had essayed to withdraw—your status unchanged, save in the abolition of slavery, to which, with amazing equanimity, you assented by word and by act.

To this work of restoration the President of the United States, in the recess of the Congress, faithful to the theory promulged as above stated, addressed himself, with much of circumstantial detail and elaborate machinery, but in a spirit of unaffected kindness.

His prescribed programme you strictly pursued; all that was antagonistic to the United States government you expunged from your records; all that was

required to put you again in proper relation with that government you did. When next the Congress assembled, your State government (which had been temporarily suspended) was in full operation. Senators and representatives, regularly elected and duly commissioned, presented themselves in the halls of Congress and were refused admission. Yet the postal, revenue, and judicial systems of the federal government were extended over Georgia as over Massachusetts and Ohio. Direct taxes assessed against *the several States* of the Union, by acts previously passed, were collected from you. An amendment of the federal Constitution, proposed by the Congress in the prescribed forms, was presented to your legislature for ratification or rejection, as to those of New York and Pennsylvania. This you ratified, and your ratification was accepted. Your State government moved uninterruptedly in its proper sphere, its legislative and executive departments holding communication with departments of the federal government, as in the palmy, peaceful days of the republic. Thus one long session of the Congress transpired, causing no new regret, save your continued exclusion from the national councils. This you bore, if not uncomplainingly, at least submissively, patiently awaiting the prevalence of counsels more liberal, more just. But during the first session of the thirty-ninth Congress another amendment was proposed to the Constitution and presented to your legislature for consideration and ratification or rejection. This was considered in the interval between the first and second sessions of the thirty-ninth Congress, and in terms entirely respectful, but quite distinct, rejected. Other States (now and always participant in federal legislation, whose status as members of the Union has never been questioned) likewise rejected it, and are unmolested. Against Georgia, and other States similarly situated, the rejection seems to have stimulated the ire of the national legislators. After having treated Georgia as a State, so far as coincided with their convenience or their interest; after having tolerated her government, reconstructed under federal executive auspices, during a period of eighteen months, the thirty-ninth Congress, just at its close, enacted a law providing for the reconstruction of your State government in accordance with their will and pleasure, irrespective of your own, and, *ad interim*, for your military government. The fortieth Congress, taking up the role, immediately upon the expiration of its predecessor, has enacted a law supplementary to the former, placing the whole machinery of reconstruction in the hands of the military governor previously provided for. Construing the two acts together, that official is clothed with dictatorial powers over you, and sustained by as many bayonets as may be necessary to the end in view. They prescribe, as indispensable provisions in your contemplated constitution, several articles which the enacting power well knows you disapprove, and some of which, as applicable to themselves, other States now in full fruition of the Union disapprove, and have recently rejected. Lastly, these enactments, for the purposes of this forced reconstruction, extend the elective franchise to a large class of persons on whom you have never bestowed it, and to whom you, as well as other States now represented in Congress, by the rejection of the last proposed constitutional amendment, have refused to extend it.

These acts of Congress have been vetoed by the President, but have been passed over his veto by two thirds of each branch of the Congress.

I shall not swell this address by a thorough analysis of these acts. They are fearfully familiar to you. But I hesitate not to say to you that they are palpably unconstitutional and grievously oppressive.

Such, fellow-citizens, is your present condition, and the official relation I bear to you demands that I speak to you of it. The all-absorbing question is, What shall Georgia do?

The public discussions seem to recognize only two alternatives: First, prompt acquiescence in the already rejected proposal for amendment to the federal Constitution, and in all the requirements of the two acts of Congress before mentioned,

together with the incorporation of them all, by our own acts, into our constitution and laws; secondly, a firm but temperate refusal of such acquiescence and adoption, and a patient, manly endurance of military government, until, in the efflux of time and on the subsidence of the passions generated by civil war, better counsels shall prevail at the federal capital—we, meantime, strictly observing law and order, and vigorously addressing ourselves to industrial pursuits.

As between these alternatives I have no hesitation in advising the adoption of the latter, but forbear at this time to assign any reasons for this advice, because, fellow-citizens, I am far from believing that these are the only alternatives. I have strong faith that there remains to us an available remedy. In the federal government there are three departments. Two of them have passed upon these measures, and are in direct antagonism regarding their constitutionality. But in that event the Constitution gives to the legislative department power to override the executive, and they have so done. There still remains, however, the judicial department—the great conservator of the supremacy of the Constitution—whose decrees, unlike the executive veto, cannot be overridden by the Congress. That department has not yet spoken. Should it be found in accord with the executive, this usurpation will be arrested. Then, although for a time you may be denied representation in Congress, your State government will remain intact, and full restoration will not long be delayed.

Watching at home the progress of these measures, I gave, as was my duty to you, earnest consideration to the question whether or not we had any remedy against them. I reached the conclusion that a case could be made, giving jurisdiction to the Supreme Court, wherein the validity of these acts could be properly tested, and whereby, if found invalid, they could be arrested. Unwilling to trust my own judgment or that of any southern jurist, so liable to be swayed by the bias of southern interest and southern feeling, immediately upon the passage of the first act I came here for the sole purpose of submitting my views to, and consulting with, jurists able and pure, who would view the whole subject from a different stand-point. I have done so, and, by such men, my proposed course has been approved. Before you read this the cause of Georgia will be in that august tribunal, hitherto true to the Constitution—the bulwark of our liberties. The great question of relief from that quarter will be speedily determined. Need I ask you to be calm and quiet, committing yourselves hastily to no particular course of action? Should we fail, (as fail we may,) there will remain nothing that I can do for you. Your destiny will be in your own hands, and you must choose between the alternatives first presented. In making that choice you have my counsel, perhaps erroneous, but certainly honest.

CHARLES J. JENKINS.

WASHINGTON CITY, D. C., *April 10, 1867.*

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