



Reconstruction Acts

Congressional Debates

On The 14th And 15th Amendments

To The Constitution For The United States

The Flow of Events

The flow of events started shortly after the ratification of the *Thirteenth Amendment*. The Congress proposed the first "*Civil Rights Act*" of 1866 (14 Stat. 27) and immediately the Congress feared that this "*Act*" would be challenged and found unconstitutional, especially when the U.S. Supreme Court had recently ruled in the *Scott v. Sanford*, 19 How. 404, 15 L.Ed. 691 case that the Constitution of the United States does not allow a colored person the ability to obtain the status of "*citizen*." Before the ink was dry on this "*Act*" of Congress; the Congress thought it best to amend the Constitution for the United States so as to give the colored people the status of citizenship but immediately ran into more problems.

The "*northern*" members of Congress had serious doubts that they could trust any delegation from the "*southern States*" to vote on such a resolution so they refused to allow them to be seated in Congress. If this was not bad enough; the Congress seriously doubted that the President would give his "*approbation*" (*and for fear of not being able to muster enough votes for an over-ride of a Presidential Veto*); the Congress did not pass the "*resolution*" on to the President of the United States as required by *Article I*,

Section 6, Clause 3 of the U.S. Constitution. Over the "*objection*" of the President of the United States and the "*objections*" of the "*southern States*;" the Congress submitted the 14th Amendment to the States for ratification which included the ten Southern States.

Although there were some "*northern States*" that rejected the 14th Amendment; the southern States rejected the Amendment as well. With the non-ratification votes of the southern States; the ratification of the 14th Amendment failed.

The members of Congress were furious! With blind rage they placed the southern States under "*military rule*" via the "*Reconstruction Acts*" of 1867-68 and "*forced*" each of those "*States*" to "*ratify*" the "14th and 15th Amendments." To accomplish their demands; the Congress declared that they had authority to enact laws granting the "*colored people*" the "*rights of suffrage*" and "*political rights*" to hold Public Offices of a State.

This was a most interesting period of time in our history. Before the ink was dry on the U.S. Secretary of State's "*Proclamation*" declaring that the 14th Amendment to be (purportedly) ratified; the Congress again had serious doubts that the 14th Amendment granted Congress any power to declare that the newly created "*colored citizens*" of the "*United States*" had political rights of "*suffrage*" or any rights to hold Public Offices. The Congress immediately adopted a "*Resolution*" to amend the Constitution for the United States and that "*Amendment*" is now known as the 15th Amendment to the United States Constitution.

The Reconstruction Acts

Several "*Reconstruction Acts*" have been passed by Congress after the Civil War was proclaimed by the President of the United States to be at an end (Presidential Proclamation No. 153 of April 2, 1866 and 14 Stat. 814). The "*Reconstruction Acts*" that will be addressed are those that were passed on March 2, 1867 (14 Stat. 428 Ch. 153) and on July 19, 1867 (15 Stat. 14 Ch. 30).

It is obvious that these "*Reconstruction Acts*" were enacted into law over the "*Veto*" of the President for the purpose of expanding the authority of Congress over the People and the States of this Nation. The following sections of the "*Reconstruction Acts*" of 1867 also "*admits*" that the purpose of those "*Acts*" was to coerce the southern States into rescinding their vote of "*rejection*" regarding the ratification of the 14th Amendment:

1. "*Reconstruction Act*" of March 2, 1867 (14 Stat. 428) at Section 5 reads:

" ... and when said State, by a vote of its legislature elected under said constitution (state), ***shall have adopted the amendment to the Constitution of the United States***, proposed by the Thirty-ninth Congress, and *Known as article fourteen*, and when said article shall have become a part of the Constitution of the United States, ***said State shall be declared entitled to representation in Congress***, ..." [Emphasis added]

2. And the "*Act*" of June 25, 1868 (15 Stat. 73, Chap. 70) to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, to representation in Congress at Section 1 reads:

"That each of the States of (naming them) shall be entitled and admitted to representation in Congress as a State of the Union ***when the legislature of such State shall have duly ratified the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as the article fourteen***, ..." [Emphasis added]

3. And the "*Act*" of March 30, 1870 (FORTY-FIRST CONGRESS, Sess. II, Chap. 39) admitting the State of Texas to Representation in the Congress of the United States reads at the "*Preamble*":

"Whereas the people of Texas have framed and adopted a constitution of State government which is republican; and whereas the legislature of Texas elected under said constitution ***has ratified the fourteenth and fifteenth amendments to the Constitution of the United States; and whereas the performance of these several acts in good faith IS A CONDITION PRECEDENT TO THE REPRESENTATION OF THE STATE IN CONGRESS***: ... [Emphasis added]

Suffrage Of The Colored People

Under the "*Reconstruction Acts*" of 1867; the following mandates of Congress are unconstitutional as follows:

"That when the people of anyone of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, **FRAMED BY A CONVENTION OF DELEGATES** elected by the male citizens of said State twenty one years old and upward, **OF WHATEVER RACE, COLOR,** or previous condition, ... " [Emphasis added]

This paragraph appears in "*Section 5*" of the "*Reconstruction Act*" of March 2, 1867 and it declares that the "*electors*" are to be the male citizens of said State of **WHATEVER RACE** or **COLOR** and that the "*Delegates*" to a State Constitutional Convention elected there under may be of **WHATEVER RACE** or **COLOR** regardless of previous condition.

Because the *14th* and *15th Amendments* to the *U.S. Constitution* **DID NOT EXIST** at the time the "*Reconstruction Act*" of March 2, 1867 was enacted into law; the Congress had no authority to issue a mandate that authorized any person other than "*White Caucasian Male Citizens*" to vote at an election, or be a "*Candidate*," or be a "*Delegate*" to a *State Constitutional Convention* or to a *State Legislature*. Even if the *14th Amendment* was in effect at the time the "*Reconstruction Acts*" went into effect; the *14th Amendment* granted no authority to Congress to grant any "*citizen of the United States*" the "*Right of Suffrage*." The indication of this fact appears in President Andrew Johnson's "*Veto*" message regarding the passage of the first "*Civil Rights Bill*" known as 14 Stat. 27, Ch. 31. This "*Veto*" message appears in "*THE CONGRESSIONAL GLOBE*" of March 27, 1866 at S.p. 1679-81:

"... 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 subjects 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.'"

This part of the "*Veto*" message caused considerable debate among the members of Congress. This debate didn't cease with the "*Civil Rights Bill*," but was carried on during the debate on the 39th Congress' *Senate Resolution No. 30* and the 39th Congress' *House Resolutions No's. 48, 63, and 127* proposing the *14th Amendment* to the *U.S. Constitution*.

The Congress felt, that neither the "*Civil Rights Act*" of 1866 nor any of the "*Resolutions*" proposing the *14th Amendment* granted any "*Negro*" the "*Rights of Suffrage*" within the boundaries of any State. This fact is evident not only by the debates of Representative Ashley (*Congressional Globe*, December 10, 1867, H.p. 117-18) and Senator Cragin (*Congressional Globe*, January 27, 1868, S.p. 850-51) on the *14th and 15th Amendments*; but when it was first raised in the debates on the "*Civil Rights Acts*" of the THIRTY NINTH CONGRESS, Sess. I. Ch. 31 of April 9, 1866 (42 USC 1981-86):

"Mr. WILSON, of Iowa. I move to add the following as a new section:

"AND IT BE FURTHER ENACTED, That nothing in this act shall be so construed as to affect the laws of any State concerning the right of suffrage.

"Mr. Speaker, I wish to say one word. That section will not change my construction of the bill. ***I do not believe the term civil rights includes the right of suffrage.*** Some gentlemen seem to have some fear on that point.

"The amendment was agreed to." [Emphasis added]

U.S. House debate on *Senate Bill No. 61*
39th Congress, 1st Session - March 2, 1866

Before this "*Civil Rights Act*" of Congress was passed into law, the Congress had decided that this "*Act*" would be challenged in the U.S. Supreme Court and that the Court would have struck it down as been unconstitutional. To head off the problem, the Congress began drafting the "*Resolutions*" proposing the *14th Amendment*:

[Mr. ROGERS] "Why, sir, the proposed amendment of the Constitution [*14th Amendment*] which has just been discussed in this House and postponed till April next, was offered by the learned gentleman from Ohio [Mr. Bingham] for the very purpose of avoiding the difficulty which we

are now meeting in the attempt to pass this bill [*"Civil Rights Act"* of 1866] now under consideration. Because the amendment which he reported from the committee of fifteen was intended to confer upon Congress the power "*to make laws which shall be necessary and proper to secure to the citizens of each State all the privileges and immunities of citizens in the several States, and to all persons in the several States equal protection in the right of life, liberty, and property.*" **There is no protection or law provided for in that constitutional amendment which Congress is authorized to pass by virtue of that constitutional amendment that is not contained in this proposed act of Congress which is now before us.** Therefore we have the opinion of the majority of the committee of fifteen, and the opinion of the learned gentleman from Ohio, [Mr. Bingham,] **THAT IN ORDER TO DO WHAT THIS BILL PROPOSES, CONGRESS MUST BE EMPOWERED BY AN AMENDMENT TO THE ORGANIC LAW.**

"I affirm, without the fear of successful contradiction, that by the decision of the highest court of the United States, that august tribunal to whose decisions every honest and patriotic man is bound to bow, it has been expressly and solemnly decided, after the most mature deliberation, by a bench of the most enlightened and learned lawyers that ever sat upon it, that negroes in this country, whether free or slave, are not citizens or people of the United States within the meaning of the words of the constitution, **and that therefore no law of Congress or of any State can extend to the negro race, in the full sense of the term, the STATUS of citizenship.** And the organic law, by its letter and spirit, and in view of the contemporaneous circumstances under which it was passed, fully vindicate the authority of this decision of the Supreme Court, declaring that no power within any State, much less in the Congress of the United States, can change the STATUS of the negro. That cannot be done until the requisite amendment is made to the Constitution, until some such article has been carried into effect by two thirds of both Houses of Congress and three fourths of the States.

"Now, sir, no bill has been offered in this House or in the other, the freedman's bill not excepted, which proposes to give to Congress such dangerous powers over the liberties of the people as this bill under consideration, **and if it can be constitutionally passed by the Congress of the United States, and is no infringement upon the reserved or undelegated powers of the States, then Congress has the right, not only to extend all the rights and privileges to colored men that are enjoyed by white men, but has the right to take away.** If Congress has the right to extend the great privileges of citizenship, which heretofore have been controlled by the States, **to any class of beings, they have the right, by the same authority to take away from any class of people in any State the same rights that they have the right to extend to another**

class of persons in the same State. In other words, if the Congress has power under our present organic law to decide what rights and privileges shall be extended to negroes, **it has the same power and authority under that organic law to extend its legislation so as to take away the most inestimable and valuable rights of the white men and the white women of this country, and not only take away but destroy every blessing of life, liberty, and property, upon the principle that Congress has unlimited sovereign power over the RIGHTS OF THE STATES;** and whenever, in its judgment, it may see fit, **it may carry this power on to an unlimited extent.**

"Now sir, is there any member on the either side of the House who, on the honor of a man of conscience and integrity, can make himself believe that this Congress has the right to control the privileges and immunities of every citizen of these States, as contemplated in the bill, without a change in the organic law of the land?" [Emphasis added]

U.S. House debate on Senate Bill No.61
39th Congress, 1st Session - March 1, 1866

As we can see from the above speech of U.S. Representative Rogers; the 14th Amendment does no more than what was proposed in the "Civil Rights Act" of 1866 and therefore the 14th Amendment cannot, and it does not, run to the subject of "Suffrage."

Shortly before the 14th Amendment to the U.S. Constitution was purported to have been ratified by three-fourths of the States on July 9, 1868; the Congress submitted House Resolution No. 364 of the 40th Congress, 3rd Session (January 11, 1869) proposing the 15th Amendment to the U.S. Constitution. This Amendment purports to grant the Colored People the "Rights of Suffrage" within any State and within the United States.

It would be most interesting as to what Constitutional authority the Congress of 1867-68 rely upon to grant the Colored People of the southern States the Right to "Vote" at any election pertaining to the ratification of the 14th and 15th Amendments to the U.S. Constitution? Perhaps the present Congress could enlighten the People of this Nation as to where this authority came from, especially when the Congress of 1869 admitted to the World that the U.S. Constitution needed to be amended before the Negroes could have Civil Rights and/or Rights of Suffrage as evidenced by the existence of the 14th and 15th Amendment to the U.S. Constitution.

The several "State Constitutional Conventions" that were organized under the "Reconstruction Act" of March 2, 1867 did not conform to the provisions of the United States Constitution. As evidenced by 15 Stat. 731 Ch. 70; the vote taken to hold a

"*Constitutional Convention*" within the several southern States were adopted by a large majority. What the "*Statute*" did not reveal is that the majority vote of those States were of the "*COLORED RACE*" of the population. This fact is confirmed within the May 13, 1868 *Senate Executive Document No. 53* of the *40th Congress, 2d Session* that was issued in compliance with the "*Resolution*" of the Senate of December 5, 1867 by the General of the Army, Ulysses S. Grant. This "*Document*" consist of 12 pages and it may be found in the "*CIS Serial Index*" of 1867 as "S. ex. doc. 53 (40-2) 1317."

These "*Electors*" and the "*Members*" elected to the several "*State Constitutional Conventions*," were made up of the "*COLORED RACE*." They did not have the "*lawful status*" of a citizen of a State or of a "*citizen*" of the United States nor did they have any Political Rights of "*Suffrage*" under any law of any State for want of an Amendment to the United States Constitution. Any "*Acts of Law*" coming from those State Conventions or any Legislatures that were convened under the "*Reconstruction Acts*" of 1867 are unconstitutional and must be declared so by proper authority.

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The Unconstitutional State Legislatures

The following paragraph, which appears at Section 2 of the Reconstruction Act of July 19, 1867 (15 Stat. 14, Ch. 30), provides us with more constitutional questions:

"That the commander of any district named in said act (14 Stat. 428, Ch. 158) *shall have power, ... to suspend or remove from office, or from the performance of official duties and the exercise of official powers*, any officer or person holding or exercising, or professing to hold or exercise, any civil ... office or duty in such district *under any power, election*, appointment or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof, and upon such suspension or removal such commander ... *shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed, BY THE DETAIL OF SOME COMPETENT OFFICER OR SOLDIER OF THE ARMY, OR BY THE APPOINTMENT OF SOME OTHER PERSON, to perform the same, and to fill vacancies occasioned by death, resignation, OR OTHERWISE.* [Emphasis added]

The several "State Constitutions" that were adopted under the "Reconstruction Acts" of 1867 provided that the members of the Legislatures of those southern States may/shall consist of "*colored people of whatever race*" and if the people of those States refused to elect and seat those "*colored people of whatever race*" into the Legislatures of their States; the Military Commanders of those Military Districts *appointed* the members of those Legislatures under the (purported) authority of Section 2 of the Reconstruction Act of July 19, 1867. Whereas the 14th and 15th Amendments to the U.S. Constitution **WERE NOT IN EXISTENCE** at the time the newly elected/appointed Legislators were seated within their respective States and whereas those Legislators consisted of "*Colored People of Whatever Race;*" the State Legislatures of the southern States consisted of Members who had no "*lawful status*" of being "*citizens*" of any State or of the United States. Any "Acts" (including the "*Resolutions*" ratifying the 14th Amendment) that were passed by the "*newly created*" State Legislatures are unconstitutional. Said "*Resolutions of Ratification*" are without lawful force or effect for they were adopted outside the authority of the Constitution for the United States.

Several "*Governors*" of the southern States were removed from Civil Office by "*Military Commanders*" under the above cited Section 2 of the Reconstruction Act of July 19, 1867 and were replaced with "*Army Officials*" or other military appointees. These Military Commanders (or appointees) declared that they had the authority to reject or approve "*Resolutions*" of the Legislature and they declared that they had the authority

to submit "*Resolutions of Ratification*" to the U.S. Secretary of State declaring that the Legislature had ratified the 14th and 15th Amendments to the United States Constitution.

As these Military Commanders and/or their appointees had no authority under the Constitution of the United States to occupy any Civil Office of a State; the "*Secretary of State*" of the "*United States*" did not have, nor did he ever have, any lawful "*Executive Transmittal*" of "*Ratification*" of the 14th or 15th Amendments within his possession from any southern State. The 14th and 15th Amendments to the U.S. Constitution have never been ratified in accordance to the provisions of the Constitution of the United States and therefore they do not exist.

The following paragraph appears at the "*Preamble*" of the "*Reconstruction Acts*" of "*March 2, 1861*" (14 Stat. 428 Ch. 158) and of "*July 19, 1861*" (15 Stat. 14 Ch. 30):

"Whereas *no legal State government* or adequate protection for life or property exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; ..." [Emphasis added]

This "*Preamble*" openly declares that the "*Rebel States*," named therein, had no State governments and as such, they had no "*standing*" as a "*State*" of the Union of the united States of America. This paragraph openly "*admits*" that Congress had unlawfully "*rescinded*" the status of "*Statehood*" of those southern States. The southern States were reduced to nothing more than "*States*" of the "*District of Columbia*" existing as a territory or property of the United States under U.S. Const., IV:3:2. The members of Congress understood the difference between the status of "*States*" as evident by the introduction of the first *joint resolution* (S.R. No. 30) proposing the 14th Amendment:

".... **Article** - The Congress shall have power to make all laws which shall be necessary and proper to secure to the citizens of each State all privileges and immunities of citizens in the several States; and to all persons in the several States equal protection in the rights of life, liberty, and property." [Emphasis added]

Congressional Globe, 39th Cong., 1st Sess.
Feb. 13, 1866 - S.p. 806

We must ask: By what authority did the Congress of 1867 rely upon to declare that the southern States had no valid governments and that the civil governments that were in place were operating as "*provisional Governments*" subject to the direct authority of Congress when those States were previously brought into the Union of the united States of America on "*equal footing*" with the other States? This is a most

interesting constitutional question especially when Congress adopted the following July 24, 1861 "*Resolution*":

"RESOLVED, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of ***OVERTHROWING*** or ***INTERFERING*** with the ***RIGHTS*** or ***ESTABLISHED INSTITUTIONS*** of those ***STATES***, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the *several* States unimpaired; that as soon as these objects are accomplished the war ought to cease." [Emphasis added]

37th Congress, 1st Session. - Mis. Doc. No. 7

and where the President of the United States had issued the following "*Proclamations*?"

"Insurrection was declared at an end and that peace, order, tranquility and civil authority now existed in and throughout the whole of the United States"

Proclamation of the President dated August 20, 1866

"The war then existing was not waged on the part of the Government in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these as those objects should be accomplished this war ought to cease."

Proclamation of the President dated September 7, 1867

and when the U.S. Supreme Court declared:

"When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union, and all the guarantees of republican government in the Union, attached at once to the State. **The act which consummated her admission into the Union was something more than a compact, it was the incorporation of a new member into the political body. And it was final.** The union between Texas and the other States was a complete, as perpetual, **and as indissoluble as the union between the original States.** There was no place for reconsideration, or revocation, except through revolution, or through consent of the States.

"Considered therefore as transactions under the Constitution, the ordinance of secession, adopted by the convention and ratified by a majority of the citizens of Texas, and all the acts of her legislature intended to give effect to that ordinance, were absolutely null. They were utterly without operation in law. The obligations of the State, as a member of the Union, and of every citizen of the State, as a citizen of the United States, remained perfect and unimpaired. **It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union.** If this were otherwise, the State must have become foreign, and her citizens foreigners. **The war must have ceased to be a war for the suppression of rebellion, and must have become a war for conquest of subjugation.**

"Our conclusion therefore is, that Texas continued to be a State, and a State of the Union, notwithstanding the transactions to which we have referred. And this conclusion, in our judgment, is not in conflict with any act or declaration of any department of the National government, but entirely in accordance with the whole series of such acts and declarations since the first out break of the rebellion."

State of Texas v. White, 7 Wall. 700, 19 L.Ed. 227

Furthermore; the question must also be asked: Where does the authority exist that authorizes the Congress of the United States to declare that any "State" of the "District of Columbia" (existing as a "territory" or other property of the United States under U. S. Const., IV:3:2) has authority to "Ratify" of an Amendment to the United States Constitution? The word: "State," as used in the "Reconstruction Acts" of 1867, can only be given the definition of being a "territory" or "possession" that is subject to the jurisdiction of the United States under U.S. Const., IV:3:2:

... any civil government which may exist therein shall be deemed *provisional only*, **AND IN ALL RESPECTS** *subject to the PARAMOUNT AUTHORITY OF THE UNITED STATES . . .*"
[Emphasis added]

Reconstruction Act of March 2, 1867 @ Sec. 6

But the fact that Congress found the need to submit the 13th, 14th, and 15th Amendments to the southern States for Ratification and found the need to send its Military into those States to obtain a Ratification Vote to its liking is an admission by the Congress of 1867 that the southern States were "States" of the Union of the united States of America *before*, *during*, and *after* the Civil War.

From the time the President of the United States had declared the Civil War to be at an end by the "Proclamations" of June 13, 1865 [13 Stat. 763]; of April 2, 1866 [14 Stat. 811]; and of August 20, 1866 [14 Stat. 814] and as those "Proclamations" were confirmed by "Resolutions" of the Congress on July 22, 1861 (*House Journal*, 37th Congress, 1st Session, page 123 etc.) and on July 25, 1861 (*Senate Journal*, 37th Congress, 1st Session, page 91 etc.); the States of the Union were at "Peace" with each other and were operating under a Constitutional government. It was those Constitutional governments of the southern States that submitted to the U.S. Secretary of State their "Vote" of "Rejection" to the ratification of the 14th Amendment. As those governmental bodies were the only governments of the southern States that were authorized under the Constitution for the United States to execute a "Vote" on the ratification of the 14th Amendment; their votes are the only valid and lawful votes that could have been submitted to the U.S. Secretary of State. **THE PRESENT DAY 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION WAS NEVER RATIFIED FOR IT WAS REJECTED BY MORE THAN ONE FOURTH OF THE STATES THAT WAS THEN IN THE UNION. THE 14TH AMENDMENT DOES NOT NOW NOR HAS IT EVER EXISTED.**

If the Congress has the power to send Military Troops into the freely associated compact States of the united States of America to obtain "Votes of Ratification" on any Amendment to its liking; then there would be no need for procedures to amend the U.S. Constitution. For the Legislators of the States to allow the 14th and the 15th Amendments to the U.S. Constitution to stand "Ratified;" the members would be declaring to the World that they represent a "defacto" government in which the Congress of the United States has been empowered to exercising absolute "dictatorial powers" over the People and the States of the united States of America.

Constitutional Construction

The rules of Constitutional construction are well known and were approved by the framers of the "*Reconstruction Acts*" of 1867-68. On January 25, 1872, a unanimous Senate Judiciary Committee Report, signed by the Senators who had voted for the *Thirteenth*, *Fourteenth*, and *Fifteenth Amendments* in Congress declared:

"In construing the Constitution we are compelled to give it such interpretation as will secure the result which was intended to be accomplished by those who framed it and the people who adopted it. The Constitution, like a contract between private parties, must be read in the light of the circumstances which surrounded those who made it If such a power did not then exist under the Constitution of the United States, it does not exist under this provision of the Constitution, which has not been amended. A construction which should give the phrase '*a republican form of government*' a meaning differing from the sense in which it was understood and employed by the people when they adopted the Constitution, would be as unconstitutional as a departure from the plain and express language of the Constitution in any other particular. This is the rule of interpretation adopted by all commentators on the Constitution, and in all judicial expositions of that instrument; and your committee are satisfied of the entire soundness of this principle. A change in the popular use of any word employed in the Constitution cannot retroact upon the Constitution, either to enlarge or limit its provisions. "

Accordingly, in order to determine whether recent construction of the "*Reconstruction Acts*" are correct, it is necessary to read the debates in Congress when these Amendments were being proposed. Unfortunately, these debates are often inaccessible. First, the *CONGRESSIONAL GLOBE* and *RECORDS* in which these debates are found are now a century old. Few libraries have them, and the available sets will be progressively reduced by wear and tear which inevitably comes with age. Microfilm copies cannot be read by more than one person at a time. Secondly, relevant debate is scattered through a large amount of irrelevant material.

Discussions pertinent to the "*Reconstruction Acts*" are found from 1849 to 1875. But during this era, Congress discussed many other unrelated pieces of legislation. Even when these Amendments were directly under consideration, many irrelevant remarks of a political or personal nature were made by members of Congress. The "*GLOBE*" index is not always a certain guide, since discussions pertinent to the Amendments are found in debates on other topics, while members of Congress often digressed in their remarks on the Amendments themselves. Thus, persons interested in

analyzing the legislative history of the "*Reconstruction Acts*" are forced to wade through an enormous quantity of extraneous matter in order to cull out the pieces of pertinent debate. The task is formidable. Analysis of Committee Reports requires equally tedious labor.

We are to be grateful to the People of the State of Virginia in the time, expense and research that they must have taken to reproduce the Congressional debates on the "*Reconstruction Acts*." These debates are found in the book publication: "**THE RECONSTRUCTION AMENDMENTS DEBATES**" as published by the "*Virginia Commission on Constitutional Government*" in 1967. The Congress, session, dates, and pages of the *GLOBE*, *RECORD*, or *Committee Reports* from which the material is taken from are found on each page of the book. The speaker is identified at the beginning of each speech, or part that has been reproduced in the book. No comment or other textual material has been added to the debates themselves as it was felt that the book should only reproduce the relevant parts of the original debates.

Submitted by _____
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