

*Appeal of the Loyal Southern Association to Congress and  
the People,*

Whereas, the President of the United States has undertaken without any authority of law, to inaugurate civil governments in the former States of Texas, Florida, North Carolina, Georgia, Alabama, Mississippi and South Carolina, which States, or Territories, after the military surrender were exclusively subject to the Law-making power of the United States: and whereas, the President, by a direct and persistent usurpation of pretended power, has, by various acts, and declarations, denied the power of Congress to interfere with his usurpation, thus attempting to repudiate and bring into subordination to the will of the Executive the supreme political authority of the nation, it has therefore become, in the opinion and judgement of the Association of Southern Loyalists now assembled at Washington, a matter of imperious political and National necessity for the Government of the United States to settle at once, and forever, this conflicting claim of power between the Executive and Legislative Departments of the Government:

This Association maintains that the President, after repeated assertions by Congress as to its exclusive power, and in opposition to the expressed will of the loyal people of the nation at the Ballot Box, still persists in a contumacy, that if allowed to prevail, will virtually unhinge the governmental frame-work of the United States under the Constitution.

The attempt to hold in subordination, and to keep under the ban of disability the Union element, and to hold it in subjection to the rebel element, is a political crime that can find no apology or excuse. It is as suicidal to the life of the nation as it is unjust and wicked in purpose. That portion of the Southern people who have voluntarily abjured their allegiance to the Government of the United States, and as the highest evidence of abjuration reviled and denounced and made war against it, and which had thus become the enemies of the Constitution and the Union, have been the people almost exclusively favored by Andrew Johnson. He has assisted to restore them to temporary power under pretended State organizations. He has diligently worked and co-operated to assist them in the exclusion of the Union people of the South from all participation in political power. He has made the support of his usurpation the test of his favoritism and encouragement, whilst opposition to it has drawn from him an exhibition of malicious animosity, such only as would characterize the

acts of a depraved tyrant. It needs only to look at the murders and assassinations of Union men and freedmen in the South to mark the atrocity of Andrew Johnson. As Commander-in-chief of the army and navy, with full power to enforce protection, he has purposely continued to avoid the discharge of this highest of all duties. Whilst the loyal people of the nation have been continuously distressed by the numberless cries coming up from the defenceless and helpless, the Executive, acting the part of a depraved partisan, has spurned all their appeals. With the volumes of evidence before him, to the effect, that his usurping policy and the encouragement of the rebel forces under it has reanimated them into murderous activity, he has still persisted. Rebuked by the voice and verdict of an indignant people, he still persists in his atrocious policy of giving the control of the South to rebels, as unrepentant of their past crimes, as the loyal people of the United States are determined to establish and maintain protective government.

It is maintained by this Association, by Congress, and by the loyal people of the United States, that Congress alone has the power, and the exclusive power to establish, maintain and secure, under laws to be enacted, protective republican government in these Southern States. We further maintain that no progress is possible to be made as long as Andrew Johnson shall be permitted to stand on his usurpation, defying the power of Congress, and heedless of the execution of the laws designed to afford protection. The Law-making and Executive power of the nation must be brought into harmony; and until this conjunction transpires no settlement of our difficulties can even be commenced. The concert of Executive and Legislative power is indispensable. We know of no other way than that the Executive, who disregards the legitimate jurisdiction of the Law-making power, as well as the verdict of the people, should be displaced. The law of necessity, which dictates the preservation of protective republican government under the Constitution, is the highest of all public considerations.

It is further maintained by this Association, that the course of the President, in connection with his usurpation, has been as deleterious in results, as it was illegal in its inception. We charge that the Executive has designedly and corruptly encouraged and invited to the support of his usurpation the rebel element of the South and the apologists of treason in the North, whilst he has reviled and at-

tempted to subvert the Union element in both sections, and wickedly persisted in the attempt to place the Union element of the country in political subordination to the avowed enemies of the United States Government.

We further maintain, that there are eight millions out of the twelve millions of people in the late slave States as loyal to the Government of the United States and the beneficent principles of the Constitution, as any eight millions in the North. The records of the War Department disclose the fact that these eight millions, under all the discouragements of their situation, have furnished more than three hundred thousand soldiers to the Union army. It is needless to discuss the thousand ways in which this Union element of the South has assisted the Government and the soldier of the Government in the late struggle. It remains for us to pronounce, that Andrew Johnson, armed with Executive power, and bent on pressing his usurpation as a finality, has not only disregarded all claims of Union men, but wielded such power for purposes more atrocious than ever exhibited before by any person pretending to hold the reins of Government.

Whilst we indignantly maintain that Andrew Johnson is and should be held responsible for the murders and assassinations, as well as the general abuse of Union men and freedmen in the South, we are painfully constrained to believe that the continuation of his course has been too much encouraged by the forbearing policy of Congress. That body has a duty to perform in vindicating its claim to power, as much so as in the performance of any other duty. To it is confided the high power, amongst other powers, to restrain and constrain every other department of the Government to act within the sphere of its jurisdiction. It was armed with the power of impeachment, and made politically supreme for this very purpose. It is bound by its official oath to discharge this duty as well as all others. Painful as the task may be, and distressing to the sensibilities of our people, necessity imposes on Congress the requirement of maintaining affirmatively, and by all constitutional means, its political prerogatives.

Protective republican government, we maintain, is the common birthright of the American people. All questions on this subject were foreclosed on the adoption of the Constitution. Under that clause which provides that "The United States shall guarantee to

every State in this Union a republican form of government," there is a duty imposed of a very comprehensive character. This clause of the supreme law deals with States as States, with Territories, as well as States in a territorial condition. It embraces a war power as well as political power. It deals with all forces in contumacy with the protective features of the Constitution. It is the auxiliary power confided to Congress in the adoption of all means necessary and proper to maintain and preserve the recognized rights of citizenship. When it is considered that in connection with this the military power of the nation, including the President as Commander-in-Chief, was designedly made subordinate to the law-making power, we may be led to know that the framers of the Constitution designed to make the congressional tribunal of States practically supreme, at least so far as regards the right and power of enforcing the principle of protection. The American people will never consent to allow this power in their representatives to be usurped or displaced by the Executive will, nor will they complacently allow their representatives to submit to any such usurpation on any pretences whatsoever.

This Association again repeat and again urge that the power and the will of the loyal people of this nation, speaking through their loyal representatives, must be vindicated. Without this there can be no settlement between the loyal and contumacious forces now maintaining antagonisms that are irreconcilable. We know as well as we can morally know anything that while Congress stands firmly on this high and impregnable ground of "rights to all and justice to all," that body will be sustained.

On the foregoing declarations we, the members of this Association, take the appeal to Congress and the loyal people of the nation.

WASHINGTON, January 12, 1867.

On motion, the foregoing document was approved by the Association, and ordered to be signed by the President and Secretary, and published.

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D. H. BINGHAM,  
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acts of a depraved tyrant. It needs only to look at the murders and assassinations of Union men and freedmen in the South to mark the atrocity of Andrew Johnson. As Commander-in-chief of the army and navy, with full power to enforce protection, he has purposely continued to avoid the discharge of this highest of all duties. Whilst the loyal people of the nation have been continuously distressed by the numberless cries coming up from the defenceless and helpless, the Executive, acting the part of a depraved partisan, has spurned all their appeals. With the volumes of evidence before him, to the effect, that his usurping policy and the encouragement of the rebel forces under it has reanimated them into murderous activity, he has still persisted. Rebuked by the voice and verdict of an indignant people, he still persists in his atrocious policy of giving the control of the South to rebels, as unrepentant of their past crimes, as the loyal people of the United States are determined to establish and maintain protective government.

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