

LOST LOUISIANA.

Gov. Leslie's Message Recommending the Legislature to Protest Against the Recent Federal Usurpations—A Manly Grappling with the Great Constitutional Questions at Issue—The First Earnest Appeal.

The following is the full text of the message laid before both Houses of the Kentucky Legislature on the 1st by Gov. Leslie, concerning the present condition of affairs in the State of Louisiana:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, }
Frankfort, March 27, 1873. }

Gentlemen of the Senate and House of Representatives—I herewith respectfully lay before you a communication from his Excellency John McEnery, Governor of Louisiana, inclosing an address to the people of that State and of the Union, issued by authority of a joint resolution of the General Assembly of Louisiana, and invite your serious consideration of the allegations which it presents.

The bitter strife which characterized the contest which succeeded the late Gubernatorial election in Louisiana, and the calamities which ensued, have for months painfully occupied the attention of the whole country, and need no recital here. The domestic troubles of our sister State may excite interest and sympathy in us, but they are beyond the pale of our censure or advice. Whatever of alleged wrong and fraud may have attended this strife of parties, it is not for us to inquire into. Such evils a State, which is of right sovereign and independent, must deal with for itself. But the struggle in which Louisiana appeals to us now is no mere conflict of intestine faction; her agony is a political crisis of the nation—the constitutional liberty, the independence of every State is involved in the issue. To-day a species of proconsular government has superseded the elect of the people in that State—a government created by the interlocutory decree of a United States District Judge, and which would not live a day but for the support of Federal authority maintained by Federal bayonets. A Federal District Judge usurping authority in matters purely political, over which he had not the least jurisdiction, has presumed upon the allegations of a bill in chancery to restrain and set aside the legally appointed board of returning officers for the State of Louisiana, and recognize others without authority of law in their stead, and to set aside in like manner the legally-elected Governor and other State officers and members of the General Assembly, recognizing in their place defeated candidates whom the illegal board had declared elected upon the pretended evidence of fraudulent and fictitious returns.

He furthermore enjoined and restrained the proprietors of the *New Orleans Republican*, the official journal of the State of Louisiana, from publishing any official notice or statement of the canvass of votes emanating from the lawful Governor of the State or the board of returning officers. To complete his work of usurpation this satrap judge issued from his private residence an order—not the mandate of a judge in court—but a vice royal decree, of which the Committee of the United States Senate on Privileges and Elections, says "out of court, at his house, late at night, December 5, without application by any party, he made the following order, which is without parallel, and it is hoped will remain so in judicial proceedings."

By this order he commanded the marshal, with a detachment of Federal troops, acting as posse comitatus, to seize upon the building used as a State-House, with instructions to exclude the legislators elected by the people and admit only those persons whose names were on the lists furnished by the pretended Secretary of State. Of these a General Assembly was organized, who immediately proceeded to impeach and suspend from office the lawful Governor of the State, installing their partisan, the Lieutenant-Governor, in his place. Of the order which authorized these extraordinary proceedings the report of the committee of the United States Senate says: "It is impossible to conceive of a more irregular, illegal and in every way inexcusable act on the part of a judge; conceding the power of the court to make such an order, the judge out of court had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen." And in reference to a bill in equity, under which writs of injunction were granted, restraining the lawfully elected members and officers of the Legislature from assisting in the organization of the General Assembly, the report of said committee declares: "Indeed it is impossible not to see that this bill was filed, and the restraining order thereon was issued for the sole purpose of accomplishing what no Federal court has the jurisdiction to do—the organization of a State Legislature. And your committee cannot refrain from expressing their astonishment that any judge of the United States should thus unwarrantably have interfered with a State government, and know no language too strong to express their condemnation of such a proceeding." Unfortunately for the cause of constitutional liberty, public peace and justice, the Federal Executive, under a mistaken sense of duty, instead of rebuking this presumptuous order of a district judge, determined to enforce it, and the usurping Government is sustained to-day under his authority by the military power of the United States. The most reprehensible and ominous feature, perhaps, of the whole transaction is found in the fact that the unlawful and unconstitutional acts of both the district judge and the Federal Executive are sought to be justified, not on the ground of right, but of expediency. The district judge, for instance, admits the validity of the lawfully appointed returning board, but supersedes it for fear its recognition might be productive of evil. The President must have been, ere this, fully convinced that the Government which was created and is still maintained in Louisiana, by the authority and military power of the United States is not in anywise the lawfully elected Government of that State, and yet he continues to recognize and support it as the *de facto* Government, forgetting that it is such only by the intervention of his authority and the army of the United States, for all concede that but for the illegal interference of the United States authorities, civil and military, the lawfully elected Government would have been peacefully inaugurated as the Government both *de facto* and *de jure*.

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and as such submitted to by the people. Upon what plea can any authority be justified in taking advantage of its own wrong or derive a legal right from its own violation of law? The proposition which claims a right in such a case to recognize a *de facto* Government, when fairly interpreted amounts plainly and simply to this: That a President of the United States may, in the interest of the party, if so inclined, through the agents of the Federal court, support the agency of Federal troops directly or indirectly, crush out the Government elected by the people, and installing the defeated candidates of his party, recognize them in defiance of constitution and laws as a Government *de facto*, denouncing and treating all recusants as rebels. For such procedure, the Congressional legislation to enforce the fifteenth amendment to the constitution will always furnish in the Southern States abundant occasion and pretext. I do not impute to the President any sinister purpose in the present instance, and yet, by whatever motive they may have been actuated, the disastrous result has attended his policy, and to-day unhappy Louisiana is no more a consular province than a sovereign and independent State of our Federal Union. By the intervention of Federal authority, under the pretext of enforcing the fifteenth amendment, the government of her choice has been set aside and the candidates of a defeated political party made to bear rule over her. We learn, therefore, without surprise, that within her borders "business is paralyzed, commerce frightened away, trade stopped, credit destroyed, confidence lost, and, within, taxes increased." No plea can excuse such an outrage upon the constitutional rights of a State. The control of her own elections, untrammelled by any interference from without, is essential to self-government, and is guaranteed to her by the Federal constitution and laws. It is true that, by the act of Congress May 31, 1870, candidates for certain offices, if defeated by a denial of the right of suffrage to the black man, and the sole question of title to such offices arises out of such denial, may bring the case before a circuit or district court of the United States, which shall have concurrently with the State courts jurisdiction thereof "so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the 15th article of amendment to the constitution of the United States." This law was enacted simply to secure to the colored man his right of suffrage, and from its operation candidates for seats in a State Legislature are specially excepted. But such provision of law, while it may serve as a pretext, can not be plead to authorize such a subversion of State Government as we are considering. Could it be so used, self-government in the States would be at an end. If, as is conceded, the setting up of the usurping government in Louisiana was a wrong, it is a wrong still, and every day of its continuance is an aggravated wrong. That the Governor and Legislature who have been thus wrongfully superseded should still assert their claims to offices to which they believe they have been fairly elected by the people, and firmly maintain their protest against the Federal interference which has forbidden them the exercise of their rights, is a duty to their State and to the cause of republican liberty which they cannot honorably avoid, and in the discharge of which I feel they are entitled to our largest sympathy and moral support. Besides, their cause is our cause; for their danger is our danger. The bitter cup which they drink to-day may be soon commingled to our own lips. For the President of the United States, in his last annual message, has declared, in full view of this case, that "no executive control is exercised in any one of the Southern States that would not be exercised in any of the States under like circumstances." We must recollect that the present status of Louisiana is quite different from that of the seceding States after the late civil war. The then extraordinary and unconstitutional measures adopted in the reconstruction of those—measures acknowledged to be above and beside the constitution—were, with some plausibility, justified by their advocates on the grounds that being a case, from the very nature of the Federal compact, not provided for in the constitution, the victors had the right to dictate terms to the vanquished—and much exceptional legislation was excused by the maxim that "the public safety is the highest law." In fact, the unsuccessful secession by the Southern States wrought a political revolution in the entire nation, the inevitable results of which were of necessity accepted. But to-day, as when this act of usurpation was laid upon her, Louisiana is a reconstructed State, fully entitled to all the rights guaranteed by the constitution to the sovereign and independent States of the Federal Union, and when any of these rights are invaded in her they are potentially and virtually invaded in all. To abandon her is to abandon the common cause of State rights, the preservation of which is the only bond which can perpetuate our cherished Federal Union. If the great wrong which has been perpetrated against her shall pass unchallenged and unredressed now, it may serve as a precedent to render resistance to similar encroachments more difficult in the future. The rolling stone, which in a child's hand may easily arrest in its first career, often becomes a resistless, crushing avalanche that no obstacle can check. Surely if an earnest appeal be made to the Congress of the United States, there will be found in our national councils statesmen enough patriotic, just and wise of heart, to rectify the wrong which has been committed and restore to our sister State the rights and benefits of self-government.

I therefore recommend that a respectful but earnest and solemn protest against the unwarrantable intervention of Federal authority, in the State of Louisiana, to which your attention has been called, be prepared and uttered by the General Assembly of the State of Kentucky, in a suitable form to be laid before the Congress of the United States, and that our Senators be instructed and our members in the House of Representatives be requested to give all proper aid in supporting the appeal proposed to be made by the people of Louisiana for a redress of their grievances.

PRESTON H. LESLIE.