

shall constitute a quorum to do business," but the Constitution never contemplated that a majority should assume to themselves the whole power of Congress by the forcible exclusion of the minority, or any portion of it, on any ground whatever not specially provided for in the Constitution. Yet the report of the Reconstruction Committee, and the proceedings of Congress, show that from the two houses of Congress which proposed this amendment, the Senators and Representatives of eleven States were forcibly excluded. Congress defend their action on the plea that the people of those States, by rebellion and civil war, had "forfeited their right of representation in Congress. "Forfeiture is a punishment annexed by law to some illegal act." The committee have failed to point out any clause of the Constitution or in the laws of Congress describing the illegal act to which the alleged forfeiture is annexed as a punishment. The Constitution provides that "each State shall have at least one representative," and one of the exceptions to the power of amendment is "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." Now how were those rights forfeited by any one of the Confederate States? The Reconstruction Report says: "A State within the Union has obligations to perform as a member of the Union. It must submit to federal laws, and uphold federal authority." But federal laws do not operate upon a State. They operate upon the individual persons. Every person subject to the jurisdiction of the Constitution of the United States must submit to the federal laws, or bear the penalty of resistance or infraction. But how can a State be punished? Where is the constitutional or legal enactment that for such and such acts of the people of a State, they shall forfeit their State organization, and all their State rights of voting and holding office, and of representation in Congress? The Constitution defines treason and confers on Congress the power to declare its punishment, but provides that no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted. Congress had power to punish treason by imprisonment for life, and forfeiture of estate during the life of the offender; or by imprisonment for a term of years and forfeiture of estate for life and all civil and political privileges. But Congress did not so provide. In 1790 they declared the punishment of treason to be death, and that there should be no forfeiture of estate. 2 Story on Const., 179, says: "The law of Congress punishes treason, on conviction, with death, but declares that no conviction or judgment, for any capital or other offences shall work corruption of blood, or any forfeiture of estate. The history of other countries abundantly proves that one of the strong incentives to prosecute offences, as treason, has been the chance of sharing in the plunder of the victims. Rapacity has been thus stimulated to exert it-