

# Neglected Voices

## Speeches of African-American Representatives Addressing the Civil Rights Bill of 1875

*Representative Richard H. Cain, speaking on January 10, 1874 in response to the argument that the Bill would promote antagonism between the races by wrongfully granting social rights to African-Americans:*

### CIVIL RIGHTS.

Mr. CAIN. Mr. Speaker, I feel called upon more particularly by the remarks of the gentleman from North Carolina [Mr. VANCE] on civil rights to express my views. For a number of days this question has been discussed, and various have been the opinions expressed as to whether or not the pending bill should be passed in its present form or whether it should be modified to meet the objections entertained by a number of gentlemen whose duty it will be to give their votes for or against its passage. It has been assumed that to pass this bill in its present form Congress would manifest a tendency to override the Constitution of the country and violate the rights of the States.

Whether it be true or false is yet to be seen. I take it, so far as the constitutional question is concerned, if the colored people under the law, under the amendments to the Constitution, have become invested with all the rights of citizenship, then they carry with them all rights and immunities accruing to and belonging to a citizen of the United States. If four, or nearly five, million people have been lifted from the thralldom of slavery and made free; if the Government by its amendments to the Constitution has guaranteed to them all rights and immunities, as to other citizens, they must necessarily therefore carry along with them all privileges enjoyed by all other citizens of the Republic.

Sir, the gentleman from North Carolina [Mr. VANCE] who spoke on the question stated some objections, to which I desire to address a few words of reply. He said it would enforce social rights, and therefore would be detrimental to the interests of both the whites and the blacks of the country. My conception of the effect of this bill, if it be passed into a law, will be simply to place the colored men of this country upon the same footing with every other citizen under the law, and will not at all enforce social relationship with any other class of persons in the country whatsoever. It is merely a matter of law. What we desire is that our civil rights shall be guaranteed by law as they are guaranteed to every other class of persons; and when that is done all other things will come in as a necessary sequence, the enforcement of the rights following the enactment of the law.

Sir, social equality is a right which every man, every woman, and every class of persons have within their own control. They have a right to form their own acquaintances, to establish their own social relationships. Its establishment and regulation is not within the province of legislation. No laws enacted by legislators can compel social equality. Now, what is it we desire? What we desire is this: inasmuch as we have been raised to the dignity, to the honor, to the position of our manhood, we ask that the laws of this country should guarantee all the rights and immunities belonging to that proud position, to be enforced all over this broad land.

Sir, the gentleman states that in the State of North Carolina the colored people enjoy all their rights as far as the highways are concerned; that in the hotels, and in the railroad cars, and in the various public places of

resort, they have all the rights and all the immunities accorded to any other class of citizens of the United States. Now, it may not have come under his observation, but it has under mine, that such really is not the case; and the reason why I know and feel it more than he does is because my face is painted black and his is painted white. We who have the color--I may say the objectionable color--know and feel all this. A few days ago, in passing from South Carolina to this city, I entered a place of public resort where hungry men are fed, but I did not dare--I could not without trouble--sit down to the table. I could not sit down at Wilmington or at Weldon without entering into a contest, which I did not desire to do. My colleague, the gentleman who so eloquently spoke on this subject the other day, [Mr. ELLIOTT,] a few months ago entered a restaurant at Wilmington and sat down to be served, and while there a gentleman stepped up to him and said, "You cannot eat here." All the other gentlemen upon the railroad as passengers were eating there; he had only twenty minutes, and was compelled to leave the restaurant or have a fight for it. He showed fight, however, and got his dinner; but he has never been back there since. Coming here last week I felt we did not desire to draw revolvers and present the bold front of warriors, and therefore we ordered our dinners to be brought into the cars, but even there we found the existence of this feeling; for, although we had paid a dollar a piece for our meals, to be brought by the servants into the cars, still there was objection on the part of the railroad people to our eating our meals in the cars, because they said we were putting on airs. They refused us in the restaurant, and then did not desire that we should eat our meals in the cars, although we paid for them. Yet this was in the noble State of North Carolina.

Mr. Speaker, the colored men of the south do not want the adoption of any force measure. No; they do not want anything by force. All they ask is that you will give them, by statutory enactment under the fundamental law, the right to enjoy precisely the same privileges accorded to every other class of citizens.

The gentleman, moreover, has told us that if we pass this civil-rights bill we will thereby rob the colored men of the South of the friendship of the whites. Now, I am at a loss to see how the friendship of our white friends can be lost to us by simply saying we should be permitted to enjoy the rights enjoyed by other citizens. I have a higher opinion of the friendship of the southern men than to suppose any such thing. I know them too well. I know their friendship will not be lost by the passage of this bill. For eight years I have been in South Carolina, and I have found this to be the fact, that the higher class, comprising gentlemen of learning and refinement, are less opposed to this measure than are those who do not occupy so high a position in the social scale.

Sir, I think that there will be no difficulty. But I do think this, that there will be more trouble if we do not have those rights. I regard it important, therefore, that we should make the law so strong that no man can infringe those rights.

But, says the gentleman from North Carolina, some ambitious colored man will, when this law is passed, enter a hotel or railroad car, and thus create disturbance. If it be his right, then there is no vaulting ambition in his enjoying that right. And if he can pay for his seat in a first-class car or his room in a hotel, I see no objection to his enjoying it. But the gentleman says more. He cited, on the school question, the evidence of South Carolina, and says the South Carolina University has been destroyed by virtue of bringing into contact the white students with the colored. I think not. It is true that a small number of students left the institution, but the institution still remains. The buildings are there as erect as ever; the faculty are there as attentive to their duties as ever they were; the students are coming in as they did before. It is true, sir, that there is a mixture of students now; that there are colored and white students of law and medicine sitting side by side; it is true, sir, that the prejudice of some of the professors was so strong that it drove them out of the institution; but the philanthropy and good sense of others were such that they remained; and thus we have still the institution going on, and because some students have left, it cannot be reasonably argued that the usefulness of the institution has been destroyed. The University of South Carolina has not been destroyed.

But the gentleman says more. The colored man cannot stand, he says, where this antagonism exists, and he

deprecates the idea of antagonizing the races. The gentleman says there is no antagonism on his part. I think there is no antagonism so far as the country is concerned. So far as my observation extends, it goes to prove this: that there is a general acceptance upon the part of the larger and better class of the whites of the South of the situation, and that they regard the education and the development of the colored people as essential to their welfare, and the peace, happiness, and prosperity of the whole country. Many of them, including the best minds of the South are earnestly engaged in seeking to make this great system of education permanent in all the States. I do not believe, therefore, that it is possible there can be such an antagonism. Why, sir, in Massachusetts there is no such antagonism. There the colored and the white children go to school side by side. In Rhode Island there is not that antagonism. There they are educated side by side in the high schools. In New York, in the highest schools, are to be found, of late, colored men and colored women. Even old democratic New York does not refuse to give the colored people their rights, and there is no antagonism. A few days ago, when in New York, I made it my business to find out what was the position of matters therein this respect. I ascertained that there are, I think, seven colored ladies in the highest school in New York, and I believe they stand No. 1 in their class, side by side with members of the best and most refined families of the citizens of New York, and without any objection to their presence.

I cannot understand how it is that our southern friends, or a certain class of them, always bring back this old ghost of prejudice and of antagonism. There was a time, not very far distant in the past, when this antagonism was not recognized, when a feeling of fraternization between the white and the colored races existed, that made them kindred to each other. But since our emancipation, since liberty has come, and only since--only since we have stood up clothed in our manhood, only since we have proceeded to take hold and help advance the civilization of this nation--it is only since then that this bugbear is brought up against us again. Sir, the progress of the age demands that the colored man of this country shall be lifted by law into the enjoyment of every right, and that every appliance which is accorded to the German, to the Irishman, to the Englishman, and every foreigner, shall be given to him; and I shall give some reasons why I demand this in the name of justice.

For two hundred years the colored men of this nation have assisted in building up its commercial interests. There are in this country nearly five million of us, and for a space of two hundred and forty-seven years we have been hewers of wood and drawers of water; but we have been with you in promoting all the interests of the country. My distinguished colleague, who defended the civil rights of our race, the other day on this floor, set this forth so clearly that I need not dwell upon it at this time.

I propose to state just this: that we have been identified with the interests of this country from its very foundation. The cotton crop of this country has been raised and its rice-fields have been tilled by the hands of our race. All along as the march of progress, as the march of commerce, as the development of your resources has been widening and expanding and spreading, as your vessels have gone on every sea, with the stars and stripes waving over them, and carried your commerce everywhere, there the black man's labor has gone to enrich your country and to augment the grandeur of your nationality. This was done in the time of slavery. And, if for the space of time I have noted, we have been hewers of wood and drawers of water; if we have made your cotton fields blossom as the rose; if we have made your rice fields wave with luxuriant harvests; if we have made your corn fields rejoice; if we have sweated and toiled to build up the prosperity of the whole country by the productions of our labor, I submit, now that the war has made a change, now that we are free--

I submit to the nation whether it is not fair and right that we should come in and enjoy to the fullest extent our freedom and liberty.

A word now as to the question of education. Sir, I know that, indeed, some of our republican friends are even a little weak on the school clause of this bill; but, sir, the education of the race, the education of the nation, is paramount to all other considerations. I regard it important, therefore, that the colored people

should take place in the educational march in this nation, and I would suggest that there should be no discrimination. It is against discrimination in this particular that we complain.

Sir, if you look over the reports of superintendents of schools in the several States, you will find, I think, evidences sufficient to warrant Congress in passing the civil-rights bill as it now stands. The report of the commissioner of education of California shows that, under the operation of law and of prejudice, the colored children of that State are practically excluded from schooling. Here is a case where a large class of children are growing up in our midst in a state of ignorance and semi-barbarism. Take the report of the superintendent of education of Indiana, and you will find that while efforts have been made in some places to educate the colored children, yet the prejudice is so great that it debars the colored children from enjoying all the rights which they ought to enjoy under the law. In Illinois, too, the superintendent of education makes this statement: that, while the law guarantees education to every child, yet such are the operations among the school trustees that they almost ignore, in some places, the education of colored children.

All we ask is that you, the legislators of the nation, shall pass a law so strong and so powerful that no one shall be able to elude it and destroy our rights under the Constitution and laws of our country. That is all we ask.

But, Mr. Speaker, the gentleman from North Carolina [Mr. VANCE] asks that the colored man shall place himself in an attitude to receive his rights. I ask, what attitude can we assume? We have tilled your soil, and during the rude shock of the war, until our hour came, we were docile during that long, dark night, waiting patiently the coming day. In the Southern States during that war our men and women stood behind their masters; they tilled the soil, and there were no insurrections in all the broad lands of the South; the wives and daughters of the slaveholders were as sacred then as they were before; and the history of the war does not record a single event, a single instance, in which the colored people were unfaithful, even in slavery; nor does the history of the war record the fact that on the other side, on the side of the Union, there were any colored men who were not willing at all times to give their lives for their country. Sir, upon both sides we waited patiently. I was a student at Wilberforce University, in Ohio, when the tocsin of war was sounded, when Fort Sumter was fired upon, and I never shall forget the thrill that ran through my soul when I thought of the coming consequences of that shot. There were one hundred and fifteen of us, students at that university, who, anxious to vindicate the stars and stripes, made up a company, and offered our services to the governor of Ohio; and, sir, we were told that it was a white man's war and that the negro had nothing to do with it. Sir, we returned--docile, patient, waiting, casting our eyes to the heavens whence help always comes. We knew that there would come a period in the history of this nation when our strong black arms would be needed. We waited patiently; we waited until Massachusetts, through her noble governor, sounded the alarm, and we hastened then to hear the summons and obey it.

Sir, as I before remarked, we were peaceful on both sides. When the call was made on the side of the Union we were ready; when the call was made for us to obey orders on the other side, in the confederacy, we humbly performed our tasks, and waited patiently. But, sir, the time came when we were called for; and I ask, who can say that when that call was made, the colored man did not respond as readily and as rapidly as did any other class of your citizens? Sir, I need not speak of the history of this bloody war. It will carry down to coming generations the valor of our soldiers on the battlefield. Fort Wagner will stand forever as a monument of that valor, and until Vicksburgh shall be wiped from the galaxy of battles in the great contest for human liberty that valor will be recognized.

And for what, Mr. Speaker and gentleman, was the great war made? The gentleman from North Carolina [Mr. VANCE] announced before he sat down, in answer to an interrogatory by a gentleman on this side of the House, that they went into the war conscientiously before God. So be it. Then we simply come and plead conscientiously before God that these are our rights, and we want them. We plead conscientiously before God, believing that these are our rights by inheritance, and by the inexorable decree of Almighty

God.

We believe in the Declaration of Independence, that all men are born free and equal, and are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness. And we further believe that to secure those rights governments are instituted. And we further believe that when governments cease to subserve those ends the people should change them.

I have been astonished at the course which gentlemen on the other side have taken in discussing this bill. They plant themselves right behind the Constitution and declare that the rights of the State ought not to be invaded. Now, if you will take the history of the war of the rebellion, as published by the Clerk of this House, you will see that in 1860 the whole country, each side, was earnest in seeking to make such amendments to the Constitution as would forever secure slavery and keep the Union together under the circumstances. The resolutions passed, and the sentiments expressed in speeches at that time, if examined by gentlemen, will be found to bear out all that I have indicated. It was felt in 1860 that anything that would keep the "wayward sisters" from going astray was desirable. They were then ready and willing to make any amendments.

And now, when the civil rights of our race are hanging upon the issue, they on the other side are not willing to concede to us such amendments as will guarantee them; indeed, they seek to impair the force of existing amendments to the Constitution of the United States, which would carry out the purpose.

I think it is proper and just that the civil-rights bill should be passed. Some think it would be better to modify it, to strike out the school clause, or to so modify it that some of the State constitutions should not be infringed. I regard it essential to us and the people of this country that we should be secured in this if in nothing else. I cannot regard that our rights will be secured until the jury-box and the school-room, those great palladiums of our liberty, shall have been opened to us. Then we will be willing to take our chances with other men.

We do not want any discriminations to be made. If discriminations are made in regard to schools, then there will be accomplished just what we are fighting against. If you say that the schools in the State of Georgia, for instance, shall be allowed to discriminate against colored people, then you will have discriminations made against us. We do not want any discriminations. I do not ask any legislation for the colored people of this country that is not applied to the white people. All that we ask is equal laws, equal legislation, and equal rights throughout the length and breadth of this land.

The gentleman from North Carolina [Mr. VANCE] also says that the colored men should not come here begging at the doors of Congress for their rights. I agree with him. I want to say that we do not come here begging for our rights. We come here clothed in the garb of American citizenship. We come demanding our rights in the name of justice. We come, with no arrogance on our part, asking that this great nation, which laid the foundations of civilization and progress more deeply and more securely than any other nation on the face of the earth, guarantee us protection from outrage. We come here, five millions of people--more than composed this whole nation when it had its great tea-party in Boston Harbor, and demanded its rights at the point of the bayonet--asking that unjust discriminations against us be forbidden. We come here in the name of justice, equity, and law, in the name of our children, in the name of our country, petitioning for our rights.

Our rights will yet be accorded to us, I believe, from the feeling that has been exhibited on this floor of the growing sentiment of the country. Rapid as the weaver's shuttle, swift as the lightning's flash, such progress is being made that our rights will be accorded to us ere long. I believe the nation is perfectly willing to accord this measure of justice, if only those who represent the people here would say the word. Let it be proclaimed that henceforth all the children of this land shall be free; that the stars and stripes, waving over all, shall secure to every one equal rights, and the nation will say "amen."

Let the civil-rights bill be passed this day, and five million black men, women, and children, all over the land, will begin a new song of rejoicing, and the thirty-five millions of noble hearted Anglo-Saxons will join in the shout of joy. Thus will the great mission be fulfilled of giving to all the people equal rights.

Inasmuch as we have toiled with you in building up this nation; inasmuch as we have suffered side by side with you in the war; inasmuch as we have together passed through affliction and pestilence, let there be now a fulfillment of the sublime thought of our father--let all men enjoy equal liberty and equal rights.

In this hour, when you are about to put the cap-stone on the mighty structure of government, I ask you to grant us this measure, because it is right. Grant this, and we shall go home with our hearts filled with gladness. I want to "shake hands over the bloody chasm." The gentleman from North Carolina has said that he desires to have forever buried the memory of the recent war. I agree with him. Representing a South Carolina constituency, I desire to bury forever the tomahawk. I have voted in this House with a free heart to declare universal amnesty. Inasmuch as general amnesty has been proclaimed, I would hardly have expected there would be any objection on this floor to the civil-rights bill, giving to all men the equal rights of citizens. There should be no more contest. Amnesty and civil rights should go together. Gentlemen on the other side will admit that we have been faithful; and now, when we propose to bury the hatchet, let us shake hands upon this measure of justice; and if heretofore we have been enemies, let us be friends now and forever.

Our wives and our children have high hopes and aspirations; their longings for manhood and womanhood are equal to those of any other race. The same sentiment of patriotism and of gratitude, the same spirit of national pride that animates the hearts of other citizens, animates theirs. In the name of the dead soldiers of our race, whose bodies lie at Petersburg and on other battle-fields of the South; in the name of the widows and orphans they have left behind; in the name of the widows of the confederate soldiers who fell upon the same fields, I conjure you let this righteous act be done. I appeal to you in the name of God and humanity to give us our rights, for we ask nothing more. [Loud applause.]<sup>(1)</sup>

1. 2 Cong. Rec. 565-567 (1874).