

Neglected Voices

Speeches of African-American Representatives Addressing the Ku Klux Klan Bill of 1871

Representatives William D. Kelley, speaking on March 29, 1871 in response to an argument that the Ku Klux Klan was a necessary and reasonable reaction to the foundation of "negro militias" and to the claim that black people in the South in fact did not suffer from discrimination. [\(1\)](#)

Mr. KELLEY. Mr. Speaker, I approach the discussion of the pending question with no hostility to the people of the South or any part of them, but with an interest in their welfare and prosperity that I scarcely feel for the people of my own colder section of the country. They are the children of the past; and appreciating the trials they are compelled to endure, I give them my sympathy, and am ready to labor with them to convert the cross they bear into a crown of triumph. I thank the gentleman from Tennessee [Mr. Whitthorne] for alluding to the material resources of the South, and thus diversifying the argument on that side of the House, on this and kindred questions, by referring to them and proposing them as a subject worthy of consideration.

Sir, as I listened to his statement of the productions of the South, as shown by the recent census, and which he seemed to think startling by reason of their grand totals, I could but grieve at the meager result and ask myself what they would have been had the people of the South frankly accepted the condition of affairs at the close of the war, and, looking to the future, had welcomed immigrants from the North and from other countries with their enterprise, their industries, their capital, and, if you please, their cupidity; for I know that there is no part of our country, and doubt whether there is any part of the world, that presents such golden invitations to the poor man of skill and enterprise, or the rich man, who would, by legitimate and productive industry, speedily double, treble, or quintuple his capital, as the territory embraced in the States lately in rebellion.

As I have traveled through that section two causes of wonder have been steadily presented to me: one the amazing natural wealth of the country, and the other the terrible poverty and ignorance of the mass of the people. How vast and varied are the resources of the South when compared with those of the North! Its cotton, tobacco, rice, and sugar fields, of which it enjoys the monopoly, are surrounded by fields on which every production of the North may be grown in greater abundance, in proportion to the labor expended, than we can produce them; its water-power, greater certainly than that of the eastern and middle States of the North, runs, as it has done through centuries, to waste; its mineral resources are in such variety and combination as are nowhere else found within the limits of our broad country; its sun shines all the year round, so that while they of cold New England or the far Northwest are housed around the hearthside and the glowing fire, and the children and good-wife are robed in woolens, they of the South are sporting in the open fields and consuming fuel only for culinary purposes. And yet with all these resources the people of the South are today--in a less degree, thank God, than I found them in the spring of 1867--steeped in poverty and unfamiliar with many household and other conveniences which the working people of the North are used to and regard as essential to their comfort and that of their families. The homes of the working people of Philadelphia, lighted with gas and supplied with hot and cold water and bathrooms, afford comforts which you will find only in dwellings recently erected in the large cities or principal towns of the South.

I speak of these things not to disparage the people of the South or to wound their sensibilities. Their deplorable condition is the result of the infernal system of slavery, which denied wages to the laborer, and so robbed toil of its dignity and aspirations and capital of its just rewards. When and where labor is well paid capital turns rapidly, for there are many consumers of its productions, and with each turn comes profit. Where industry is honored and rewarded and capital is safe cities spring up, and that which was farm land, little better, in the absence of a near market for its productions, than valueless, becomes priceless with the growth of the city, around which farm land increases with marvelous rapidity in both its marked and its intrinsic value.

No; the statistics presented by the gentleman from Tennessee do not prove his case. The results he disclosed with such an air of triumph are so meager that they militate against his conclusion. When the census of 1880 shall be taken thoughtful men will study it, and looking back upon the results he has presented will see how terrible have been the results of the madness of the southern Democracy as exhibited in their treatment of the freedmen and of northern and other immigrants, and in permitting secret armed societies to intimidate capital and enterprise, and constrain them to remain without her borders or to flee from them after having had the temerity to enter. I ask gentlemen on the other side of the House whether the proposition is true, as to any considerable part of the South, that a northern man can take his capital, his family, and his skilled workmen with him, and, having established himself quietly, identify himself with the Republican party, and still live undisturbed and unharmed?

Mr. DOX. I say it is true; and I speak for the district which I represent and for a great portion of the State of Alabama.

Mr. KELLEY. I am glad to see one gentleman from the broad South who can say so.

Mr. RAINEY. I will say that it is not true as to the State which I have the honor to represent in part on this floor.

Mr. KELLEY. I can say in reply to the gentleman from South Carolina that citizens of Pennsylvania have within sixty days appealed to the President of the United States to protect them and their laborers in working a gold mine in South Carolina which they had been foolish enough to purchase; and that within a fortnight several State and county officers of that State have been notified by the Ku Klux that they must, under pain of assassination, resign their offices and leave the State, which some of them have done.

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Representative Robert B. Elliot, responding on April 1, 1871 to arguments that the Bill is unconstitutional, and that Ku Klux Klan is not violent. [\(2\)](#)

Mr. ELLIOTT. Mr. Speaker, the argument upon the pending bill has proceeded thus far upon a question of constitutional law and a question of fact. The opponents of the bill deny that its provisions are warranted by the Constitution of the United States, and also deny the alleged facts upon which the proposed bill is founded. The probable efficacy of the bill, as a measure of relief and protection for the loyal men of the South from the extraordinary system of oppression to which they are now subjected, has not been assailed.

I shall therefore confine myself to a necessarily brief consideration of the law and the facts. I will endeavor to prove that the pending bill is not obnoxious to the spirit of the Constitution, and that it is founded in right reason, and that, as a measure of repression and protection, this bill is not only fully warranted, but it is imperatively demanded by the present posture of affairs in the southern States. The issue of constitutional law evolved thus far by the discussion of the bill resolves itself into the question, has the Government of the United States the right, under the Constitution, to protect a citizen of the United States in the exercise of his

vested rights as an American citizen by the exercise of a direct force through its Army and Navy, or the assertion of immediate jurisdiction through its courts, without the appeal or agency of the State in which the citizen is domiciled? Those who oppose this bill answer this question in the negative, founding their opposition on section four, article four of the constitution, which the gentleman from Indiana [Mr. Kerr] made the burden of his very able and elaborate but specious argument the other day upon this subject. This, then, in the judgment of our opponents, is the pivot upon which this whole matter revolves, and to this point I shall address myself at the outset.

The language of the section which the gentleman from Indiana has made the substratum of his ingenious argument is as follows:

"The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

Upon this the gentleman from Indiana observes:

"The obligation of the Federal Government to protect the States of this Union against invasion is clear and obvious; and it interferes with no question of State jurisdiction or of State autonomy. It is external to the State itself; it is protection against dangers from without, not within."

In this interpretation I fully concur with him, and I also agree with him that the term "domestic violence" refers to a force exerted within the State, as the term "invasion" relates to a power moving from without. But, sir, I totally dissent from the conclusion of the gentleman that this clause--

"Is intended only to make it the duty of the Federal Government to go to the relief of the States of the Union against domestic violence when the States appeal for such aid, being unable by their own powers to maintain the public order, to protect themselves and their citizens, and enforce their laws in the peaceful course of administration."

I deny that it forbids Federal interposition except upon the call of the Executive or Legislature of the State. It is a sound maxim of the law that where a power is given the necessary means for its execution are implied.

In this case the duty imposed upon the Federal Government is to protect the States "against domestic violence." The clause is not inhibitory but mandatory. It was evidently not designed to restrict the rights, but to enlarge the duties of the Government. Hence, when it declares that the Government shall protect the States against domestic violence on application of the Legislature, or of the Executive, when the Legislature cannot be convened, it means not that such "application" shall always be an essential condition-precedent, but simply estops the United States from refusing to give protection when the application is made. Otherwise a faithless and undutiful Executive, giving his personal aid to or covertly bestowing his official sanction upon the insurgent authors of the "domestic violence," might, by withholding his "application," render the Government of the United States a torpid and paralyzed spectator of the oppression of its citizens and the violent dissolution of the State by the overthrow of the authorities constituted pursuant to its organic law.

Those who defend this construction and its logical consequences imitate, in their ideas of governmental duty, but on a grander and graver scale, the rigid etiquette of the Frenchman, who, on being upbraided for not saving the life of a fellow-passenger whom he saw drown before his eyes, attempted to justify himself by pleading that he had "not been introduced to him." No, sir; there are paramount duties devolved upon individuals and upon Governments that in the very nature of things demand prompt performance. No broader or clearer vindication of this view is required than that found in the noble preamble to the Constitution itself, which declares that:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our

posterity, do ordain and establish this Constitution for the United States of America."

How, sir, shall one of the great objects of the Constitution, the securing "the blessings of liberty to ourselves and our posterity," be achieved if it be true, as virtually contended by the opponents of this bill, that the majority of the citizens of the State may, by domestic violence, be deprived of "the blessings of liberty," and yet the Federal Government, established chiefly for this object, shall remain a passive observer of the great crime against its fundamental law unless invited to "protect" its own citizens by the "executive" of the State?

That it is not a very violent presumption that the majority of the people of a State may be oppressively subordinated to the minority through "domestic violence" is shown by the following remarks of Justice Story in his comments upon this very section, in the forty-first chapter of his great work upon the Constitution, a work to which the gentleman from Indiana frequently recurred with profound reverence throughout his cogent effort to "make the worse appear the better cause." I think that to quote Justice Story in defense of the position assumed by the gentleman from Indiana and his political coactors on this floor is to "steal the livery of Heaven to serve the devil in." Says Justice Story:

"At first view it might seem not to square with the republican theory to suppose, either that a majority have not the right, or that a minority will have the force, to subvert a government, and, consequently, that the Federal interposition can never be required but when it would be improper. But theoretic reasoning in this, as in most other cases, must be qualified by the lessons of practice. Why may not illicit combinations for purposes of violence be formed, as well by a majority of a State, especially a small State, as by a majority of a county or a district of the same State; and if the authority of the State ought in the latter case to protect the local magistracy, ought not the Federal authority in the former to support the State authority? Besides, there are certain parts of the State constitutions which are so interwoven with the Federal Constitution that a violent blow cannot be given to the one without communicating the wound to the other. Insurrections in a State will rarely induce a federal interposition, unless the number concerned in them bear some proportion to the friends of government. It will be much better that the violence in such cases should be repressed by the superintending power than that the majority should be left to maintain their cause by a bloody and obstinate contest. The existence of a right to interpose will generally prevent the necessity of exerting it.

"Is it true that force and right are necessarily on the same side in republican Governments? May not the minor party possess such a superiority of pecuniary resources, of military talents and experience, or of secret succors from foreign Powers as will render it superior also in an appeal to the sword? May not a more compact and advantageous position turn the scale on the same side against a superior number so situated as to be less capable of a prompt and collected exertion of its strength? Nothing can be more chimerical than to imagine that, in a trial of actual force, victory may be calculated by the rules which prevail in a census of the inhabitants or which determine the event of an election. May it not happen, in fine, that the minority of citizens may become a majority of persons by the accession of alien residents, of a casual concourse of adventurers, or of those whom the constitution of the State has not admitted to the rights of suffrage?" * * * * *

"In cases where it may be doubtful on which side justice lies, what better umpires could be desired by two violent factions, flying to arms and tearing the State to pieces, than the representatives of confederate States, not heated by the local flame? To the impartiality of judges they would unite the affection of friends. Happy would it be, if such a remedy for its infirmities could be enjoyed by all free Governments; if a project equally effectual could be established for the universal peace of mankind?"

It is worthy of remark, Mr. Speaker, that the gentleman from Indiana, in treating this section of the Constitution, which he has made the text of the most fervid portion of his able but ill-timed speech, should have omitted all notice of its opening, and, in this discussion, its most pregnant clause. I refer to the words:

"The United States shall guaranty to every State in this Union a republican form of government."

Here, then, sir, is a duty imposed without a condition-precedent, even under the very strict construction asserted by the gentleman from Indiana. The mandate is absolute, recognizing and permitting no discretion, either in the State or the United States. It vests in the Federal Government the right to act in the premises, whenever, in its judgment, "a republican form of government" may be endangered in a "State in this Union" from whatever cause, whether by "invasion" or "domestic violence."

To make this clear, let us consider what is "a republican form of Government" within the meaning of the Constitution? To furnish a substantial and comprehensive definition of this term, we need not consult the publicists. It must be defined by its attributes. It is a government having a written constitution, or organic law, which provides that its executive and legislative functions shall be exercised by persons elected by the majority of its citizens. In other words, it is a government for the people and by the people.

Assuming this definition to be correct in substance, I ask, how can a republican government be maintained in a State if the majority of the electors are prevented from exercising the elective franchise by force of arms, or if members of the majority, having thus exercised it according to their consciences, are, for that cause, put in terror and subjected to murder, exile, and the lash, through "domestic violence," organized and operated by the minority for the sole purpose of acquiring a political domination in the State? To deny that it would be the absolute and unconditional right and duty of the United States to intervene for the protection of its citizens "against domestic violence" thus directed, in advance of the "application of the Executive" of a State, and even in defiance of his expressed will, would be to make the United States an absolute guarantor of a "republican form of government" "to every State in this Union," and yet deprive the United States of the power to determine when to execute its "guarantee," or, in other words, when the "republican form of government," which it has guaranteed, is endangered. To argue thus is to violate every sound principle of legal and logical interpretation, and to suppose a great wrong without a remedy in our political system. Upon this point I commend to the gentleman's attention the following from Story on the Constitution, (chapter forty-one, pages 559, 560.) Says Justice Story:

"The want of a provision of this nature was felt as a capital defect in the plan of the Confederation, as it might, in its consequences, endanger, if not overthrow, the Union. Without a guarantee the assistance to be derived from the national Government in repelling domestic dangers which might threaten the existence of the State constitutions could not be demanded as a right from the national Government. Usurpation might raise its standard and trample upon the liberties of the people, while the national Government could legally do nothing more than behold the encroachments with indignation and regret. A successful faction might erect a tyranny on the ruins of order and law, while no succor could be constitutionally afforded by the Union to the friends and supporters of the Government. But this is not all. The destruction of the national Government itself, or of neighboring States, might result from a successful rebellion in a single State. Who can determine what would have been the issue if the insurrection in Massachusetts in 1787 had been successful, and the malcontents had been headed by a Caesar or a Cromwell? If a despotic or monarchical government were established in one State, it would bring on the ruin of the whole Republic.

"It may possibly be asked, what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments, without the concurrence of the States themselves? These questions admit of ready answers. If the interposition of the General Government should not be needed, the provision for such an event will be a harmless superfluity only in the Constitution. But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign Powers?"

But, sir, if the view that I present, sustained as it is by invincible reasons and fortified by high authority, be not denied, then is the principle that underlies this bill admitted to be constitutionally right.

But the Constitution has not left to implication, however clear, the right of the Federal Government to enforce its "guarantee," for it declares, in article one, section eight, that--

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

I shall not reiterate the argument already so exhaustively applied, as derived from the fourteenth amendment, which this bill is declaredly designed to enforce. I would only call attention to section five of that article, which declares:

"The Congress shall have power to enforce by appropriate legislation the provisions of this article."

Is not this bill "appropriate legislation?" I apprehend, Mr. Speaker, that it is obnoxious to the Democratic party chiefly because it is "appropriate," and strikes at the homicidal proclivities which have become chronic among the active allies of that party in its late exclusive empire, the so-called confederate States. Indeed, I may say in the apt language of the poet, without intending any personal disrespect--

"No man e'er felt the halter draw

With good opinion of the law."

But, sir, the right of the loyal people of the South to have this or some similar measure enacted into a law for their protection against the perils that environ them is derived from the same consideration in which the Constitution itself originated, and is founded on an integral principle that enters in the very idea of government, whether it relates to subject or citizen. I mean the great paramount duty of the Republic to protect its citizens wherever its flag has the right to wave. Indeed, sir, when you abolish or weaken the right to protection you destroy or diminish the duty of allegiance. I am bound to obey my country and her laws because I am by them protected. When they cease to protect me I can rightly cease to obey them. Says Blackstone:

"Allegiance is the duty of all subjects, being the reciprocal tie of the people to the prince in return for the protection he affords them."

More especially should allegiance and protection be correlatives when the very danger from which protection is needed is drawn and incurred on the part of the citizens solely because of his loyalty to the Government, at whose hands that protection is demanded.

Sir, the best Government is that under which the humblest citizen is not beneath the protection of the laws, or the highest above the reach of their authority.

But gentlemen, admitting the plain principle of constitutional and governmental law herein enunciated, may deny, and do deny, that the facts exist to warrant an armed intervention of the Federal Government for the protection of its citizens, or any extraordinary legislation investing Federal courts with a novel jurisdiction to enforce that protection through judicial agencies. Thus the gentleman from Indiana, with a skepticism worthy of Zeno himself, declares that--

"It is a gross perversion of truth to assume that any desire or intention to excite rebellion exists anywhere in the country. It is simply dishonest, and is indulged for interested purposes. The utmost extent of insubordination is confined to a very small number of persons, and they are in a few localities. They are merely common criminals, without politics or higher motives of action than the base aims of individual offenders."

Here, then, we have a square issue of fact, and I propose to meet it with incontestable record. In so doing I shall expose the animus of the Democratic party of the South, as evidenced in the utterances of its recognized organs and leaders, as far back as 1868, coincident with the assembly of constitutional conventions in the South, pursuant to the reconstruction acts of Congress. This record, drawn from many States, exhibits the declared purpose to defeat the ballot with the bullet and other coercive means, and also the acts of organized lawlessness perpetrated pursuant to that purpose.

I will now ask you to listen to the words of the Mobile Register, a Democratic witness, whose credibility will not be impeached by gentlemen on the other side of the House. In the month of July, 1868, that paper, in an editorial advocating the election of Seymour and Blair, gave utterance to these words:

"The Radicals are dogs and should be treated as dogs. They should not be permitted to dwell among us."

Hear the voice of the central Democratic committee of Charleston, in their campaign circular of 1868,

entitled "An appeal to the colored people." In advising the colored men of the State to sever their connection with the Republican party, and join the Seymour and Blair Democratic clubs, they used these words:

"We know who your leaders are, what they say and what they are doing; we have marked them, and we know better than you can know the sure and swift penalty that shall fall on particular heads when the conflict begins."

Hearken for a moment to the utterance of ex-United States Senator Robert Toombs, of Georgia, on the hustings during that canvass. He says, in speaking of the Republicans of that State, "Ostracize them; drive them out; spurn them from you midst." Listen, sir, to the following extract from a communication which appeared in the Newberry (South Carolina) Herald, signed "Silverstreet Democrat," and dated July 17, 1868.

"Messrs. Editors: As a member of a Democratic club, I beg leave, through the Herald, to make a suggestion or two to the various clubs throughout Newberry district. Our situation as a people--I mean white people--must surely be understood by every thinking man; and certainly any suggestion that can be made in which there can be any hope of advancing our interests ought to be tested. The propositions that I would make are as follows: let all members of the different Democratic clubs of the district enter into a solemn agreement that from the present time forward they will employ no mechanic who does not belong to some Democratic organization, neither to patronize any mill, tannery, or other place dependent upon the public patronage, owned or superintended by any other than an out-and-out Democrat. Let all physicians belonging to such organizations have a positive understanding with each other that in no case will they attend professionally to any Radical or his family, unless the medical fee is sent with the messenger; but in case the patient be a freedman belonging to some Democratic club, let him be attended for half price, and if he has no money indulge him until he has. Let lawyers act upon the same principle. Let all freedmen that are not mechanics even, who take an active part for the Radical party, be treated as suggested above for mechanics."

And, sir, not only was this the sentiment of this individual, "Silverstreet Democrat," but it was the prevailing sentiment of Democratic employers and professional men throughout the State.

Again, sir, let me invite a moment's attention to the following:

Frog Level Club.--At a meeting of the Democratic club of Frog Level, held July 25, 1868, the following resolutions were presented and adopted:

Resolved, That we do approve the declaration of principles as set forth by the national Democratic convention at New York, and do cordially ratify the nomination of Horatio Seymour for President, and F. P. Blair for Vice President, and do pledge ourselves to support the cause and the men that the convention have selected for our standard-bearers.

Resolved, That no member of this club shall employ, rent lands to, or patronize any Radical after the present contracts shall have expired, and that from this date we will not give employment to any freedmen who are straggling over the country as day-laborers who cannot show certificates that they are members of some Democratic association.

Our club numbers one hundred and thirty-six, and still they come.

H. C. MOSELY, *Secretary*

I would also call the attention of this House, Mr. Speaker, to the following extracts from the report of the investigating committee of the Legislature of South Carolina of 1868 and 1869, appointed to investigate thoroughly the disordered state of affairs in the third congressional district, and the causes of the intimidation, outrages, and murders perpetrated preceding and at the general election of 1868.

Rooms of Investigating Committee,

Third Congressional District,

Abbeville Court-House, S. C., June 24, 1869.

Pursuant to adjournment, the committee met at nine a.m.

A quorum being present, the committee proceeded to business. Mr. Wright acting chairman.

Joshua Wardlaw (colored) sworn.

Direct examination by Mr. Elliott:

Question. Are you a resident of this county?

Answer. Yes, sir.

Question. How long have you been a resident of this county?

Answer. Born and bred here.

Question. In this town?

Answer. Yes.

Question. Do you know of any outrages or any means of intimidation or threats used to keep persons from voting at the late general election?

Answer. Yes.

Question. Please state what those means of intimidation used were, and who made them?

Answer. I heard Fred Edmunds say that no colored people should vote at Calhoun Mills except they voted the Democratic ticket. He said, "I am going down there now to gather my company and meet them there." I immediately went to Mr. Guffin and told him what I had heard. I had to go to Mr. Bradley's mill myself to vote, and I told him I was afraid to go on account of the threats that had been made. Mr. Guffin then told me not to be afraid, for they dared not interfere with me. I replied, "I know the people, and will not go, although I am a friend of yours."

Question. Do you know of any other outrage committed?

Answer. Yes, sir.

Question. Please state what that outrage was?

Answer. Mr. William Richardson, a white man with whom I resided last year, came to me one night in August last and said to me, "Get up." (I was in bed.) I asked him what he wanted. He said he wanted me to go out with him. I said I had no particular call out. He said, "Damn you, you shall go. What have you got in this trunk?" At this time I arose from the bed. William Harmons, Pres. Blackwell, and Mr. Coon were in company with Mr. Richardson. They took me out of my house, and went and took my brother-in-law also. My wife was screaming, and they threatened her life. Pres. Blackwell kicked one of my little children that was in the bed. They took my brother-in-law's gun and broke it against a tree in the yard. They laid me down on the ground, after stripping me as naked as when I came into the world, and struck me five times with a strap before I got away from them. After escaping they fired four shots at me, but did not hit me. I was so frightened I laid out in the woods all night, naked as I was, and suffered from the exposure. Mr. Richardson afterward told me he was very sorry that I had escaped from them. My brother-in-law died from the beating he got that same night; and my nephew, Harry Durgan, got severely beat that night by the same party. Mose Martin, another colored man on the place, was also beaten badly that same night, by the same party and Harry Martin, (colored,) received about seven hundred lashes also. My cousin, Ben Pinckney, was so severely beaten that he was unable to do any work for a month or so after. I have never been back to the settlement since that time, being afraid that they would kill me.

Question. Had you any difficulty or quarrel with any of those man before they visited your house that night?

Answer. No; but about a week or two before that William Harmon and William Richardson asked me whether I was a Radical or Democrat, or what I intended to be. I replied that I did not desire to say what I was or what I intended to do, for I had not decided in my mind. They said, "You will have to state what you are, or you will have to quit the place." I told them I would join them rather than lose my crop. On the day of the general election they called me into the house to vote the Democratic

ticket. They had a keg of whisky and offered me a drink. I told them no, I would not drink it. They then asked me whether I was going to vote the Democratic ticket. I replied no; that if I could not vote the way I wanted I would not vote at all. They then said, "Put him out." They then put me out and slammed the door after me. One of the party at the polls, named James Jennings, said, "We will take his life before six months;" and Mr. William Tennent said, "Yes, damn him, we will do it." He also said, "Damn him, he is the damned leader that is keeping the others from voting the Democratic ticket." I told them before leaving that I was a Radical, and did not care who knew it: and I did prevent a great many from voting the Democratic ticket, and I will still do so. The next outrage I witnessed was, Ellington Searles had a mill burned; a man that lived with me, named Mack Martin, was accused by Mr. Searles of breaking into the mill before it was burned. Mr. Searles came to the place I was living on with a party of eleven, and took this man Mack out in the broad daylight and carried him up the road about a quarter of a mile from the house, and gave him sixteen hundred lashes, which I saw. They had a ferocious dog; after they had whipped him they put the dog on him, and the dog attacked him, naked as he was, and tore large pieces from his side and limbs, and they all gathered pine-knots and placed around the man and said they would scorch him. Some of the party begged them not to, and it was not done. This all occurred about twelve o'clock in the day.

The following are taken from the Charleston News of November 5, 1870, the leading organ of the Democratic party of South Carolina, in which they are introduced approvingly, as showing the spirit of the Democratic press. Speaking of the unbroken adhesion of the colored people of South Carolina to the Republican party at the late general election in that State, the Newberry Herald of November 3 says, addressing its white Democratic readers:

"Remember that we are the white people, and that they are the negro; that they have chosen their ground and arrayed themselves against us with a determination and hate which are unmistakable, and that our policy is to let them alone and take care of ourselves. But we must have organization, not politically, be it remembered, and the views below are worth consideration. Let us have a thorough understanding and a union of the whole white people of the State, not forgetting either the worthy exceptions among the negroes who have identified themselves with us, or any others who may see fit to cast their lines in with us."

In the same spirit the Darlington Democrat of the same date says:

"The time for temporizing, argument, and conciliation is passed; we shall have no more of it. A straight and severe line must be drawn between the races. The colored people have chosen their ground with the advice of the ringleaders, and they must follow it out without aid or sympathy from their former white friends. The white people have the power and the brains and the determination to hold their own and protect themselves, and they will do so. The negroes have followed their devices one time too many, and now let them look to others for help, assistance, and sympathy."

The Charleston News of November 7, 1870, referring to the result of the election, declares:

"We understand, therefore, and accept the solid black vote cast against the nominees of the Reform party as a declaration of war by the negro race against the white race, by ignorance against intelligence, by poverty against actual or potential wealth. This issue we have striven to avoid, but the negroes will have nothing else. They will not allow us to work with them. We must, if necessary, work against them. Conciliation, argument, persuasion, all have been worse than useless. The white people stand alone. And they must organize themselves, and arm themselves, not as 'a white man's party,' but because the past and present prove that decency, purity, and political freedom, as well as the preservation of society, are identical with the interests of the white people of the State."

The following is an official copy of a Ku Klux order published in the Charleston News of January 31, 1871, and vouched for as authentic by the correspondent of that journal, writing from the State capital. It was issued from the county of York, and was posted at the county auditor's office:

Headquarters K. K. K.

January 22, 1871

Resolved, That in all cases of incendiarism ten of the leading colored people and two white sympathizers shall be executed in that vicinity.

That if any armed bands of colored people are found hereafter picketing the roads, the officers of the company to which the pickets belong shall be executed.

That all persons reported as using incendiary language shall be tried by the high court of this order and be punished at their discretion.

The different officers are charged with the execution of these resolutions.

By order of K. K. K.

Copy for York.

The same paper, referring to the terrible outrages practiced upon the unoffending blacks of the up-country, admits the existence of the Ku Klux as a powerful armed organization. It says:

"We doubt not that Governor Scott, through the proper civil officers, will promptly indicate the way in which the citizens of York may express, in action, their published determination to put an end to scenes of violence which disgrace any civilized community."

To show that the design of the Ku Klux is political, and that its organization is intended to secure the control of the State administration by force, I present the following, from the Spartanburg (South Carolina) Republican of March 22 of the present year:

Ku Klux in Union.--The Ku Klux last week posted a notice on the bulletin-board at the courthouse in Union to the effect that the county commissioners, the school commissioner, and the members of the Legislature must resign their positions by the 27th instant.

We understand that the sheriff, the school commissioner, and the clerk of the county commissioners have, in obedience to this order, tendered their resignations, and it is thought that other officers will follow their example.

The following is the document found posted in Union:

K. K. K.

Headquarters, Ninth division, S.C.,

Special Orders No. 3. K. K. K.

"Ignorance is the curse of God."

For this reason we are determined that members of the Legislature, the school commissioner, and the county commissioners of Union shall no longer officiate.

Fifteen days' notice from this date is therefore given, and if they, one and all, do not at once and forever resign their present inhuman, disgraceful, and outrageous rule, then retributive justice will as surely be used as night follows day.

Also, "An honest man is the noblest work of God."

For this reason, if the clerk of the said board of county commissioners and school commissioners does not immediately renounce and relinquish his present position, then harsher measures than this will most assuredly and certainly be used. For confirmation, reference to the orders heretofore published in the Union Weekly Times and Yorkville Enquirer will more fully and completely show our intention.

By order Grand Chief:

A. O., Grand Secretary

March 9, A.D. 1871

I copy, sir, from the Columbia (South Carolina,) Daily Union of March 10, 1871, the following. It is the unimpeachable testimony of an officer of your own Army:

The Ku Klux or Council of Safety.--A dispatch-bearer, Major Whitehead, United States Army, from the post of United States troops at Yorkville, brought yesterday the following important intelligence from that locality. The dispatches explain themselves, and we submit them with the voucher of bare and naked truth, having tired long ago of the monotony of chronicling these daily outrages. The Governor has telegraphed to Washington the facts, and also to General Terry, commanding the department stating that fighting is going on in that county:

Headquarters Camp Sherman

Yorkville, South Carolina, *March 8, 1870*

Governor: I respectfully state that, on Monday morning last, the company of militia known as the "Carmel Hill Company" was attacked by a portion of the organization styled "Ku Klux," and after a running fight, lasting nearly three days, arrived in close proximity to this place. The sheriff of this county was notified of the coming of this company and he at once summoned a *posse* and proceeded to arrest and disarm the members thereof. The company, consisting of two commissioned officers and sixteen men, were brought into town this evening and are now confined in the county jail, to which I have sent a guard of United States troops to remain during the night to prevent violence to the prisoners. At daybreak tomorrow these prisoners will be turned over by the sheriff to me, and I shall hold them subject to your orders.

I also respectfully state that the arms taken from this company are being used this night in picketing the roads leading from this place.

I respectfully request that thirty days' rations for twenty men be sent here without delay to subsist the members of the above-mentioned company until an opportunity offers for their return to their homes

Answer by telegram if you intend to subsist these men until they can go to their homes in safety.

I respectfully suggest that five thousand rounds of ammunition be sent from your arsenal for the use of this company, as they must rely upon their personal courage for that protection which it seems cannot be obtained in any other manner until civil law regulates itself in this county.

Very respectfully,

JOHN CHRISTOPHER

Captain Eighth United States Infantry.

His Excellency R. K. Scott, *Governor South Carolina,*

Columbia, South Carolina.

Headquarters Camp Sherman,

March 9, 1871.

Sir: I have the honor to state for your official information that the arms taken from the militia company, now under your custody, were used last night for the purpose of guarding the principal roads leading to Yorkville, for the purpose of preventing the prisoners taken by you from reaching their homes in safety in case of their discharge; that this guard consists of the same illegal, unknown, and armed band that made the raid upon the office of the county treasurer.

I respectfully suggest that the civil authorities of York county see that the arms taken by the *posse comitatus* be sent to my camp by sunset today, and in addition, I respectfully suggest that the civil authorities of your county see that the roads leading to Yorkville are not picketed by the existing organization that call themselves the "Ku Klux" or "Council of Safety." I have requested his Excellency, the Governor of this State, by a special message, to subsist these men until these roads are open,

I am, very respectfully, &c.,

JOHN CHRISTOPHER

Captain Eighteenth United States Infantry.

Sheriff R. H. Glenn, *York County, South Carolina.*

Since the date of the publication of that circular many of the officers in the upper counties have resigned in obedience to the Ku Klux mandate, while others have fled to the capital of the State for security.

Now, sir, I have presented a few of the manifold proofs that, did time allow, I could at once present in support of the facts warranting the passage of this bill. I have shown the declared purpose of the Ku Klux organization, and I refer to the official records of nearly every southern State during the past ten months to show how that bloody purpose has been in part executed. This bill will tend in some degree to prevent its full achievement.

I do not wish to be understood as speaking for the colored man alone when I demand instant protection for the loyal men of the South. No, sir, my demand is not so restricted. In South Carolina alone, at the last election, twelve thousand of the working white men in good faith voted the Republican ticket, openly arraying themselves on the side of free government. This class have discovered that the same beneficent system that emancipates the laborer of the one race secures the freedom of the other. They understand that the shackle that bound the arms of the black man threw a deep shadow on the path of the laboring white. The white Republican of the South is also hunted down and murdered or scourged for his opinion's sake, and during the past two years more than six hundred loyal men of both races have perished in my State alone.

Yet, sir, it is true that these masked murderers strike chiefly at the black race. And here I say that every southern gentleman should blush with shame at this pitiless and cowardly persecution of the negro. If the former master will yield no obedience to the laws of the land he should at least respect the claims of common gratitude. To him I say that the negro, whom you now term a barbarian, unfit for and incapable of self-government, treated you in the day of your weakness with a forbearance and magnanimity unknown before in the history of a servile population. In the dark days of the war, when your strong men were far to the front, the negro, with no restraint save his own self-control, tilled your fields and kept watch and ward over your otherwise unprotected dwellings. He guarded the person of your wife, the chastity of your daughter, and the helpless infancy of your children. Nobly suppressing the manhood that burned within him, he learned "to labor and to wait," and exhibited through all his weary years of suffering and unrequited toil--

"That calm reliance upon God

For Justice in His own good Time,

That gentleness to which belongs,

Forgiveness for its many wrongs."

And how do you requite him now? Be it said to the shame of your boasted chivalry among men of honor in every land, simply because he exercises his privileges as an American Freeman, you would drive him into exile with the pitiless lash or doom him to swift murder, seeking your revenge for political power lost by moving at midnight along the path of the assassin!

It is the custom, sir, of Democratic journals to stigmatize the negroes of the South as being in a semi-barbarous condition; but pray tell me, who is the barbarian here, the murderer or his victim? I fling back in the teeth of those who make it this most false and foul aspersion upon the negro of the southern States. I thank God that in the darkest chapters in the history of my race there is no such record as that unfolded by the dread annals that tell the story of the long-protracted horrors of Andersonville.

I trust, sir, that this bill will pass quickly, and be quickly enforced. History teaches us that the adequate

policy is the best. In one section of the Union crime is stronger than law. Murder, unabashed, stalks abroad in many of the southern States. If you cannot now protect the loyal men of the South, then have the loyal people of this great Republic done and suffered much in vain, and your free Constitution is a mockery and a snare.

It is recorded that on the entry of Louis XVIII into Paris, after the fall of the great Napoleon, an old marshal of the empire who stood in the vast throng, unknown, was addressed by an ardent Bourbon who expatiated on the gorgeous splendors that marked the scene, and exclaimed: "Is not this grand? Is it not magnificent?" "What is there wanting to the occasion?" "Nothing," said the war-worn veteran, as his mind wandered over Lodi and Wagram and Austerlitz, and the hundred other fields of victory where he struck beneath the eagles of his now fallen chief. "Nothing," he answered with tremulous voice; "nothing is wanting to the occasion but the presence of the brave men who died to prevent it."

Such, sir, will be the bitter reflection of all loyal men in this nation, if the Democratic party shall triumph in the States of the South through armed violence.

* * * *

Representative Joseph H. Rainey, speaking on April 1, 1871, to explain how the Ku Klux Klan's actions limit African-American people's participation in the political process. [\(3\)](#)

Mr. RAINEY. Mr. Speaker, in approaching the subject now under consideration I do so with a deep sense of its magnitude and importance, and in full recognition of the fact that a remedy is needed to meet the evil now existing in most of the southern States, but especially in that one which I have the honor to represent in part, the State of South Carolina. The enormity of the crimes constantly perpetrated there finds no parallel in the history of this Republic in her very darkest days. There was a time when the early settlers of New England were compelled to enter the fields, their homes, even the very sanctuary itself, armed to the full extent of their means. While the people were offering their worship to God within those humble walls their voices kept time with the tread of the sentry outside. But, sir, it must be borne in mind that at the time referred to civilization had but just begun its work upon this continent. The surroundings were unpropitious, and as yet the grand capabilities of this fair land lay dormant under the fierce tread of the red man. But as civilization advanced with its steady and resistless sway it drove back those wild cohorts and compelled them to give way to the march of improvement. In course of time superior intelligence made its impress and established its dominion upon this continent. That intelligence, with an influence like that of the sun rising in the east and spreading its broad rays like a garment of light, gave life and gladness to the dark, and barbaric land of America.

Surely, sir, it were but reasonable to hope that this sacred influence should never have been overshadowed, and that in the history of other nations, no less than in our own past, we might find beacon-lights for our guidance. In part this has been realized, and might have reached the height of our expectations if it had not been for the blasting effects of slavery, whose deadly pall has so long spread its folds over this nation, to the destruction of peace, union, and concord. Most particularly has its baneful influence been felt in the South, causing the people to be at once restless and discontented. Even now, sir, after the great conflict between slavery and freedom, after the triumph achieved at such a cost, we can yet see the traces of the disastrous strife and the remains of disease in the body-politic of the South. In proof of this witness the frequent outrages perpetrated upon our loyal men. The prevailing spirit of the Southron is either to rule or to ruin. Voters must perforce succumb to their wishes or else risk life itself in the attempt to maintain a simple right of common manhood.

The suggestions of the shrewdest Democratic papers have proved unavailing in controlling the votes of the loyal whites and blacks of the South. Their innuendoes have been evaded. The people emphatically decline

to dispose of their rights for a mess of pottage. In this particular the Democracy of the North found themselves foiled and their money needless. But with a spirit more demon-like than that of a Nero or a Caligula, there has been concocted another plan, destructive, ay, diabolical in its character, worthy only of hearts without regard for god or man, fit for such deeds as those deserving the name of men would shudder to perform. Is it asked, what are those deeds? Let those who liberally contributed to the supply of arms and ammunition in the late rebellious States answer the question. Soon after the close of the war there had grown up in the South a very widely-spread willingness to comply with the requirements of the law. But as the clemency and magnanimity of the General Government became manifest once again did the monster rebellion lift its hydra head in renewed defiance, cruel and cowardly, fearing the light of day, hiding itself under the shadow of the night as more befitting its bloody and accursed work. I need not, Mr. Speaker, recite here the murderous deeds committed both in North and South Carolina. I could touch the feelings of this House by the story of widows and orphans now wandering amid the ravines of the rural counties of my native State seeking protection and maintenance from others who are yet unable, on account of their own poverty, to grant them aid. I could dwell upon the sorrows of poor women, with their helpless infants, cast upon the world, homeless and destitute, deprived of their natural protectors by the red hand of the midnight assassin. I could appeal to you, members upon this floor, as husbands and fathers, to picture to yourselves the desolation of your own happy firesides should you be suddenly snatched away from your loved ones. Think of gray-haired men, whose fourscore years are almost numbered, the venerated heads of peaceful households, without warning murdered for political opinion's sake. In proof I send to the desk the following article and ask the clerk to read. It is taken from the Spartanburg (South Carolina) Republican, March 29, 1871.

The Clerk read as follows:

"Horrible Attempt at Murder by Disguised Men.-- One of the most cowardly and inhuman attempts at murder known in the annals of crime was made last Wednesday night, the 22^d instant, by a band of disguised men upon the person of Dr. J. Winsmith at his home about twelve miles from town. The doctor, a man nearly seventy years of age, had been to town during the day and was seen and talked with by many of our citizens. Returning home late, he soon afterward retired, worn out and exhausted by the labors of the day. A little after midnight he was aroused by someone knocking violently at his front door. The knocking was soon afterward repeated at his chamber door, which opens immediately upon the front yard. The doctor arose, opened the door, and saw two men in disguise standing before him. As soon as he appeared one of the men cried out, "Come on, boys! Here's the damned old rascal." The doctor immediately stepped back into the room, picked up two single-barreled pistols lying upon the bureau, and returned to the open door. At his reappearance the men retreated behind some cedar trees standing in the yard. The doctor, in his night clothes, boldly stepped out into the yard and followed them. On reaching the trees he fired, but with what effect he does not know. He continued to advance, when twenty or thirty shots were fired at him by men crouched behind an orange hedge. He fired his remaining pistol and then attempted to return to the house. Before reaching it, however, he sank upon the ground exhausted by the loss of blood, and pain, occasioned by seven wounds which he had received in various parts of his body. As soon as he fell the assassins mounted their horses and rode away.

"The doctor was carried into the house upon a quilt, borne by his wife and some colored female servants. The colored men on the premises fled on the approach of the murderers, and the colored women being afraid to venture out, Mrs. Winsmith herself was obliged to walk three quarters of a mile to the house of her nephew, Dr. William Smith, for assistance. The physician has been with Dr. Winsmith day and night since the difficulty occurred, and thinks, we learn, that there is a possible chance of the doctor's recovery.

"The occasion of this terrible outrage can be only the fact that Dr. Winsmith is a republican. One of the largest land-holders and tax-payers in the country, courteous in manner, kind in disposition, and upright and just in all his dealings with his fellow-men, he has ever been regarded as one of the leading citizens in the county. For many years prior to the war he represented the people in the Legislature, and immediately after the war he was sent to the senate. Because he has dared become a Republican, believing that in the doctrines of true republicanism only can the state and country find lasting peace and prosperity, he has become the doomed victim of the murderous Ku Klux Klan.

"The tragedy has cast a gloom over the entire community, and while we are glad to say that it has generally been condemned, yet we regret to state that no step has yet been taken to trace out and punish the perpetrators of the act. The judge of this circuit is sitting on his bench; the machinery of justice is in working order; but there can be found no hand bold enough to set it in motion. The courts of justice seem paralyzed when they have to meet such issues as this. Daily reports come to us of men

throughout the country being whipped; of school-houses for colored children being closed, and of parties being driven from their houses and their families. Even here in town there are some who fear to sleep at their own homes and in their own beds. The law affords no protection for life and property in this county, and the sooner the country knows it and finds a remedy for it, the better it will be. Better a thousand times the rule of the bayonet than the humiliating lash of the Ku Klux and the murderous bullet of the midnight assassin."

MR. RAINEY. The gentleman to whom reference is made in the article read, is certainly one of the most inoffensive individuals I have ever known. He is a gentleman of refinement, culture, and sterling worth, a Carolinian of the old school, an associate of the late Hon. John C. Calhoun, being neither a pauper nor a pensioner, but living in comparative affluence and ease upon his own possessions, respected by all fair-minded and unprejudiced citizens who knew him. Accepting the situation, he joined the Republican party in the fall of 1870; and for this alliance, and this alone, he has been vehemently assailed and murderously assaulted. By all the warm and kindly sympathies of our common humanity, I implore you to do something for this suffering people, and stand not upon the order of your doing. Could I exhume the murdered men and women of the South, Mr. Speaker, and array their ghastly forms before your eyes, I should not need remove the mantle from them, because their very presence would appeal, in tones of plaintive eloquence, which would be louder than a million tongues. They could indeed--

"A tale unfold whose lightest word

would harrow up thy soul."

It has been asserted that protection for the colored people only has been demanded; and in this there is a certain degree of truth, because they are noted for their steadfastness to the Union and the cause of liberty as guarantied by the Constitution. But, on the other hand, this protection is equally desired for those loyal whites, some to the manner born, others who, in the exercise of their natural rights as American citizens, have seen fit to remove thither from other sections of the States, and who are now undergoing persecution simply on account of their activity in carrying out Union principles and loyal sentiments in the South. Their efforts have contributed largely to further reconstruction and the restoration of the southern States to the old fellowship of the Federal compact. It is indeed hard that their reward for their well-meant earnestness should be that of being violently treated, and even forced to flee from the homes of their choice. It will be a foul stain upon the escutcheon of our land if such atrocities be tamely suffered longer to continue.

In the dawn of our freedom our young Republic was widely recognized and proudly proclaimed to the world the refuge, the safe asylum of the oppressed of all lands. Shall it be said that at this day, through mere indifference and culpable neglect, this grand boast of ours is become a mere form of words, an utter fraud? I earnestly hope not! And yet, if we stand with folded arms and idle hands, while the cries of our oppressed brethren sound in our ears, what will it be but a proof to all men that we are utterly unfit for our glorious mission, unworthy our noble privileges, as the greatest of republics, the champions of freedom for all men? I would that every individual man in this whole nation could be aroused to a sense of his own part and duty in this great question. When we call to mind the fact that this persecution is waged against men for the simple reason that they dare vote with the party which has saved the Union intact by the lavish expenditure of blood and treasure, and has borne the nation safely through the fearful crisis of these last few years, our hearts swell with an overwhelming indignation.

The question is sometimes asked, Why do not the courts of law afford redress? Why the necessity of appealing to Congress? We answer that the courts are in many instances under the control of those who are wholly inimical to the impartial administration of law and equity. What benefit would result from appeal to tribunals whose officers are secretly in sympathy with the very evil against which we are striving?

But to return to the point in question. If the negroes, numbering one-eighth of the population of these United States, would only cast their votes in the interest of the Democratic party, all open measures against them would be immediately suspended, and their rights, as American citizens, recognized. But as to the real

results of such a state of affairs, and speaking in behalf of those with whom I am conversant, I can only say that we love freedom more, vastly more, than slavery; consequently we hope to keep clear of the Democrats!

In most of the arguments to which I have listened the positions taken are predicated upon the ground of the unconstitutionality of the bill introduced by the gentleman from Ohio,

(Mr. SHELLABARGER.) For my part, I am not prepared, Mr. Speaker, to argue this question from a constitutional standpoint alone. I take the ground that, in my opinion, lies far above the interpretation put upon the provisions of the Constitution. I stand upon the broad plane of right; I look to the urgent, the importunate demands of the present emergency; and while I am far from advocating any step not in harmony with that sacred law of our land, while I would not violate the lightest word of that chart which has so well guided us in the past, yet I desire that so broad and liberal a construction be placed upon its provisions as will insure protection to the humblest citizen, without regard to rank, creed, or color. Tell me nothing of a constitution which fails to shelter beneath its rightful power the people of a country!

I believe when the fathers of our country framed the Constitution they made the provisions so broad that the humblest, as well as the loftiest citizen, could be protected in his inalienable rights. It was designed to be, and is, the bulwark of freedom, and the strong tower of defense, against foreign invasion and domestic violence. I desire to direct your attention to what is imbodyed in the preamble, and would observe that it was adopted after a liberal and protracted discussion on every article composing the great American Magna Charta. And like a keystone to an arch it made the work complete. Here is what it declares:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

If the Constitution which we uphold and support as the fundamental law of the United States is inadequate to afford security to life, liberty, and property--if, I say, this inadequacy is proven, then its work is done, then it should no longer be recognized as the Magna Charta of a great and free people; the sooner it is set aside the better for the liberties of the nation. It has been asserted on this floor that the Republican party is answerable for the existing state of affairs in the South. I am here to deny this, and to illustrate, I will say that in the State of South Carolina there is no disturbance of an alarming character in any one of the counties in which the Republicans have a majority. The troubles are usually in those sections in which the Democrats have a predominance in power, and, not content with this, desire to be supreme.

I say to the gentlemen of the Opposition, and to the entire membership of the Democratic party, that upon your hands rests the blood of the loyal men of the South. Disclaim it as you will the stain is there to prove your criminality before God and the world in the day of retribution which will surely come. I pity the man or party of men who would seek to ride into power over the dead body of a legitimate opponent.

It has been further stated that peace reigned in the rebellious States from 1865 until the enactment of the reconstruction laws. The reason of this is obvious. Previous to that time they felt themselves regarded as condemned traitors, subject to the penalties of the law. They stood awaiting the sentence of the nation to be expressed by Congress. Subsequently the enactments of that body, framed with a spirit of magnanimity worthy a great and noble nation, proved that, far from a vindictive course, they desired to deal with them with clemency and kindness. This merciful plan of action proved to be a mistake, for cowardice, emboldened by the line of policy of the President, began to feel that judgment long delayed meant forgiveness without repentance. Their tactics were changed, and again a warlike attitude was assumed, not indeed directly against the General Government, but against those who upon southern soil were yet the staunch supporters of its powers. Thus is it evident that if only the props which support such a fabric could be removed the structure must necessarily fall, to be built again by other hands. This is the animus of the Ku

Klux Klan, which is now spreading devastation through the once fair and tranquil South.

If the country there is impoverished it has certainly not been caused by the fault of those who love the Union, but it is simply the result of a disastrous war madly waged against the best Government known to the world. The murder of unarmed men and the maltreating of helpless women can never make restitution for the losses which are the simply inevitable consequence of the rebellion. The faithfulness of my race during the entire war, in supporting and protecting the families of their masters, speaks volumes in their behalf as to the real kindness of their feelings toward the white people of the South.

In conclusion, sir, I would say that it is in no spirit of bitterness against the southern people that I have spoken today. There are many among them for whom I entertain a profound regard, having known them in former and brighter days of their history. I have always felt a pride in the prestige of my native State, noted as she has been for her noble sons, with their lofty intellect or tried statesmanship. But it is not possible for me to speak in quiet and studied words of those unworthy her ancient and honorable name, who at this very day are doing all they can do to deface her fair records of the past and bring the old State into disrepute.

I can say for my people that we ardently desire peace for ourselves and for the whole nation. Come what will, we are fully determined to stand by the Republican party and the Government. As to our fate, "we are not wood, we are not stone," but men, with feelings and sensibilities like other men whose skin is of a lighter hue.

When myself and colleagues shall leave these Halls and turn our footsteps toward our southern homes we know not but that the assassin may await our coming, as marked for his vengeance. Should this befall, we would bid Congress and our country to remember that 'twas--

"Bloody treason flourish'd over us."

Be it as it may, we have resolved to be loyal and firm, "and if we perish, we perish!" I earnestly hope the bill will pass.

* * * *

Representative Robert C. De Large of South Carolina speaking on April 6, 1871 to address denials of violent and non legitimate actions against blacks in the South, as well as the assertion that the Bill interferes with the states' internal affairs. [\(4\)](#)

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SPEECH OF HON. R. C. DE LARGE,

OF SOUTH CAROLINA,

In the House of Representatives,

April 6, 1871.

The House having under consideration the bill (H.R. No. 320) to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes--

Mr. DE LARGE said:

Mr. Speaker: I had supposed that in the consideration of this matter of legislation for the South party lines would not have been so distinctly drawn, but that we would have at least first endeavored to ascertain

whether or not there was any necessity for the legislation, and then decide what kind of legislation would be best. I say I did not expect that party lines would be drawn so distinctly while considering a matter of such grave import.

I believe that if there was a single gentleman upon the floor of this House who, before the commencement of this debate, doubted that lawlessness, confusion, and anarchy existed in some portions of the South, he is at least cured of that doubt by this time. Gentlemen upon both sides of the House have in their speeches acknowledged, and, by the evidence produced, proven to my satisfaction, and, I believe, to the satisfaction of a majority of the members of this House, that such a state of affairs does exist in some portions of the southern States.

I am free to say that none can bring the charge to my door of ever having acted in a manner that would be termed illiberal. I am also free to say that I, like other gentlemen upon the floor of this House, have the honor of representing a district in which no case of outlawry has ever occurred. Since the time of reconstruction no outrage has been committed in my district; and I say frankly to you today that until within the last few months no one upon the face of God's earth could have convinced me that any secret organization existed in my state for the purpose of committing murder, arson, or other outrages upon the lives, liberty, and property of the people; and, sir, I sincerely deplore and lament the abundance of that evidence which so plainly proves the existence of such an organization today. Would to God, sir, that the fair fame of the State of my birth, and which I have the honor in part to represent, had not been marred by the wicked deeds of these outlaws, who shrink from no cruelty, who spare no sex nor station to carry out their devilish purposes.

But, sir, I cannot shut my eyes to facts; I cannot refuse to yield my faith to tales of horror so fully proven; and I am thoroughly convinced that it is necessary to do something to cure these awful wrongs. I am free to admit that neither the Republicans of my State nor the Democrats of that State can shake their garments and say that they have had no hand in bringing about this condition of affairs. Both parties are responsible for it. As a member of the Republican party I may state, while demanding legislation on behalf of all the citizens there, that both parties to a considerable extent are responsible for this condition of things. Sir, it is necessary that we should legislate upon this subject. The Governor of my State has called upon the Executive of this country for assistance and protection. He has stated distinctly in that call that he is unable to preserve the public peace in some districts of that State. That is something which we must all admit. That is not denied by the Democrats of South Carolina. Some of them doubtless rejoice in this, because they can throw the blame, as they think, upon the administration of the State, which is in the hands of their political foes. It is not now the question, what is the cause which has brought about this condition of affairs? It is useless, except for the purpose of gaining partisan credit or fixing partisan odium, now to charge the blame here or there. But, sir, the naked facts stare us in the face, that this condition of affairs does exist, and that it is necessary for the strong arm of the law to interpose and protect the people in their lives, liberty, and property.

Just here allow me to make a suggestion. If the gentlemen on this side of the House propose to legislate for the benefit of the people of the South, I tell them, and say it fully conscious of the responsibility that rests upon me in saying it, that while legislation is necessary, yet unless they are ready to concede along with this legislation for the protection of the loyal people of the South some accompanying measure to go hand in hand with this and remove as far as in our power rests some of the evils that have brought about the existing condition of things, neither this legislation nor any other that you may pass from now until the hour of doom will be of any benefit. I speak knowing what I say.

Mr. Speaker, when the Governor of my State the other day called in council the leading men of that State, to consider the condition of affairs there and to advise what measure would be best for the protection of the people, whom did he call together? The major portion of the men whom he convened were men resting

under political disabilities imposed by the fourteenth amendment. In good faith I ask gentlemen on this side of the House, and gentlemen on the other side, whether it is reasonable to expect that these men should be interested, in any shape or form, in using their influence and best endeavors for the preservation of the public peace, when they have nothing to look for politically in the future? You say they should have the moral and material interest of their State at heart, though even always to be denied a participation in its honors. You may insist that the true patriot seeks no personal ends in the acts of patriotism. All this is true; but, Mr. Speaker, men are but men everywhere, and you ought not to expect of those whom you daily call by opprobrious epithets, whom you daily remind of their political sins, whom you persistently exclude from places of the smallest trust in the government you have created, to be very earnest to cooperate with you in the work of establishing and fortifying governments set up in hostility to the whole tone of their prejudices, their convictions, and their sympathies. What ought to be is one thing, what in the weakness and fallibility of human nature will be is quite another thing. The statesman regards the actual and acts upon it; the desirable, the possible, and even the probable furnishes but poor basis for political action.

If I had time I would enumerate some of the causes which have brought about the existing state of affairs. I am not here to apologize for murderers; I am not here to defend any one who has committed any act of impropriety or wrong. But, sir, it is a fact, I do not give it as any or even the slightest excuse for the Democrats of my State, who, by their influence secretly or by joining in armed organization, have brought about this condition of affairs--it is a fact, unfortunately for us, that our party had done some things which give color to the charge that it is responsible to some degree for the evils which afflict us.

When I heard the gentleman from New York [Mr. Cox] on Tuesday last hurl his shafts against the members of my race, charging that through their ignorance they had brought about these excesses, I thought he should have remembered that for the ignorance of that portion of the people he and his party associates are responsible, not those people themselves. While there may have been extravagance and corruption resulting from the placing of improper men in official positions--and this is part of the cause of the existing state of things--these evils have been brought about by men identified with the race to which the gentleman from New York belongs, and not by our race.

Many men like himself, in order to get a better position in society or officially, came down among us, and, not knowing them, we placed them in position. If we, through ignorance, have placed them in position, have placed them in power, and they have deceived us, it is no fault of ours. In this connection I desire to have read a part of the remarks of the gentleman from New York on Tuesday last.

The Clerk read as follows:

"South Carolina has been infested by the worst local government ever vouchsafed to a people. Ignorance, bribery, and corruption are common in her Legislature. Bonds by the million are issued, the public debt increased, and nothing to show for it. The debt in 1860 was but \$3,691,574. It was last year \$11,429,711; and this year no one knows whether it is twenty or thirty millions, nor how much is counterfeit or genuine! Her rulers contrived new burdens in order to blunder more. On a full valuation of real and personal property of \$183,913,367 the people pay this year sixteen mills on the dollar as a State tax and four mills county tax.

"This is for 1870 and 1871, and amounts in all to \$4,095,047, to which \$300,000 is to be added for poll tax. In other words, the value of the property is reduced from \$489,000,000 before the war to \$186,000,000, and the tax raised from \$400,000 to \$4,250,000, or ten times as much. It is two and a half per cent, on a full valuation, and only chronic insecurity and disorder as the consideration! This is done by those who pay no taxes, who squander what is paid, who use the means to arm negro militia and create a situation of terror, from which men rush into secret societies for defense of homes, mothers, sisters, wives, and children.

"Add to these grievances the intolerable exactions of the Federal Government, not only in taxes, but in laws, and it should give us pause before we place that people at the mercy of an inferior race, a vindictive party, a court-martial, and a hostile President. The people in their agony in that State actually clamored for United States troops to save them from the rapacity and murder of the negro Bands and their white allies. Can we not understand why men, born free, should rise, or, if not rise

with safety, that they are compelled to hide in Ku Klux or other secret clans, and strike against this ruin and desolation, speculation and violence, and that, too, when it is done by those who are not of their race and but lately in their midst?"

Mr. DE LARGE. I desire to correct the statement made by the gentleman from New York, that the State tax of South Carolina for 1870 is only nine mills on the dollar, for 1871, seven mills, not, as he states, sixteen mills. I have already alluded to the ignorance referred to in the gentleman's remarks. Before closing I desire to say that I hope the House will adopt the substitute of the gentleman from Ohio. I am prepared to vote for that substitute, while I am free to admit that I did not intend to vote for the bill as originally reported.

1. Cong. Globe, 42nd Cong., 1st Sess. 338-339 (1871)

2. Cong. Globe, 42nd Cong., 1st Sess. 389-392 (1871)

3. Cong. Globe, 42nd Cong., 1st Sess. 393-395 (1871)

4. Cong. Globe, 42nd Cong., 1st Sess., Appendix 230-231 (1871)