

Neglected Voices

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

Representative Joseph H. Rainey, Republican of South Carolina, speaking on December 19, 1873 in response to an argument that the Bill was unconstitutional under the reasoning of The Slaughter-House Cases and pernicious in that it gave "large numbers of colored persons" the opportunity "to demand their rights in the most offensive form":

Mr. RAINEY. Mr. Speaker, I did not expect to participate in this debate at this early period; and I would have preferred to wait until I should have had a full exposition of the opinions entertained by the other side of the House. I know, sir, that gentlemen on the other side have professed a great deal of friendship for the race to which I belong; and in the last presidential election they pledged themselves that they would accord to the negroes of this country all the rights that were given to other citizens. I am somewhat surprised to perceive that on this occasion, when the demand is made upon Congress by the people to guarantee those rights to a race heretofore oppressed, we should find gentlemen on the other side taking another view of the case from that which they professed in the past. The gentleman from Kentucky [Mr. BECK] has taken a legal view of this question, and he is undoubtedly capable of taking that view. I am not a lawyer, and consequently I cannot take a legal view of this matter, or perhaps I cannot view it through the same optics that he does. I view it in the light of the Constitution--in the light of the amendments that have been made to that Constitution; I view it in the light of humanity; I view it in the light of the progress and civilization which are now rapidly marching over this country. We, sirs, would not ask of this Congress as a people that they should legislate for us specifically as a class if we could only have those rights which this bill is designed to give us accorded us without this enactment. I can very well understand the opposition to this measure by gentlemen on the other side of the House, and especially of those who come from the South. They have a feeling against the negro in this country that I suppose will never die out. They have an antipathy against that race of people, because of their loyalty to this Government, and because at the very time when they were needed to show their manhood and valor they came forward in defense of the flag of the country and assisted in crushing out the rebellion. They, sir, would not give to the colored man the right to vote or the right to enjoy any of those immunities which are enjoyed by other citizens, if it had a tendency to make him feel his manhood and elevate him above the ordinary way of life. So long as he makes himself content with ordinary gifts, why it is all well; but when he aspires to be a man, when he seeks to have the rights accorded him that other citizens of the country enjoy, then he is asking too much, and such gentlemen as the gentleman from Kentucky are not willing to grant it.

The gentleman from Kentucky says that the Constitution has prescribed what rights we ought to have and to enjoy. I ask the gentleman, in the light of the Constitution, if he can say to the House today conscientiously, if he can say to the country conscientiously, that the rights which are guaranteed by the Constitution are given to the negroes in the State of Kentucky? I should like to know if they enjoy those immunities and those rights there. Why, I saw not long since a measure pending--and it was pending during the last Congress--to deprive the negroes of Kentucky of the right of suffrage. They do not want any enactment by Congress that will have a tendency to elevate the negro and make him feel that he is a man and an American citizen. Just so long as you will let Kentucky and the other Southern States, and some of the Northern and Western States, mete out to us what they think we ought to have, and we receive it without

objection, we are good, clever fellows; but just as soon as we begin to assert our manhood and demand our rights we are looked upon as men not worthy to be recognized, we become objectionable, we become obnoxious, and we hear this howl about social equality.

Now gentlemen, let me say the negro is not asking social equality. We do not ask it of you, we do not ask of the gentleman from Kentucky that the two races should intermarry one with the other. God knows we are perfectly content. I can say for myself that I am contented to be what I am so long as I have my rights; I am contented to marry one of my own complexion, and do not seek intercourse with any other race, because I believe that the race of people I represent, to the extent of the opportunities which they have had, and considering how recently they have escaped from the oppression and wrongs committed upon them, are just as virtuous and hold just as many high characteristics as any class in the country. I think the statistics will prove that there is as much virtue among the negroes as among the whites. Sir, we are not seeking to be put on a footing of social equality. I prefer to choose my own associates, and all my colleagues here and the whole race I belong to prefer to make that choice. We do not ask the passage of any law forcing us upon anybody who does not want to receive us. But we do want a law enacted that we may be recognized like other men in the country. Why is it that colored members of Congress cannot enjoy the same immunities that are accorded to white members? Why cannot we stop at hotels here without meeting objection? Why cannot we go into restaurants without being insulted? We are here enacting laws for the country and casting votes upon important questions; we have been sent here by the suffrages of the people, and why cannot we enjoy the same benefits that are accorded to our white colleagues on this floor?

I say to you gentlemen, that this discrimination against the negro race in this country is unjust, is unworthy of a high-minded people whose example should have a salutary influence in the world. I am very much surprised at the gentleman from Kentucky [Mr. BECK] making these objections and urging them upon this House. I had supposed that, having had an opportunity during the past summer to return to the land that gave him birth, and to breathe the free atmosphere among the hills of Old Scotland, he would return to the land of his adoption with a generous spirit and open heart, ready to accord to the negro in this country the rights that belong to him as a citizen. But, returning as he does to the soil of America, he comes back with the same deep-rooted prejudice against the race to which I belong, and stands up here today and declares that if we be permitted to enter free schools or the public institutions in this country it can only be by the power of the bayonet, because it would create insurrection and rebellion in the Southern States.

Sir, why does it not create insurrection and rebellion in the East? Why not in Ohio and in other parts of the country where these rights are now accorded to us? We have a great many, but not all, of our rights in South Carolina, and there is no rebellion there. In the legislature of South Carolina I find democrats voting for the civil-rights bill. It is upon this floor that I find men who talk about the South being oppressed, rather than those who have an opportunity at home to give an expression to their opinion.

I say to you, gentlemen, that you are making a mistake. Public opinion is aroused on this question. I tell you that the negro will never rest until he gets his rights. We ask them because we know it is proper, not because we want to deprive any other class of the rights and immunities they enjoy, because they are granted to us by the law of the land. Why this discrimination against us when we enter public conveyances or places of public amusement? Why is a discrimination made against us in the churches; and why in the cemeteries when we go to pay that last debt of nature that brings us all upon a level?

Gentlemen, I say to you this discrimination must cease. We are determined to fight this question; we believe the Constitution gives us this right. All of the fifteen amendments made to the Constitution run down in one single line of protecting the rights of the citizens of this country. One after another of those amendments give these rights to citizens; step by step these rights are secured to them. And now we say to you that if you will not obey the Constitution, then the power is given by that Constitution for the enactment of such a law as will have a tendency to enforce the provisions thereof.

Mr. Speaker, I will reserve much that I have to say upon this question for another time. I feel grateful to the gentleman from New York [Mr. WOODFORD] for having accorded to me so much of his time and to the House for its indulgence.[\(1\)](#)

1. 2 Cong. Rec. 343-344 (1874).