

Neglected Voices

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

Representative Josiah T. Walls, responding on January 6, 1874, to arguments that the Bill is unconstitutional and an inflammatory effort to enforce social equality:

Mr. WALLS. Mr. Speaker, the legend, Liberty, Equality, and Fraternity, has been well chosen in the past as the watch-word of people seeking a higher plane of manhood, and a broader comprehension of the earthly destiny of the human family.

In our own time and country, under an advanced and advancing civilization, there is something more than sentiment in this glittering generality; and in addition to its broader definitions, as interpreted by the republicanism of the past, the leavening influences of even-handed justice gives it a tangible significance alike elevating to the citizens and institutions of the Republic.

In presenting the claim for equal public rights for all citizens, though in behalf of a class who, in common with another class, labor under disabilities, it is but just to assume that the effort is made more in the interest of the Republic and its progress than for the benefit of the people for whose immunity from wrong the movement is seemingly inaugurated.

The Federal Constitution as amended, wisely provides, (Article 14, section 3:)

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, * * * nor deny to any person within its jurisdiction the equal protection of the laws.

Admitting, for the sake of reaching the gist of the matter, that no State attempts to make or enforce laws abridging the privileges or immunities of citizens of the United States, yet it remains to be demonstrated whether there is a denial, tacit or direct, to any person in any State of the equal protection of all law. If so, then the spirit of the provisions of the fourteenth article of amendment to the Federal Constitution is violated, and there is need for the appropriate legislation for the enforcement of the same as provided for in section 5 of said article.

It may be said that there are no positive statutes prohibiting the enjoyment of all public rights by all citizens whose comfort and convenience may be lessened by such prohibition, and who tender the equivalent fixed by law or custom for public facilities.

But if it is found that this denial is made--and I apprehend it is easy of demonstration--by corporations or individuals who exist at the will of the State, then there is need of additional legislation to enforce the spirit of the provisions of the Federal Constitution as amended.

Men may concede that public sentiment, and not law, is the cause of the discrimination of which we justly complain and the resultant disabilities under which we labor.

If this be so, then such public sentiment needs penal correction, and should be regulated by law. Let it be

decidedly understood, by appropriate enactment, that the individual rights, privileges, and immunities of the citizens, irrespective of color, to all facilities afforded by corporations, licensed establishments, common carriers, and institutions supported by the public, are sacred, under the law, and that violations of the same will entail punishment safe and certain.

We will then hear no more of a public sentiment that feeds upon the remnants of the rotten dogmas of the past, and seeks a vitality in the exercise of a tyranny both cheap and unmanly.

Let equity founded in justice, honesty, and right--the soul and spirit of the law--be prescribed by the superior power of the Government, and the inferior compelled to obey. It is the duty of the men of today, in whose hands is intrusted the destiny of the Republic, to remove from the path of its upward progress every obstacle which may impede its advance in the future. And while respectfully demanding at their hands the removal of disabilities from colored citizens, we as earnestly commend that all other citizens enjoy the full rights of American citizenship and that the last vestige of our internal revolution be removed by general amnesty.

That social equality will follow the concession of equal public rights is about as likely as that danger will come to the Republic because of a general amnesty. None present this unreasonable and unnatural argument but those whose political life depends upon the existence of a baseless prejudice wholly unworthy a civilized country and disgraceful to the American people; which, galvanized into fitful life at periodical intervals to accomplish the purposes of individuals whose patriotism and love of country is measured by personal aggrandizement, creates the imperative need of additional legislation.

That the relations of the races will be changed by meting out simple justice to the colored citizen, without infringing upon the rights of any class, is the clap-trap addressed to the ignorant and vicious, and finds no response in the American heart, which in its best impulses rises superior to all groveling prejudices.

In obedience to the exalted sentiment which impelled emancipation, enfranchisement, and equal political equality in the adoption of the thirteenth, fourteenth, and fifteenth articles of amendment to the Federal Constitution, the nation, through its law-makers, was true to itself and its traditions; and the wisdom of the legislation incorporated in the three several amendments which jointly provide that Congress shall have power to enforce the provisions of these articles by appropriate legislation, is fully worthy the lofty patriotism of the men who were morally brave enough to rise superior to a petty and unworthy prejudice of race, and who were as distinctively American in their representative character as any public men who have enjoyed the confidence and led the public sentiment of the American nation.

It is for this appropriate legislation we plead--for the enforcement of the spirit as well as the letter of the provisions, whose operation disenthralled and regenerated a nation of men who without this needed legislation will not have a fair opportunity to demonstrate their fitness for American citizenship, and to whom the channels of advancement in the legitimate pursuits of life will be forever closed, if by law, prejudice, or indisposition to enforce legal enactment they are branded as a special creation of God for a special inferiority in the physical structure of government. The gentleman from Kentucky, [Mr. Beck,] in an elaborate argument, for which he says he had made no preparation, assumes some very strong but not new positions.

He asserts that "no one on his side of the House wants the negro oppressed, or deprived of education or any other right guaranteed by the Constitution and laws." This declaration, coming from such an authoritative source, is some indication that the sudden conversion at Baltimore in July, 1872, has taken deeper root than we had been led to suppose from recent events, and that when the solemn pledge of the national convention of the party with which the gentleman affiliates was given in favor of equal civil rights it meant more than platform rhetoric. Still it is difficult to reconcile this kindly declaration with the animus of the gentleman's

effort.

We have heard so much of the usurpations of Congress and of drifting toward centralism and consolidation whenever some pet idol of oppression is about to be broken that we need not become exercised for the safety of the country because the gentleman from Kentucky is not happy. The declaration is made that this movement would have been ridiculed by men of all parties ten years ago; to this might have been added, with perfect propriety, that emancipation and enfranchisement would have been ridiculed twenty years ago. This proves nothing but the excellence of the gentleman's memory and the tenacity with which he clings to the obsolete ideas of the past from which progressive men desire to be emancipated.

If the recent decision of the Supreme Court in the New Orleans Slaughter-house case has any relevancy to this bill it is not as apparent to me as it seems to the gentleman who loves to linger in the legal atmosphere of that body while threatening dreadful things to the country and humanity generally.

As he seems to be lovingly attached to the emanations of this court and also refers to the Dred Scott decision, the key-note of which was that for more than a century previous to the adoption of the Declaration of Independence, negroes, whether slave or free, had been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect, that consequently such persons were not included among the *people* in the general words of that instrument, it may be proper to remind him and his associates on the other side of the House that if this New Orleans slaughter-house decision is relevant, which I do not concede by any means, that this nation, in its onward march to a broader, higher, and brighter civilization, will not halt any longer to admire the beauties of the Supreme Court decision now than at the time a perverted and blind public sentiment made the Dred Scott decision possible and awoke the nation to the duty of the hour. How well that duty has been performed the introduction of the bill under consideration sufficiently testifies.

This argument of the gentleman would doubtless be of more force in the courts of Kentucky than on the floor of Congress in the latter half of the nineteenth century.

One would suppose that a person born and partly reared and educated in a country which at that time was feeling the benign and grateful influence of the great Wilberforce, who gave his life to the amelioration of the human race, and inaugurated the prohibition of the African slave-trade in the British West India possessions, which culminated, twenty-six years later, in emancipation, would have imbibed some early notions of justice and humanity. But from the position assumed by the gentleman, even since his recent visit to the house of his ancestors, we are forced to the conclusion that the Scottish nature is not susceptible of early impressions, and that it takes its character from accidental surroundings at any period of life. Had the gentleman's footsteps tended toward Massachusetts in early life instead of Kentucky, he would doubtless today be standing with Wendell Phillips and other bright spirits of the old Bay State nobly battling for the very principles he now opposes.

We are duly grateful for the gentleman's magnanimity in refraining from incorporating an educational qualification in the statutes of Kentucky; and as it was not deemed advisable to do so prior to the enfranchisement of the colored race, we trust that our appeal for equal rights now will not displease the Legislature of that State. The tenth article of amendment, which the gentleman quotes among other things, sets forth that--

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

Now I would recommend that the gentleman bring his luminous and unbiased mind to a closer study of the Constitution, including all the amendments.

It is creditable to the gentleman's ability that this argument would have been just as conclusive against emancipation and enfranchisement as against civil rights, and it is a matter of congratulation that it will answer just as well for all purposes while there is need of effort for equal rights. The uncharitable aspersion cast upon the national civil rights convention, whose respectful memorial has been presented to Congress, does great injustice to five million people, who, as citizens of the republic, believe they enjoy the right of petition.

His expressed conviction that such conventions will be called in future to enforce miscegenation is alike unworthy the gentleman's intelligence and his experience.

To show the disposition of the controlling influence in some of the States, I take the liberty to call the attention of the House to parts of the inaugural of the governor-elect of Virginia, who, in obedience to the sentiment which succeeded in the late election in that State, declares that he does not hesitate to affirm--

That so encouraging has been the progress of the last four years' so clearly developed by the past are the obligations of today, that if we are but guided by Providence and go forward with courage tempered with forbearance, and if no Federal legislation shall interfere to disturb the relations between the races, we cannot fail to bring our great experiment to a successful and prosperous issue.

He says:

Recent events prove the futility of attempting to array the colored race as a political combination upon a principle of antagonism between the races; and that as a result of the war the burden of the State is greatly increased in the education of the freedmen and support of colored paupers, * * * * thus leaving Virginia intrusted with the care and education of more than a half-million of the "wards of the nation" without being provided with the means of executing the trust.

He deplors the interference of the Federal Government with the public schools of the State as certain to result in their destruction' and says:

Yet justice, humanity, the colored race, and the country at large demand that the national Government should furnish the State with the necessary means to educate them.

The position of the governor-elect is somewhat mixed, but I deduce from his premises the fact that he classes the entire colored population of Virginia in the category of paupers, intrusted to the care of the State, or who at least depend upon the State for education and sustenance, and for whom he asks assistance from the General Government, while deprecating the interference of Federal legislation.

Just how he expects this assistance without Federal legislation is not very clear to me. He would convey the idea that an effort has been made to array the colored people of Virginia in hostility to the whites, while the fact is fresh in the memories of all intelligent men that the cry of "A white man's party," and "Virginia for Virginians, was raised by himself and those operating with him in the late gubernatorial canvass. I cannot permit these prejudiced assertions in regard to the colored people of Virginia to go unchallenged; and in their name and in the name of all the colored people of the Republic I protest. No stronger argument has yet been offered for equal civil rights than this of the governor-elect of Virginia.

If the great experiment in that State has had no more prosperous and successful issue in four years than the reduction of the whole colored population to the condition of paupers, then I submit that the interference of Federal legislation will do much toward relieving Virginia of this humiliating trust, by furnishing the facilities instead of the means to educate these "wards of the nation," who are such a burden to that State.

The civil-rights bill now under consideration will open the common schools, lauded so highly by the governor-elect, destroy the prejudices which stand in the way of the indiscriminate employment of the brain-power and bone and sinew of the colored people of Virginia, and give to that Commonwealth, instead

of half a million of paupers, the same number of substance-producing, tax-paying citizens.

Instead of issuing bonds to Virginia in trust for the colored people of that State, let Congress give her a chance to modify her customs in conformity with the requirements of the age, and the next four years will be more fruitful of good results than has been the same period just past. In the interest of liberty, justice, humanity, and of the Republic, we ask equal public rights, and concede the equity of general amnesty.

I submit that this question should be taken from the domain of partisan feeling and grappled on the plane of statesmanship, of patriotism, and the common good of the whole country.⁽¹⁾

1. 2 Cong. Rec. 416-417 (1874).