

Neglected Voices

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

Representative John R. Lynch, speaking on February 3, 1875, addressing the constitutionality of the Bill, the argument that the Bill was an improper effort to mandate social equality, the effect of a subsequently deleted provision concerning school desegregation, the stances of the Republican and Democratic parties concerning civil rights, and public sentiment in the South concerning civil rights:

Mr. LYNCH. Mr. Speaker, I hope that nothing in my remarks will have a tendency to intensify any unpleasant feeling. I was not particularly anxious to take part in this debate, nor would I have done so but for the fact that this bill, or rather the Senate bill, has created a good deal of discussion both in and outside of the Halls of Congress.

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Mr. LYNCH. Mr. Speaker, I was not particularly anxious to take part in this debate, and would not have done so but for the fact that this bill has created a great deal of discussion both in and outside of the halls of Congress. In order to answer successfully the arguments that have been made against the bill, I deem it necessary, if my time will allow me to do so, to discuss the question from three standpoints--legal, social, and political. I confess, Mr. Speaker, that it is with hesitancy that I shall attempt to make a few remarks upon the legal question involved; not that I entertain any doubts as to the constitutionality of the pending bill, but because that branch of the subject has been so ably, successfully, and satisfactorily discussed by other gentlemen who have spoken in the affirmative of the question. The importance of the subject, however, is my apology to the House for submitting a few remarks upon this point in addition to what has already been said.

CONSTITUTIONALITY OF THE BILL

It is a fact well known by those who are at all familiar with the history of our Government that the great question of State rights--absolute State sovereignty as understood by the Calhoun school of politicians--has been a continuous source of political agitation for a great many years. In fact, for a number of years anterior to the rebellion this was the chief topic of political discussion. It continued to agitate the public mind from year to year and from time to time until the question was finally settled upon the field of battle. The war, however, did not result in the recognition of what may be called a centralized government, nor did it result in the destruction of the independent functions of the several States, except in certain particulars. But it did result in the recognition, and I hope the acceptance, of what may be called a medium between these two extremes; and this medium position or liberal policy has been incorporated in the Federal Constitution through the recent amendments to that instrument. But many of our constitutional lawyers of today are men who received their legal and political training during the discussion of the great question of State rights and under the tutorship of those who were identified with the Calhoun school of impracticable State rights theorists; they having been taught to believe that the Constitution as it was justified the construction they placed upon it, and this impression having been so indelibly and unalterably fixed upon their minds that recent changes, alterations, and amendments have failed to bring about a corresponding change in their construction of the Constitution. In fact, they seem to forget that the Constitution as it is not in every respect

the Constitution as it was.

We have a practical illustration of the correctness of this assertion in the person of the distinguished gentleman from Georgia [Mr. STEPHENS] and I believe my colleague who sits near me [Mr. LAMAR] and others who agree with them in their construction of the Constitution. But believing as I do that the Constitution as a whole should be so construed as to carry out the intention of the framers of the recent amendments, it will not be surprising to the House and to the country when I assert that it is impossible for me to agree with those who so construe the Constitution as to arrive at the erroneous conclusion that the pending bill is in violation of that instrument. It is not my purpose, however, to give the House simply the benefit of my own opinion upon the question, but to endeavor to show to your satisfaction, if possible, that the construction which I place upon the Constitution is precisely in accordance with that placed upon it by the highest judicial tribunal in the land, the Supreme Court of the United States. And this brings us to the celebrated Slaughter-house cases. But before referring to the decision of the court in detail, I will take this occasion to remark that, for the purposes of this debate at least, I accept as correct the theory that Congress cannot constitutionally pass any law unless it has expressed constitutional grant of power to do so; that the constitutional right of Congress to pass a law must not be implied, but expressed; and that in the absence of such expressed constitutional grant of power the right does not exist. In other words--

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.

I repeat, that for the purposes of this debate at least, I accept as correct this theory. After having read over the decision of the court in these Slaughter-house cases several times very carefully, I have been brought very forcibly to this conclusion: that so far as this decision refers to the question of civil rights--the kind of civil rights referred to in this bill--it means this and nothing more: that whatever right or power a State may have had prior to the ratification of the fourteenth amendment it still has except in certain particulars. In other words, the fourteenth amendment was not intended, in the opinion of the court, to confer upon the Federal Government powers in general terms, but only in certain particulars. What are those particulars wherein the fourteenth amendment confers upon the Federal Government additional powers which it did not have before? The right to prevent distinctions and discriminations between the citizens of the United States and of the several States whenever such distinctions and discriminations are made on account of race, color, or previous condition of servitude; and that distinctions and discriminations made upon any other ground than these are not prohibited by the fourteenth amendment. As the discrimination referred to in the Slaughter-house cases was not made upon either of these grounds, it did not come within the constitutional prohibition. As the pending bill refers only to such discriminations as are made on account of race, color, or previous condition of servitude, it necessarily follows that the bill is in harmony with the Constitution as construed by the Supreme Court.

I will now ask the Clerk to read the following extract from the decision upon which the legal gentlemen on the other side of the House have chiefly relied to sustain them in the assertion that the court has virtually decided the pending bill to be unconstitutional.

The Clerk read as follows:

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

Mr. LYNCH. If the court had said nothing more on the question of civil rights, then there would probably by some force in the argument. But after explaining at length why the case before it did not come within the constitutional prohibition, the court says:

Having shown that the privileges and immunities relied on in the argument are those which belong to citizens of the States as such, and that they are left to the State government for security and protection, and not by this article placed under the special care of the Federal Government, we may hold ourselves excused from defining the privileges and immunities of citizens of the United States which no State can abridge until some case involving those privileges may make it necessary to do so.

But there are some democrats, and if I am not mistaken the gentleman from Georgia [Mr. STEPHENS] is one among the number, who are willing to admit that the recent amendments to the Constitution guarantee to the colored citizens all of the rights, privileges, and immunities that are enjoyed by white citizens. But they say that it is the province of the several States, and not that of the Federal Government, to enforce these constitutional guarantees. This is the most important point in the whole argument. Upon its decision this bill must stand or fall. We will now suppose that the constitutional guarantee of equal rights is conceded, which is an important concession for those calling themselves Jeffersonian democrats to make. The question that now presents itself is, has the Federal Government the constitutional right to enforce by suitable and appropriate legislation the guarantees herein referred to? Gentlemen on the other side of the House answer the question in the negative; but the Supreme Court answers the question in the following unmistakable language:

Nor shall any State deny to any person within its jurisdiction the equal protection of the laws. In the light of the history of these amendments and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the States where the newly emancipated negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.

If, however, the States did not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation. We doubt very much whether any action of a State not directed by way of discrimination against the negroes as a class, or an account of their race, will ever be held to come within the purview of this provision.

It will be seen from the above that the constitutional right of Congress to pass this bill is fully conceded by the Supreme Court. But before leaving this subject, I desire to call attention to a short legal argument that was made by a distinguished lawyer in the other end of the Capitol (if it is parliamentary to do so) when the bill was under consideration before that body:

Mr. CARPENTER. Mr. President, as I shall vote against this bill in its present form, I wish to state very briefly why I shall do so. Without discussing other provisions of the bill, one makes it impossible for me to vote for it, and that is the provision in regard to State juries. I know of no more power in the Government of the United States to determine the component elements of a State jury than of a State bench or a State Legislature. I can see no argument which shows the powers of this Government to organize State juries that does not apply to State Legislatures; a power which, in my judgement, is clearly not conferred upon this Government. I cannot vote for a bill as an entirety which contains even one provision which I deem unconstitutional. For that reason I shall vote against this bill.

The Clerk will now read the fourth section of the bill; the section referred to by the distinguished Wisconsin Senator.

The Clerk read as follows:

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as juror in any court, national or State, by reason of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the reason above named shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than \$1,000 nor more than \$5,000.

Mr. LYNCH. The position assumed by the eminent lawyer is so unreasonable, untenable, and illogical that it would have surprised me had it been taken by an ordinary village lawyer of inferior acquirements. There is nothing in this section that will justify the assertion that it contemplates regulating State juries. It simply contemplates carrying into effect the constitutional prohibition against distinctions on account of race or color.

There is also a constitutional prohibition against religious proscription. Let us suppose that another section conferred the power on Congress to enforce the provisions of that article by appropriate legislation; then suppose a State should pass a law disqualifying from voting, holding office, or serving on juries all persons who may be identified with a certain religious denomination; would the distinguished Wisconsin Senator then contend that Congress would have no right to pass a law prohibiting this discrimination, in the face of the constitutional prohibition and the right conferred upon Congress to enforce it by appropriate legislation? I contend that any provision in the constitution or laws of any State that is in conflict with the Constitution of the United States is absolutely null and void; for the Constitution itself declares that--

This Constitution and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Constitution further declares that--

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.

And that--

The Congress shall have power to enforce this article by appropriate legislation.

As the Supreme Court has decided that the above constitutional provision was intended to confer upon Congress the power to prevent distinctions and discriminations when made on account of race or color, I contend that the power of Congress in this respect is applicable to every office under the constitution and laws of any State. Some may think that this is extraordinary power; but such is not the case. For any State can, without violating the fourteenth or fifteenth amendments and the provisions of this bill, prohibit any one from voting, holding office, or serving on juries in their respective States, who cannot read and write, or who does not own a certain amount of property, or who shall not have resided in the State for a certain number of months, days, or years. The only thing these amendments prevents them from doing in this respect is making the color of a person or the race with which any person may be identified a ground of disqualification from the enjoyment of any of these privileges. The question seems to me to be so clear that further argument is unnecessary.

CIVIL RIGHTS AND SOCIAL EQUALITY

I will now endeavor to answer the arguments of those who have been contending that the passage of this bill is an effort to bring about social equality between the races. That the passage of this bill can in any manner affect the social status of any one seems to me to be absurd and ridiculous. I have never believed for a moment that social equality could be brought about even between persons of the same race. I have always believed that social distinctions existed among white people the same as among colored people. But those who contend that the passage of this bill will have a tendency to bring about social equality between the races virtually and substantially admit that there are no social distinctions among white people whatever, but that all white persons, regardless of their moral character, are the social equals of each other; for if by conferring upon colored people the same rights and privileges that are now exercised and enjoyed by whites indiscriminately will result in bringing about social equality between the races, then the same process of reasoning must necessarily bring us to the conclusion that there are no social distinctions among whites,

because all white persons, regardless of their social standing, are permitted to enjoy these rights. See then how unreasonable, unjust, and false is the assertion that social equality is involved in this legislation. I cannot believe that gentlemen on the other side of the House mean what they say when they admit as they do, that the immoral, the ignorant and the degraded of their own race are the social equals of themselves, and their families. If they do, then I can only assure them that they do not put as high an estimate upon their own social standing as respectable and intelligent colored people place upon theirs; for there are hundreds and thousands of white people of both sexes whom I know to be the social inferiors of respectable and intelligent colored people. I can then assure that portion of my democratic friends on the other side of the House whom I regard as my social inferiors that if at any time I should meet any one of you at a hotel and occupy a seat at the same table with you, or the same seat in a car with you, do not think that I have thereby accepted you as my social equal. Not at all. But if any one should attempt to discriminate against you for no other reason than because you are identified with a particular race or religious sect, I would regard it as an outrage; as a violation of the principles of republicanism; and I would be in favor of protecting you in the exercise and enjoyment of your rights by suitable and appropriate legislation.

No, Mr. Speaker, it is not social rights that we desire. We have enough of that already. What we ask is protection in the enjoyment of *public* rights. Rights which are or should be accorded to every citizen alike. Under our present system of race distinction a white woman of a questionable social standing, yes, I may say, of an admitted immoral character, can go to any public place or upon any public conveyance and be the recipient of the same treatment, the same courtesy, and the same respect that is usually accorded to the most refined and virtuous; but let an intelligent, modest, refined colored lady present herself and ask that the same privileges be accorded to her that have just been accorded to her social inferior of the white race, and in nine cases out of ten, except in certain portions of the country, she will not only be refused, but insulted for making the request.

Mr. Speaker, I ask the members of this House in all candor, is this right? I appeal to your sensitive feelings as husbands, fathers, and brothers, is this just? You who have affectionate companions, attractive daughters, and loving sisters, is this just? If you have any of the ingredients of manhood in your composition you will answer the question most emphatically, No! What a sad commentary upon our system of government, our religion, and our civilization! Think of it for a moment; here am I, a member of your honorable body, representing one of the largest and wealthiest districts in the State of Mississippi, and possibly in the South; a district composed of persons of different races, religions, and nationalities; and yet, when I leave my home to come to the capital of the nation to take part in the deliberations of the House and to participate with you in making laws for the government of this great Republic, in coming through the God-forsaken States of Kentucky and Tennessee, if I come by the way of Louisville or Chattanooga, I am treated, not as an American citizen, but as a brute. Forced to occupy a filthy smoking-car both night and day, with drunkards, gamblers, and criminals; and for what? Not that I am unable or unwilling to pay my way; not that I am obnoxious in my personal appearance or disrespectful in my conduct; but simply because I happen to be of a darker complexion. If this treatment was confined to persons of our own sex we could possibly afford to endure it. But such is not the case. Our wives and our daughters, our sisters and our mothers, are subjected to the same insults and to the same uncivilized treatment. You may ask why we do not institute civil suits in the State courts. What a farce! Talk about instituting a civil-rights suit in the State courts of Kentucky, for instance, where the decision of the judge is virtually rendered before he enters the court-house, and the verdict of the jury substantially rendered before it is impaneled. The only moments of my life when I am necessarily compelled to question my loyalty to my Government or my devotion to the flag of my country is when I read of outrages having been committed upon innocent colored people and the perpetrators go unwhipped of justice, and when I leave my home to go traveling.

Mr. Speaker, if this unjust discrimination is to be longer tolerated by the American people, which I do not, cannot, and will not believe until I am forced to do so, then I can only say with sorrow and regret that our boasted civilization is a fraud; our republican institutions a failure; our social system a disgrace; and our

religion a complete hypocrisy. But I have an abiding confidence--(though I must confess that that confidence was seriously shaken a little over two months ago)--but still I have an abiding confidence in the patriotism of this people, in their devotion to the cause of human rights, and in the stability of our republican institutions. I hope that I will not be deceived. I love the land that gave me birth; I love the Stars and Stripes. This country is where I intend to live, where I expect to die. To preserve the honor of the national flag and to maintain perpetually the Union of the States hundreds, and I may say thousands, of noble, brave and true-hearted colored men have fought, bled, and died. And now, Mr. Speaker, I ask, can it be possible that that flag under which they fought is to be a shield and a protection to all races and classes of persons except the colored race? God forbid!

THE SCHOOL CLAUSE

The enemies of this bill have been trying very hard to create the impression that it is the object of its advocates to bring about a compulsory system of mixed schools. It is not my intention at this time to enter into a discussion of the question as to the propriety or impropriety of mixed schools; as to whether or not such a system is essential to destroy race distinctions and break down race prejudices. I will leave these questions to be discussed by those who have given the subject a more thorough consideration. The question that now presents itself to our minds is, what will be the effect of this legislation on the public-school system of the country, and more especially in the South? It is to this question that I now propose to speak. I regard this school clause as the most harmless provision in the bill. If it were true that the passage of this bill with the school clause in it would tolerate the existence of none but a system of mixed free schools, then I would question very seriously the propriety of retaining such a clause; but such is not the case. If I understand the bill correctly, (and I think I do,) it simply confers upon all citizens, or rather recognizes the right which has already been conferred upon all citizens, to send their children to any public free school that is supported in whole or in part by taxation, the exercise of the right to remain a matter of option as it now is--nothing compulsory about it. That the passage of this bill can result in breaking up the public-school system in any State is absurd. The men who make these reckless assertions are very well aware of the fact, or else they are guilty of unpardonable ignorance, that every right and privilege that is enumerated in this bill has already been conferred upon all citizens alike in at least one half of the States of this Union by State legislation. In every Southern State where the republican party is in power a civil-rights bill is in force that is more severe in its penalties than are the penalties in this bill. We find mixed-school clauses in some of their State constitutions. If, then, the passage of this bill, which does not confer upon the colored people of such States any rights that they do not possess already, will result in breaking up the public-school system in their respective States, why is it that State legislation has not broken them up? This proves very conclusively, I think, that there is nothing in the argument whatever, and that the school clause is the most harmless provision in the bill. My opinion is that the passage of this bill just as it passed the Senate will bring about mixed schools practically only in localities where one or the other of the two races is small in numbers, and that in localities where both races are large in numbers separate schools and separate institutions of learning will continue to exist, for a number of years at least.

I now ask the Clerk to read the following editorial, which appeared in a democratic paper in my own State when the bill was under discussion in the Senate. This is from the Jackson Clarion, the leading conservative paper in the State, the editor of which is known to be a moderate, reasonable, and sensible man.

The Clerk read as follows:

THE CIVIL-RIGHTS BILL AND OUR PUBLIC-SCHOOL SYSTEM

The question has been asked what effect will the civil-rights bill have on the public-school system of our State if it should become a law? Our opinion is that it will have none at all. The provisions of the bill do not necessarily break up the separate-school system, unless the people interested choose that they shall do so; and there is no reason to believe that the colored

people of this State are dissatisfied with the system as it is or that they are not content to let well enough alone. As a people, they have not shown a disposition to thrust themselves where they are not wanted, or rather had no right to go. While they have been naturally tenacious of their newly acquired privileges, their general conduct will bear them witness that they have shown consideration for the feelings of the whites.

The race line in politics never would have been drawn if opposition had not been made to their enjoyment of equal privileges in the Government and under the laws after they were emancipated.

As to our public-school system, so far as it bears upon the races, we have heard no complaint whatever. It is not asserted that it is operated more advantageously to the whites than to the blacks. Its benefits are shared alike by all; and we do not believe the colored people, if left to the guidance of their own judgments, will consent to jeopardize these benefits in a vain attempt to acquire something better.

Mr. LYNCH. The question may be asked, however, if the colored people in a majority of the States are entitled by State legislation to all of the rights and privileges enumerated in this bill, and if they will not insist upon mixing the children in the public schools in all localities, what is the necessity of retaining this clause? The reasons are numerous, but I will only mention a few of them. In the first place, it is contrary to our system of government to discriminate by law between persons on account of their race, their color, their religion, or the place of their birth. It is just as wrong and just as contrary to republicanism to provide by law for the education of children who may be identified with a certain race in separate schools to themselves, as to provide by law for the education of children who may be identified with a certain religious denomination in separate schools to themselves. The duty of the law-maker is to know no race, no color, no religion, no nationality, except to prevent distinctions on any of these grounds, so far as the law is concerned.

The colored people in asking the passage of this bill just as it passed the Senate do not thereby admit that their children can be better educated in white than in colored schools; nor that white teachers because they are white are better qualified to teach than colored ones. But they recognize the fact that the distinction when made and tolerated by law is an unjust and odious proscription; that you make their color a ground of objection, and consequently a crime. This is what we most earnestly protest against. Let us confer upon all citizens, then, the rights to which they are entitled under the Constitution; and then if they choose to have their children educated in separate schools, as they do in my own State, then both races will be satisfied, because they will know that the separation is their own voluntary act and not legislative compulsion.

Another reason why the school clause ought to be retained is because the negro question ought to be removed from the politics of the country. It has been a disturbing element in the country ever since the Declaration of Independence, and it will continue to be so long as the colored man is denied any right or privilege that is enjoyed by the white man. Pass this bill as it passed the Senate, and there will be nothing more for the colored people to ask or expect in the way of civil rights. Equal rights having been made an accomplished fact, opposition to the exercise thereof will gradually pass away, and the everlasting negro question will then be removed from the politics of the country for the first time since the existence of the Government. Let us, then, be just as well as generous. Let us confer upon the colored citizens equal rights, and, my word for it, they will exercise their rights with moderation and with wise discretion.

CIVIL RIGHTS FROM A POLITICAL STAND-POINT

I now come to the most important part of my subject--civil rights from a political stand-point. In discussing this branch or the subject, I do not deem it necessary to make any appeal to the republican members whatever in behalf of this bill. It is presumed, and correctly, too, I hope, that every republican member of the House will vote for this bill. The country expects it, the colored people ask it, the republican party promised it, and justice demands it. It is not necessary therefore for me to appeal to republicans in behalf of a measure that they are known to be in favor of.

But it has been suggested that it is not necessary for me to make an appeal to the democratic, conservative,

or liberal republican members in behalf of this measure; that they will go against it to a man. This may be true, but I prefer to judge them by their acts. I will not condemn them in advance. But I desire to call the attention of the democratic members of the House to one or two things in connection with the history of their organization. Your party went before the country in 1872 with a pledge that it would protect the colored people in all of their rights and privileges under the Constitution, and to convince them of your sincerity you nominated as your standard-bearer one who had proved himself to be their life-long friend and advocate. But the colored people did not believe that you were sincere and consequently did not trust you. As the promise was made unconditionally, however, their refusal to trust you does not relieve you from the performance of the promise. Think for a moment what the effect of your votes upon this bill will be. If you vote in favor of this measure, which will be nothing more than redeeming the promises made by you in 1872, it will convince the colored people that they were mistaken when they supposed that you made the promise for no other purpose than to deceive them. But if you should vote against this bill, which I am afraid you intend to do, you will thereby convince them that they were not mistaken when they supposed that you made the promise for no other purpose than to deceive them. It can have no other effect than to increase their suspicion, strengthen their doubts, and intensify their devotion to the republican party. It will demonstrate to the country and to the world that you attempted in 1872 to obtain power under false pretenses. I once heard a very eminent lawyer make the remark that the crime of obtaining money or goods under false pretenses is in his opinion the next crime to murder. I ask the democratic and conservative members of the House will you, by voting against this bill, convict yourselves of attempting in 1872 to obtain power under false pretenses?

I will take this occasion to say to my democratic friends, that I do not wish to be understood as endeavoring to convey the idea that all of the prominent men who were identified with the so-called liberal movement in 1872 were actuated by improper motives, that they made promises which they never intended to redeem. Far from it. I confess, Mr. Speaker, that some of the best and most steadfast friends the colored people in this country have ever had were identified with that movement. Even the man whom you selected, from necessity and not from choice, as your standard-bearer on that occasion is one whose memory will ever live in the hearts of the colored people of this country as one of their best, their strongest, and most consistent friends. They will ever cherish his memory, in consequence of his life-long devotion to the cause of liberty, humanity, and justice--for his earnest, continuous, persistent, and consistent advocacy of what he was pleased to term manhood suffrage. In voting against him so unanimously as the colored voters did, it was not because they questioned his honesty, or his devotion to the cause of equal rights, but they recognized the fact that he made the same mistake that many of our great men have made--he allowed his ambition to control his better judgement. While the colored voters would have cheerfully supported him for the Presidency under different circumstances, they could not give their votes to elevate him to that position through such a questionable channel as that selected by him in 1872. But since he has passed away, they are willing to remember only his virtues and to forget his faults. I might refer to several other illustrious names that were identified with that movement and whose fidelity to the cause of civil rights can never be questioned, but time will not allow me to do so.

I will now refer to some of the unfortunate remarks that were made by some gentlemen on the other side of the House during the last session--especially those made by the gentlemen from North Carolina [Mr. ROBBINS] and those made by the gentleman from Virginia [Mr. HARRIS]. These two gentlemen are evidently strong believers in the exploded theory of white superiority and negro inferiority. But in order to show what a difference of opinion exists among men, with regard to man's superiority over man, it gives me pleasure to assure those two gentlemen that if at any time either of them should become so generous as to admit that I, for instance, am his equal, I would certainly regard it as anything else but complimentary to myself. This may be regarded as a little selfish, but as all of us are selfish to some extent, I must confess that I am no exception to the general rule. The gentleman from North Carolina admits, ironically, that the colored people, even when in bondage and ignorance, could equal, if not excel, the whites in some things--dancing, singing, and eloquence, for instance. We will admit, for the sake of the argument, that in this the

gentleman is correct, and will ask the question, Why is it that the colored people could equal the whites in these respects, while in bondage and ignorance, but not in others? The answer is an easy one: You could not prevent them from dancing unless you kept them continually tied; you could not prevent them from singing unless you kept them continually gagged; you could not prevent them from being eloquent unless you deprived them of the power of speech; but you could and did prevent them from becoming educated for fear that they would equal you in every other respect; for no educated people can be held in bondage. If the argument proves anything, therefore, it is only this: That if the colored people while in bondage and ignorance could equal the whites in these respects, give them their freedom and allow them to become educated and they will equal the whites in every other respect. At any rate I cannot see how any reasonable man can object to giving them an opportunity to do so if they can. It does not become southern white men, in my opinion, to boast about the ignorance of the colored people, when you know that their ignorance is the result of the enforcement of your unjust laws. Any one would suppose, from the style and the manner of the gentleman from North Carolina, that the white man's government of the State from which he comes is one of the best States in the Union for *white* men to live in at least. But I will ask the Clerk to read, for the information of that gentleman, the following article from a democratic paper in my own State.

The Clerk read as follows:

The following from the Charlotte Democrat is a hard hit: "The Legislature of Mississippi has just elected a negro to represent that State in the United States Senate. The white men who recently moved from Cabarrus County, North Carolina, to Mississippi, to better their condition, will please report the situation and say which they like best, white rule in North Carolina or black rule in Mississippi."

We do not see the point of the joke. The "white men who moved from Cabarrus will doubtless report" that they have not realized, and do not expect to, any serious inconvenience from the election of Bruce. It is better to be endured than the inconvenience of eking out a starveling existence in a worn-out State like North Carolina. Besides, when we look to the executive offices of the two States we will find that the governor of North Carolina claims to be as stanch a republican as his excellency of Mississippi. And then contrast the financial condition of the two States. There is poor old North Carolina burdened with a debt of \$30,000,000, with interest accumulating so rapidly that she is unable to pay it much less the principal. The debt of Mississippi, on the other hand, is but three millions, and with her wonderful recuperative powers it can be wiped out in a few years by the economical management solemnly promised by those in charge of her State government.

The men "who moved from Cabarrus" will "look upon this picture, and on this" and conclude that they have bettered their condition, notwithstanding affairs are not entirely as they would have them. A warm welcome to them.

Mr. LYNCH. So far as the gentleman from Virginia is concerned, the gentleman who so far forgot himself as to be disrespectful to one of his fellow-members, I have only this remark to make: Having served in the Legislature of my own State several years, where I had the privilege of meeting some of the best, the ablest, and I may add, the bitterest democrats in the State, it gives me pleasure to be able to say, that with all of their bitterness upon political questions, they never failed to preserve and maintain that degree of dignity, self-respect, and parliamentary decorum which always characterized intelligent legislators and well-bred gentlemen. Take, for instance, my eloquent and distinguished colleague [Mr. LAMAR] on the other side of the House, and I venture to assert that he will never declare upon this floor or elsewhere that he is only addressing white men. No, sir; Mississippians do not send such men to Congress, nor even to their State Legislature. For if they did, it would not only be a sad and serious reflection upon their intelligence, but it would be a humiliating disgrace to the State.

Such sentiments as those uttered by the gentlemen from North Carolina and the gentlemen from Virginia are certainly calculated to do the southern white people a great deal more harm than it is possible for them to do the colored people. In consequence of which I can say to those two gentlemen, that I know of no stronger rebuke than the language of the Saviour of the world when praying for its persecutors:

Father, forgive them, for they know not what they do.

THE SOUTH NOT OPPOSED TO CIVIL RIGHTS

The opposition to civil rights in the South is not so general or intense as a great many would have the country believe. It is a mistaken idea that all of the white people in the South outside of the republican party are bitterly opposed to this bill. In my own State, and especially in my own district, the democrats as a rule are indifferent as to its fate. It is true they would not vote for it, but they reason from this stand-point: The civil-rights bill does not confer upon the colored people of Mississippi any rights that they are not entitled to already under the constitution and laws of the State. We certainly have no objection, then, to allowing the colored people in other States to enjoy the same rights that they are entitled to in our own State. To illustrate this point more forcibly, I ask the Clerk to read the following article from the ablest conservative paper in the State, a paper, however, that is opposed to the White League. This article was published when the civil-rights bill was under discussion in the Senate last winter.

The Clerk read as follows:

A civil-rights bill is before the Senate. As we have civil-rights here in Mississippi and elsewhere in the South, we do not understand why southern representatives should concern themselves about applying the measure to other portions of the country; or what practical interest we have in the question. On the 29th, Senator Norwood of Georgia, one of the mediocrities to whom expediency has assigned a place for which he is unfitted, delivered himself of a weak and driveling speech on the subject in which he did what he was able to keep alive sectional strife and the prejudices of race. We will venture to say that his colleague, General GORDON, who was a true soldier when the war was raging, will not be drawn into the mischievous controversy which demagogues from both sections, and especially latter-day fire-eaters who have become intensely enraged since the surrender, take delight in carrying on.

Mr. LYNCH. What is true of Mississippi in this respect is true of nearly every State where a civil-rights bill is in force. In proof of this, I ask the Clerk to read the following remarks made by the present democratic governor of Arkansas during his candidacy for that office:

The Clerk read as follows:

But I hear it whispered round and about that the Southern States, and Arkansas among them, are to be overhauled by Congress this winter, and in some way reconstructed, because the colored man has no law giving him civil rights in those States. Upon this pretext we are to be upset and worked over. My fellow-citizens, one and all, upon this proposition Arkansas is at home and quite comfortable. In the acts of the Legislature of 1873, pages 15-19, (No. 12) we have a "civil-rights bill" which is now in force--almost a copy, if I mistake not, of the bill Mr. Sumner shortened his life in vainly trying to get Congress to pass. If Congress next winter can get up one more definite, more minute, and more specific in giving rights to the colored man, I would be pleased to look upon and observe it. That act is now in force, as I said, and I know of no one who wants to repeal it, and certainly I do not want it repealed: and will not favor its repeal; and I do hope, if our opponents do start in this direction before Congress, they will call attention to it directly. If there is any complaint with and among our colored friends as to the terms of this act, or as to its not being enforced, I have not heard of them, and I am persuaded there have been none.

Mr. LYNCH. It will be seen from the above that if Mr. Garland means what he says, which remains to be seen, the democratic or conservative party in Arkansas is in favor of civil rights for the colored people. Why? Simply because, the republican Legislature having passed the bill, democrats now see that it is not such a bad thing after all. But if the Legislature has failed to pass it, as in Alabama for instance, White League demagogues would have appealed to the passions and prejudices of the whites, and made them believe that this legislation is intended to bring about a revolution in society. The opposition to civil rights in the South therefore is confined almost exclusively to States under democratic control, or States where the Legislature had failed or refused to pass a civil-rights bill. I ask the republican members of the House, then, will you refuse or fail to do justice to the colored man in obedience to the behests of three or four democratic States in the South? If so, then the republican party is not made of that material which I have always supposed it was.

Some well-meaning men have made the remark that the discussion of the civil-rights question has produced a great deal of bad feeling in certain portions of the South, in consequence of which they regret the discussion of the question and the possibility of the passage of the pending bill. That the discussion of the question has produced some bad feeling I am willing to admit; but allow me to assure you, Mr. Speaker, that the opposition to the pending bill is not half so intense in the South today as was the opposition to the reconstruction acts of Congress. As long as congressional action is delayed in the passage of this bill, the more intense this feeling will be. But let the bill once pass and become a law, and you will find that in a few months reasonable men, liberal men, moderate men, sensible men, who now question the propriety of passing this bill, will arrive at the conclusion that it is not such a bad thing as they supposed it was. They will find that democratic predictions have not and will not be realized. They will find that there is no more social equality than before. That whites and blacks do not intermarry any more than they did before the passage of the bill. In short, they will find that there is nothing in the bill but the recognition by law of the equal rights of all citizens before the law. My honest opinion is that the passage of this bill will have a tendency to harmonize the apparently conflicting interests between the two races. It will have a tendency to bring them more closely together in all matters pertaining to their public and political duties. It will cause them to know, appreciate, and respect the rights and privileges of each other more than ever before. In the language of my distinguished colleague on the other side of the house, "They will know one another, and love one another."

CONCLUSION.

In conclusion, Mr. Speaker, I say to the republican members of the house that the passage of this bill is expected of you. If any of our democratic friends will vote for it, we will be agreeably surprised. But if republicans should vote against it we will be sorely disappointed; it will be to us a source of deep mortification as well as profound regret. We will feel as though we are deserted in the house of our friends. But I have no fears whatever in this respect. You have stood by the colored people of this country when it was more unpopular to do so than it is to pass this bill. You have fulfilled every promise thus far, and I have no reason to believe that you will not fulfill this one. Then give us this bill. The white man's government negro-hating democracy will, in my judgment, soon pass out of existence. The progressive spirit of the American people will not much longer tolerate the existence of an organization that lives upon the passions and prejudices of the hour. But when that party shall have passed away, the republican party of today will not be left in undisputed control of the Government; but a young, powerful, and more vigorous organization will rise up to take the place of the democracy of today. This organization may not have opposition to the negro principal plank in its platform; it may take him by the right hand and concede him every right in good faith that is enjoyed by the whites; it may confer upon him honor and position. But if you, as leaders of the republican party, will remain true to the principles upon which the party came into power, as I am satisfied you will, then no other party, however just, liberal, or fair it may be, will ever be able to detach any considerable number of colored voters from the national organization. Of course, in matters pertaining to their local State affairs, they will divide up to some extent, as they sometimes should, whatever they can be assured that their rights and privileges are not involved in the contest. But in all national contests, I feel safe in predicting that they will remain true to the great party of freedom and equal rights.

I appeal to all the members of the House--republicans and democrats, conservatives and liberals--to join with us in the passage of this bill, which has for its object the protection of human rights. And when every man, woman, and child can feel and know that his, her, and their rights are fully protected by the strong arm of a generous and grateful Republic, then we can all truthfully say that this beautiful land of ours, over which the Star Spangled Banner so triumphantly waves, is in truth and in fact, the "land of the free and the home of the brave."