

# Neglected Voices

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

*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.* ([1](#))

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 know in the annals of crime was made last Wednesday night, the 22<sup>d</sup> 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 guaranteed 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 embodied 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.

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