

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⁾

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Representative Alonzo J. Ransier, speaking on January 5, 1874, in response to arguments that the Bill was unconstitutional under the reasoning of the Slaughter-House Cases, that it discriminated against whites by giving African-American people special rights, that it improperly sought to establish social equality, and that it improperly infringed state authority:

Mr. RANSIER. I am obliged to the House for its courtesy in allowing me one hour within which to--

The SPEAKER. The Chair does not understand that the gentleman was allowed an hours time.

Mr. WOOD, Mr. HOLMAN, and others. That was the understanding.

The SPEAKER. The Chair understood that the gentleman from South Carolina, for whom Judge Hoar obtained the privilege, was the colleague of the gentleman now on the floor: the gentleman on the opposite side of the aisle, [Mr. ELLIOTT.]

Mr. WALLS. It was my understanding, when I withdrew my objection--

The SPEAKER. The Chair recognizes the gentleman now on the floor for twenty minutes.

Mr. RANSIER. Very well; I will endeavor to make that answer my purpose, and I will withdraw my acknowledgment of a courtesy not intended for me, but which I was under the impression was meant for me.

Mr. Speaker, being a Anew member@ of the House, I dislike much to attempt to engage just now in the discussion of any question before the House, but would prefer to listen to others, the older and abler members, in order that I might the more effectually discharge my duties as a representative of the people. Yet, sir, it would seem that I should feel called upon to say a word upon the subject now before the House. This I feel is demanded of me by my constituents, especially in view of the opposition to this measure manifested by gentlemen on the other side of the House.

NECESSITY OF THE ENACTMENT OF THIS LAW.

Sir, that there is a necessity for the enactment of some such law, and that, too, by Congress and not the Legislatures of the several States, as the pending bill, which I understand has received the sanction of the Judiciary Committee of this House, is at once apparent to everyone in side or outside of these Halls who has a decent regard for the rights of his fellow-man and something like a just appreciation of the principles underlying the fabric of the Government under which we live. True, sir, that that which Tupper has described as Aearth=s worst abomination and nature=s blackest blot@--American slavery--no longer curses our land; yet, sir, a relic of it remains in the conduct of a portion of our people toward another portion in nearly every part of our country. Five millions of people, citizens of our country, who bode you no evil, suffer today the most humiliating discriminations, in the matter of the most ordinary privileges attaching to them as human beings, because of their color and previous condition of imposed servitude. Political equality is vouchsafed to them, it is true, and it is said they ought to be satisfied with this; but, sir, these people, one of whom I am, are a part of the nation, this powerful, progressive, and Christian nation of ours, which has done so much for the civilization of the present century. They have contributed largely toward her wealth, and bared their breasts in the face of her enemies, foreign and domestic, in the interest of her life and

unification. They assist in the election of her rulers, bear their share of the burdens of government. They have established their loyalty beyond dispute; have given evidence of their fitness for political rights, and will be satisfied with nothing short of their equal civil rights, such as are enjoyed by other citizens. And may the day be not far distant when American citizenship in civil and political rights and public privileges shall cover not only those of our sex, but those of the opposite one also; until which time the Government of the United States cannot be said to rest upon the Aconsent of the governed,@ or to adequately protect them in Alife, liberty, and the pursuit of happiness.@

PECULIAR PRIVILEGES NOT DEMANDED.

The colored people ask of the country no particular privileges. But it is feared by the gentleman from Kentucky and those whom he represents in this matter of civil rights, that if we colored people are put on a plane of civil equality with them in law--going into the same schools, hotels, and places of amusement, and into the jury-box and the cemetery--we, by virtue of our intellectual superiority and our moral and physical force, if not numbers, will absorb the race to which he and they belong. This is the logical deduction from the apprehensions to which he has given expression. Let me thank him, in the name of the colored people of the country, for the compliment he has, perhaps unconsciously, paid them; but I must here deny that that would necessarily follow civil equality in this country, or that there is any serious intention on our part to thus destroy those for whom he speaks or the race to which he belongs. We are known, Mr. Speaker, to be too magnanimous for that. If we are powerful, we know how to be merciful.

BUGBEAR OF ASOCIAL EQUALITY.@

The bugbear of Asocial equality@ is used by the enemies of political and civil equality for the colored man in place of argument. There is not an intelligent white man or black man who does not know that that is the sheerest nonsense; and I would have it distinctly understood that I would most certainly oppose the passage of the pending bill or any similar measure if I believed that its operation would be to force upon me the company of the member from Kentucky, for instance, or any one else. These negro-haters would not open school-houses, hotels, places of amusement, common conveyances, or the witness or the jury box to the colored people upon equal terms with themselves, because this contact of the races would, forsooth,Aresult injuriously to both.@ Yet they have found agreeable associations with them under other circumstances which at once suggest themselves to us; nor has the result of this contact proved injurious to either race so far as I know, except that the moral responsibility rests upon the more refined and cultivated.

BOTH POLITICAL PARTIES COMMITTED TO CIVIL RIGHTS.

Mr. Speaker, the necessity and the authority for the enactment of a law by Congress, to be made as far-reaching as the jurisdiction of the Government of the United States itself, which shall prevent or punish discrimination against the citizen in the matter of his civil and political rights and public privileges, may be summed up in a few words, although, sir, much, very much, could be said on either or both of these branches. The time allotted us, however, sir, is not sufficient for extended argument, nor did I at one time suppose that it would be deemed necessary that a member of Congress in this day should feel obliged to plead for the passage of a full and complete civil-rights bill, representing, as we do, the two great political parties of the country, both of which stand before the world committed to the principle of protection to the colored man, as well as to the white man, in the assertion and enjoyment of these rights, and both stand committed to the doctrine of protection by the national Government, the republican party at Philadelphia in these words:

Complete liberty and exact equality in the enjoyment of all civil, political, and public rights should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation; and that neither law nor its administration should admit of any discrimination in respect to the citizen by reason of race, color, creed, or previous condition of servitude.

And the democratic-liberal party at Cincinnati and Baltimore in these words:

We recognize the equality of all men before the law, and hold that the Government in its dealings with the people should mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political.

These are strong words, Mr. Speaker; and if the democratic party of the country, as well as the republican party, is not pledged, in view of these declarations, to equal civil rights for all men before the law, of whatever nativity, race, color, or persuasion, religious or political, and to protection in their exercise by the national Government, then, sir, words mean nothing. We are not bound to accept these declarations in the sense of Talleyrand's suggestion, that language is made to conceal rather than to express our thoughts. We accept them as the solemn declarations of sober and earnest men--men who have studied the matter to which they refer; and, I repeat, they stand committed to the principle of protection to the citizen, and that, too, by the national Government, in the assertion and exercise of his civil rights, without regard to race, color, or previous condition of servitude.

Again, sir, it is obvious that they knew that there was a class of citizens laboring under civil disabilities, and professed to believe that they ought to be removed, else why put their plank in their platform at all? Sir, these disabilities exist, as is known to all of us, and painfully so to those who suffer under them. Colored men and women are excluded from our hotels, our common conveyances and places of amusement or resort, and our children from the public schools, in almost every State of the Union, unless, in almost every instance, they submit to unequal and degrading terms.

EQUAL OPPORTUNITIES ONLY DESIRED.

Mr. Speaker, all these people ask is an equal chance in the race of life, and the same privileges and protection meted out to other classes of people in our land. We cannot engage in the industrial pursuits, educate our children, defend our lives and property in the courts, receive the comforts provided in our common conveyances necessary to our wives and little ones if not essentially so to us, and, in short, engage in the pursuit of happiness as rational beings, when we are circumscribed within the narrowest possible limits on every hand, disowned, spit upon, and outraged in a thousand ways.

Mr. Speaker, the State will not give us protection in these matters, and well do these State-rights men know this. The distinguished gentleman from Georgia, I understand, professes to believe in the doctrine of civil and political equality for all men without regard to race or color; but leave it to the States, says he, where it belongs. Let me ask him if the State of Georgia, which kicked colored men elected to her General Assembly out of her legislative halls upon a convenient but flimsy pretext, because of their color, would likely give the class to which they belong equal civil rights?

STATE AND UNITED STATES CITIZENSHIP.

The States, as such, sir, have nothing to do with the regulation or protection of the rights and privileges of American citizenship. Whatever might have been the received opinions or construction of the Constitution and laws of the United States as to American citizenship, namely as to United States citizenship, and, if you please, state citizenship, and as to the status of the negro in this country before the rebellion, whereby the heresy of almost unqualified State rights was sought to be asserted, slavery maintained, and the negro made less than human, there can be but one fair and common-sense construction of the organic law, at least in these respects, as it now stands.

PURPOSE OF THE CONSTITUTIONAL AMENDMENTS.

The thirteenth, fourteenth, and fifteenth amendments to the Constitution clearly set forth their purpose. When urging the passage of the civil-rights bill of 1866, in another body, that distinguished jurist, Senator

Trumbull, it is said, stated that that measure was to give effect to the fourteenth amendment, which was to secure all persons in the United States practical freedom. Nor are we at a loss to understand what practical freedom is. A distinguished writer says:

Civil liberty, the great end of all human society and government, is that state in which each individual has the power to pursue his own happiness according to his own views of his interest and the dictates of his conscience, unrestrained, except by equal, just, and impartial laws.- 1 *Sharswood's Blackstone*, 127, note 8.

Now, Mr. Speaker, I assert that in very many, if not in all of the States of the Union, there is no practical freedom, so far as the colored people are concerned; nor would there be any worth talking about if left to the States to regulate; and Congress in the recent past evidently took this view of the matter, as is seen in the unmistakable terms of the amendments referred to, and the laws so far enacted in pursuance thereof.

The fourteenth amendment expressly provides that All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside;@ that A no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States,@ &c.; and each of these amendments concludes with a proviso, that A Congress shall have power to enforce this article by appropriate legislation.@

First, sir, there can be no doubt, as we have seen, that these people are citizens of the United States; secondly, that they labor under civil disabilities; thirdly, that they do not enjoy, practical freedom, not having A the power to pursue their own happiness,@ because of these disabilities; and fourthly, that not only has Congress the power, but it is made its solemn duty, in the exercise of its constitutional control over the entire subject, to provide, by A appropriate legislation,@ such a full and complete remedy as is demanded by the situation.

Mr. Justice Field, of the United States Supreme Court, speaking for himself, the Chief Justice, and his associates, Justices Swayne and Bradley, in his dissenting opinion in the New Orleans Slaughter-house case, while considering the fourteenth amendment says:

A citizen of a State is now only a citizen of the United States residing in that State. The fundamental rights, privileges, and immunities, which belong to him as a free man and a free citizen, now belong to him as a citizen of the United States and are not dependent upon this citizenship of any State.

Sir, even the opinion of the court in the case just named, and which is said to deny the right of Congress to legislate in this matter, says:

We 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.

CONCLUSION.

Mr. Speaker, in conclusion let me say that it must be clear to all that Congress has the power to regulate this matter by law, except to those who construe the instrument for the purpose of evasion; that humanity and justice require that we shall do our whole duty in the premises towards a people who have suffered long years of oppression in this country; a people who have contributed toward our material wealth; who are loyal to our Government, and thousands of whose dead lie alongside of your sons and brothers on many a hard fought field; whose lives were freely given in defense of the nation=s honor and its very life. [\(2\)](#)

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Representative Robert B. Elliot, engaging on January 6, 1874, in a debate that addressed the

constitutionality of the bill, the import of the Slaughter-House Cases, and the risk that the Bill would exacerbate racial hostility:

Mr. ELLIOT. While I am sincerely grateful for this high mark of courtesy that has been accorded to me by this House, it is a matter of regret to me that it is necessary at this day that I should rise in the presence of an American Congress to advocate a bill which simply asserts equal rights and equal public privileges for all classes of American citizens. I regret, sir, that the dark hue of my skin may lend a color to the imputation that I am controlled by motives personal to myself in my advocacy of this great measure of national justice. Sir, the motive that impels me is restricted by no such narrow boundary, but is as broad as your Constitution. I advocate it, sir, because it is right. The bill, however, not only appeals to your justice, but it demands a response from your gratitude.

In the events that led to the achievement of American Independence the negro was not an inactive or unconcerned spectator. He bore his part bravely upon many battle-fields, although uncheered by that certain hope of political elevation which victory would secure to the white man. The tall granite shaft, which a grateful State has reared above its sons who fell in defending Fort Griswold against the attack of Benedict Arnold, bears the name of Jordan, Freeman, and other brave men of the African race who there cemented with their blood the corner-stone of the Republic. In the State which I have the honor in part to represent the rifle of the black man rang out against the troops of the British crown in the darkest days of the American revolution. Said General Greene, who has been justly termed the Washington of the North, in a letter written by him to Alexander Hamilton, on the 10th day of January, 1781, from the vicinity of Camden, South Carolina:

There is no such thing as national character or national sentiment. The inhabitants are numerous, but they would be rather formidable abroad than at home. There is a great spirit of enterprise among the black people, and those that come out as volunteers are not a little formidable to the enemy.

At the battle of New Orleans, under the immortal Jackson, a colored regiment held the extreme right of the American line unflinchingly, and drove back the British column that pressed upon them, at the point of the bayonet. So marked was their valor on that occasion that it evoked from their great commander the warmest encomiums, as will be seen from his dispatch announcing the brilliant victory.

As the gentleman from Kentucky, [Mr. Beck,] who seems to be the leading exponent on this floor of the party that is arrayed against the principle of this bill; has been pleased, in season and out of season, to cast odium upon the negro and to vaunt the chivalry of his state, I may be pardoned for calling attention to another portion of the same dispatch. Referring to the various regiments under his command, and their conduct on that field which terminated the second war of American Independence, General Jackson says:

At the very moment when the entire discomfiture of the enemy was looked for with a confidence amounting to certainty, the Kentucky reinforcements, in whom so much reliance had been placed, ingloriously fled.

In quoting this indisputable piece of history, I do so only by way of admonition and not to question the well-attested gallantry of the true Kentuckian, and to suggest to the gentleman that it would be well that he should not flaunt his heraldry so proudly while he bears this scar--sinister on the military escutcheon of his State--a State which answered the call of the Republic in 1861, when treason thundered at the very gates of the capital by coldly declaring her neutrality in the impending struggle. The negro, true to that patriotism and love of country that have ever characterized and marked his history on this continent, came to the aid of the Government in its efforts to maintain the Constitution. To that Government he now appeals; that Constitution he now invokes for protection against outrage and unjust prejudices founded upon caste.

But, sir, we are told by the distinguished gentleman from Georgia [Mr. Stephens] that Congress has no power under the Constitution to pass such a law, and that the passage of such an act is in direct

contravention of the rights of the States. I cannot assent to any such proposition. The constitution of a free government ought always to be construed in favor of human rights. Indeed, the thirteenth, fourteenth, and fifteenth amendments, in positive words, invest Congress with the power to protect the citizen in his civil and political rights. Now, sir, what are civil rights: Rights natural, modified by civil society. Mr. Lieber says:

By civil liberty is meant, not only the absence of individual restraint, but liberty within the social system and political organism--a combination of principles and laws which acknowledge, protect, and favor the dignity of man. * * * Civil liberty is the result of man's two-fold character as an individual and social being, so soon as both are equally respected.-- *Lieber on Civil Liberty*, page 25.

Alexander Hamilton, the right-hand man of Washington in the perilous days of the then infant Republic, the great interpreter and expounder of the Constitution says:

Natural liberty is a gift of the beneficent Creator to the whole human race: civil liberty is founded on it: civil liberty is only natural liberty modified and secured by civil society. -- *Hamilton's History of the American Republic*, vol. 1, page 70.

In the French constitution of June, 1793, we find this grand and noble declaration:

Government is instituted to insure to man the free use of his natural and inalienable rights. These rights are equality, liberty, security, property. All men are equal by nature and before the law. * * * Law is the same for all, be it protective or penal. Freedom is the power by which man can do what does not interfere with the rights of another: its basis is nature, its standard is justice, its protection is law, its moral boundary is the maxim: "Do not unto others what you do not wish they should do unto you.

Are we then, sir, with the amendments to our Constitution staring us in the face; with these grand truths of history before our eyes; with innumerable wrongs daily inflicted upon five million citizens demanding redress, to commit this question to the diversity of State legislation? In the words of Hamilton--

Is it the interest of the Government to sacrifice individual rights to the preservation of the rights of an artificial being called States? There can be no truer principle than this, that every individual of the community at large has an equal right to the protection of Government. Can this be a free Government if partial distinctions are tolerated or maintained?

The rights contended for in this bill are among "the sacred rights of mankind, which are not to be rummaged for among old parchments or musty records: they are written as with a sunbeam, in the whole volume of human nature, by the hand of the Divinity itself, and can never be erased or obscured by mortal power."

But the Slaughter-house cases! --the Slaughter-house cases!

The honorable gentleman from Kentucky, always swift to sustain the failing and dishonored cause of proscription, rushes forward and flaunts in our faces the decision of the Supreme Court of the United States in the Slaughter-house cases, and in that act he has been willingly aided by the gentleman from Georgia. Hitherto, in the contests which have marked the progress of the cause of equal civil rights, our opponents have appealed sometimes to custom, sometimes to prejudice, more often to pride of race, but they have never sought to shield themselves behind the Supreme Court. But now, for the first time, we are told that we are barred by a decision of that court, from which there is no appeal. If this be true we must stay our hands. The cause of equal civil rights must pause at the command of a power whose edicts must be obeyed till the fundamental law of our country is changed.

Has the honorable gentleman from Kentucky considered well the claim he now advances! If it were not disrespectful I would ask, has he ever read the decision which he now tells us is an inseparable barrier to the adoption of this great measure of justice?

In the consideration of this subject, has not the judgement of the gentleman from Georgia been warped by

the ghost of the dead doctrines of State-rights? Has he been altogether free from prejudices engendered by long training in that school of politics that well-nigh destroyed this Government?

Mr. Speaker, I venture to say here in the presence of the gentleman from Kentucky, and the gentleman from Georgia, and in the presence of the whole country, that there is not a line or word, not a thought or dictum even, in the decision of the Supreme Court in the great Slaughter-house cases which casts a shadow of doubt on the right of Congress to pass the pending bill, or to adopt such other legislation as it may judge proper and necessary to secure perfect equality before the law to every citizen of the Republic. Sir, I protest against the dishonor now cast upon our Supreme Court by both the gentleman from Kentucky and the gentleman from Georgia. In other days, when the whole country was bowing beneath the yoke of slavery, when press, pulpit, platform, Congress, and courts felt the fatal power of the slave oligarchy, I remember a decision of that court which no American now reads without shame and humiliation. But, those days are past. The Supreme Court of today is a tribunal as true to freedom as any department of this Government, and I am honored with the opportunity of repelling a deep disgrace which the gentleman from Kentucky, backed and sustained as he is by the gentleman from Georgia, seeks to put upon it.

What were these Slaughter-house cases? The gentleman should be aware that a decision of any court should be examined in the light of the exact question which is brought before it for decision. That is all that gives authority to any decision.

The State of Louisiana, by act of her legislature, had conferred on certain persons the exclusive right to maintain stock-landings and slaughter-houses within the city of New Orleans, or the parishes of Orleans, Jefferson, and Saint Bernard, in that State. The corporation which was thereby chartered were invested with the sole and exclusive privilege of conducting and carrying on the live-stock, landing, and slaughter-house business within the limits designated.

The supreme court of Louisiana sustained the validity of the act conferring these exclusive privileges, and the plaintiffs in error brought the case before the Supreme Court of the United States for review. The plaintiffs in error contended that the act in question was void, because, first, it established a monopoly which was in derogation of common right and in contravention of the common law; and, second, that the grant of such exclusive privileges was in violation of the thirteenth and fourteenth amendments of the Constitution of the United States.

It thus appears from a simple statement of the case that the question which was before the court was not whether a State law which denied to a particular portion of her citizens the rights conferred on her citizens generally, on account of race, color, or previous condition of servitude, was unconstitutional because in conflict with the recent amendments, but whether an act which conferred on certain citizens exclusive privileges for police purposes was in conflict therewith, because imposing an involuntary servitude forbidden by the thirteenth amendment, or abridging the rights and immunities of citizens of the United States, or denying the equal protection of the laws, prohibited by the fourteenth amendment.

On the part of the defendants in error it was maintained that the act was the exercise of the ordinary and unquestionable power of the State to make regulation for the health and comfort of society--the exercise of the police power of the State, denied by Chancellor Kent to be "the right to interdict unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application of steam-power to propel cars, the building with combustible materials, and the burial of the dead in the midst of dense masses of population, on the general and rational principle that every person ought so to use his own property as not to injure his neighbors, and that private interests must be made subservient to the general interests of the community."

The decision of the Supreme Court is to be found in the 16th volume of Wallace's Reports, and was

delivered by Associate Justice Miller. The court hold, first, that the act in question is a legitimate and warrantable exercise of the police power of the State in regulating the business of stock-landing and slaughtering in the city of New Orleans and the territory immediately contiguous. Having held this, the court proceeds to discuss the question whether the conferring of exclusive privileges, such as those conferred by the act in question, is the imposing of an involuntary servitude, the abridging of the rights and immunities of citizens of the United States, or the denial to any person within the jurisdiction of the State of the equal protection of the laws.

That the act is not the imposition of an involuntary servitude the court hold to be clear, and they next proceed to examine the remaining questions arising under the fourteenth amendment. Upon this question the court hold that the leading and comprehensive purpose of the thirteenth, fourteenth, and fifteenth amendments was to secure the complete freedom of the race, which, by the events of the war, had been wrested from the unwilling grasp of their owners. I know no finer or more just picture, albeit painted in the neutral tints of true judicial impartiality, of the motives and events which led to these amendments. Has the gentleman from Kentucky read these passages which I now quote? Or has the gentleman from Georgia considered well the force of the language therein used? Says the court on page 70.

The process of restoring to their proper relations with the Federal Government and with the other States those which had sided with the rebellion, undertaken under the proclamation of President Johnson in 1865, and before the assembling of Congress, developed the fact that, notwithstanding the formal recognition by those states of the abolition of slavery, the condition of the slave race would, without further protection of the Federal Government, be almost as bad as it was before. Among the first acts of legislation adopted by several of the states in the legislative bodies which claimed to be in their normal relations with the Federal government, were laws which imposed upon the colored race onerous disabilities and burdens, and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value, while they had lost the protection which they had received from their former owners from motives both of interest and humanity.

They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil, without the right to purchase or own it. They were excluded from any occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men, either because the laws for their protection were insufficient or were not enforced.

These circumstances, whatever of falsehood or misconception may have been mingled with their presentation forced upon the statesmen who had conducted the Federal government in safety through the crisis of the rebellion, and who supposed that by the thirteenth article of amendment they had secured the result of their labors, the conviction that something more was necessary in the way of constitutional protection to the unfortunate race who had suffered so much. They accordingly passed through Congress the proposition for the fourteenth amendment, and they declined to treat as restored to their full participation in the Government of the Union the States which had been in insurrection until they ratified that article by a formal vote of their legislative bodies.

Before we proceed to examine more critically the provisions of this amendment, on which the plaintiff's in error rely, let us complete and dismiss the history of the recent amendments, as that history relates to the general purpose which pervades them all. A few years' experience satisfied the thoughtful men who had been the authors of the other two amendments that, notwithstanding the restraints of those articles on the States and the laws passed under the additional powers granted to Congress, these were inadequate for the protection of life, liberty, and property, without which freedom to the slave was no boon. They were in all those States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctively marked as was the negro, living in the midst of another and dominant race, could never be fully secured in their person and their property without the right of suffrage.

Hence the fifteenth amendment, which declares that "the right of a citizen of the United States to vote shall not be denied or abridged by any state on account of race, color, or previous condition of servitude." The negro having, by the fourteenth amendment, been declared to be a citizen of the United states, is thus made a voter in every State of the Union.

We repeat, then, in the light of this recapitulation of events almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested: we mean the freedom of the slave race, the security and firm establishment of that freedom and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him.

It is true that only the fifteenth amendment in terms mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them, as the fifteenth.

These amendments, one and all, are thus declared to have as their all-pervading design and end the security to the recently enslaved race, not only their nominal freedom, but their complete protection from those who had formerly exercised unlimited dominion over them. It is in this broad light that all these amendments must be read, the purpose to secure the perfect equality before the law of all citizens of the United States. What you give to one class you must give to all; what you deny to one class you shall deny to all, unless in the exercise of the common and universal police power of the state you find it needful to confer exclusive privileges on certain citizens, to be held and exercised still for the common good of all.

Such are the doctrines of the Slaughter-house cases--doctrines worthy of the Republic, worthy of the age, worthy of the great tribunal which thus loftily and impressively enunciates them. Do they--I put it to any man, be he lawyer or not; I put it to the gentleman from Georgia--do they give color even to the claim that this Congress may not now legislate against a plain discrimination made by State laws or State customs against that very race for whose complete freedom and protection these great amendments were elaborated and adopted? Is it pretended, I ask the honorable gentleman from Kentucky or the honorable gentleman from Georgia--is it pretended anywhere that the evils of which we complain, our exclusion from the public inn, from the saloon and table of the steamboat, from the sleeping-coach on the railway, from the right of sepulture in the public burial-ground, are an exercise of the police power of the state? Is such oppression and injustice nothing but the exercise by the State of the right to make regulations for the health, comfort, and security of all her citizens? Is it merely enacting that one man shall use his own as not to injure another's? Are the colored race to be assimilated to an unwholesome trade or to combustible materials, to be interdicted, to be shut up within prescribed limits? Let the gentleman from Kentucky or the gentleman from Georgia answer. Let the country know to what extent even the audacious prejudice of the gentleman from Kentucky will drive him, and how far even the gentleman from Georgia will permit himself to be led captive by the unrighteous teachings of a false political faith.

If we are to be likened in legal view to "unwholesome trades," to "large and offensive collections of animals," to "noxious slaughter-houses," to "the offal and stench which attend on certain manufactures," let it be avowed. If that is still the doctrine of the political party to which the gentlemen belong, let it be put upon record. If State laws which deny us the common rights and privileges of other citizens, upon no possible or conceivable ground save one of prejudice, or of "taste," as the gentleman from Texas termed it, and as I suppose the gentlemen will prefer to call it, are to be placed under the protection of a decision which affirms the right of a State to regulate the police of her great cities then the decision is in conflict with the bill before us. No man will dare maintain such a doctrine. It is as shocking to the legal mind as it is offensive to the heart and conscience of all who love justice or respect manhood. I am astonished that the gentleman from Kentucky or the gentleman from Georgia should have been so grossly misled as to rise here and assert that the decision of the Supreme Court in these cases was a denial to Congress of the power to legislate against discriminations on account of race, color, or previous condition of servitude; because that court has decided that exclusive privileges conferred for the common protection of the lives and health of the whole community are not in violation of the recent amendments. The only ground upon which the grant of exclusive privileges to a portion of the community is ever defended is that the substantial good of all is promoted; that in truth it is for the welfare of the whole community that certain persons should alone pursue certain occupations. It is not the special benefit conferred on the few that moves the legislature, but the ultimate and real benefit of all, even of those who are denied the right to pursue those specified occupations. Does the gentleman from Kentucky say that my good is promoted when I am excluded from the public inn? Is the health or safety of the community promoted? Doubtless his prejudice is gratified. Doubtless his democratic instincts are pleased; but will he or his able coadjutor say that such exclusion is a lawful exercise of the police power of the State, or that it is not a denial to me of the equal protection of the laws? They will

not so say.

But each of these gentlemen quote at some length from the decision of the court to show that the court recognizes a difference between citizenship of the United States and citizenship of the States. That is true, and no man here who supports this bill questions or overlooks the difference. There are privileges and immunities which belong to me as a citizen of the United States, and there are privileges and immunities which belong to me as a citizen of my State. The former are under the protection of the Constitution and laws of the United States, and the latter are under the protection of the constitution and laws of my State. But what of that? Are the rights which I now claim--the right to enjoy the common public conveniences of travel on public highways, of rest and refreshment at public inns, of education in public schools, of burial in public cemeteries--rights which I hold as a citizen of the United States or of my State? Or, to state the question more exactly, is not the denial of such privileges to me a denial to me of the equal protection of the laws? For it is under this clause of the fourteenth amendment that we place the present bill, no State shall "deny to any person within its jurisdiction the equal protection of the laws." No matter, therefore, whether his rights are held under the United States or under his particular State, he is equally protected by this amendment. He is always and everywhere entitled to the equal protection of the laws. All discrimination is forbidden; and while the rights of citizens of a State as such are not defined or conferred by the Constitution of the United States, yet all discrimination, all denial of equality before the law, all denial of the equal protection of the laws, whether State or national laws, is forbidden.

The distinction between the two kinds of citizenship is clear, and the Supreme Court have clearly pointed out this distinction, but they have nowhere written a word or line which denies to Congress the power to prevent a denial of equality of rights, whether those rights exist by virtue of citizenship of the United States or of a State. Let honorable members mark well this distinction. There are rights which are conferred on us by the United States. There are other rights conferred on us by the States of which we are individually the citizens. The fourteenth amendment, does not forbid a State to deny to all its citizens any of those rights which the State itself has conferred, with certain exceptions, which are pointed out in the decision which we are examining. What it does forbid is inequality, is discrimination, or, to use the words of the amendment itself, is the denial "to any person within its jurisdiction the equal protection of the laws." If a State denies to me rights which are common to all her other citizens, she violates this amendment, unless she can show, as was shown in the Slaughter-house cases, that she does it in the legitimate exercise of her police power. If she abridges the rights of all her citizens equally, unless those rights are specially guarded by the Constitution of the United States, she does not violate this amendment. This is not to put the rights which I hold by virtue of my citizenship of South Carolina under the protection of the national Government; it is not to blot out or overlook in the slightest particular the distinction between rights held under the United States and rights held under the States; but it seeks to secure equality; to prevent discrimination, to confer as complete and ample protection on the humblest as on the highest.

The gentleman from Kentucky, in the course of the speech to which I am now replying, made a reference to the State of Massachusetts which betrays again the confusion which exists in his mind on this precise point. He tells us that Massachusetts excludes from the ballot-box all who cannot read and write and points to that fact as the exercise of a right which this bill would abridge or impair. The honorable gentleman from Massachusetts (Mr. Dawes) answered him truly and well, but I submit that he did not make the best reply. Why did he not ask the gentleman from Kentucky if Massachusetts had ever discriminated against any of her citizens on account of color, or race, or previous condition of servitude? When did Massachusetts sully her proud record by placing on her statute-book any law which admitted to the ballot the white man and shut out the black man? She has never done it; she will not do it; she cannot do it so long as we have a Supreme Court which reads the Constitution of our country with the eyes of Justice; nor can Massachusetts or Kentucky deny to any man, on account of his race, color, or previous condition of servitude, that perfect equality of protection under the laws so long as Congress shall exercise the power to enforce, by appropriate legislation, the great and unquestionable securities embodied in the fourteenth amendment to the

Constitution.

But, sir, a few words more as to the suffrage regulation of Massachusetts.

It is true that Massachusetts in 1857, finding that her illiterate population was being constantly augmented by the continual influx of ignorant emigrants, placed in her constitution the least possible limitation consistent with manhood suffrage to stay this tide of foreign ignorance. Its benefit has been fully demonstrated in the intelligent character of the voters of that honored commonwealth, reflected so conspicuously in the able Representatives she has today upon this floor. But neither is the inference of the gentleman from Kentucky legitimate, nor do the statistics of the census of 1870, drawn from his own State, sustain his astounding assumption. According to the statistics we find the whole white population of that State is 1,098,692; the whole colored population 222,210. Of the whole white population who cannot write we find 201,077; of the whole colored population who cannot write, 126,048; giving us, as will be seen, 96,162 colored persons who can write to 897,615 white person who can write. Now, the ratio of the colored population to the white is as 1 to 5, and the ratio of the illiterate colored population to the whole colored population is as 1 to 2; the ratio of the illiterate white population is to the whole white population as 1 is to 5. Reducing this, we have only a preponderance of three-tenths in favor of the whites as to literacy, notwithstanding the advantages which they have always enjoyed and do now enjoy of free-school privileges, and this too, taking solely into account the single item of being unable to write; for with regard to the inability to read, there is no discrimination in the statistics between the white and colored population. There is, moreover, a peculiar felicity in these statistics with regard to the State of Kentucky, quoted so opportunely for me by the honorable gentleman; for I find that the population of that State, both with regard to its white and colored populations, bears the same relative rank in regard to the white and colored populations of the United States; and therefore, while one negro would be disfranchised were the limitation of Massachusetts put in force, nearly three white men would at the same time be deprived of the right of suffrage--a consummation which I think would be far more acceptable to the colored people of that State than to the whites.

Now, Sir, having spoken as to the intention of the prohibition imposed by Massachusetts, I may be pardoned for a slight inquiry as to the effect of this prohibition. First, it did not in any way abridge or curtail the exercise of the suffrage by any person who at that time enjoyed such right. Nor did it discriminate between the illiterate native and the illiterate foreigner. Being enacted for the good of the entire Commonwealth, like all just laws, its obligations fell equally and impartially upon all its citizens. And as a justification for such a measure, it is a fact too well known almost for mention here that Massachusetts had, from the beginning of her history, recognized the inestimable value of an educated ballot, by not only maintaining a system of free schools, but also enforcing an attendance thereupon, as one of the safeguards for the preservation of a real republican form of government. Recurring then, sir, to the possible contingency alluded to by the gentleman from Kentucky, should the State of Kentucky, having first established a system of common schools whose doors shall swing open freely to all, as contemplated by the provisions of this bill, adopt a provision similar to that of Massachusetts, no one would have cause justly to complain. And if in the coming years the result of such legislation should produce a constituency rivaling that of the old Bay State, no one would be more highly gratified than I.

Mr. Speaker, I have neither the time nor the inclination to notice the many illogical and forced conclusions, the numerous transfers of terms, or the vulgar insinuations which further incumber the argument of the gentleman from Kentucky. Reason and argument are worse than wasted upon those who meet every demand for political and civil liberty by such ribaldry as this--extracted from the speech of the gentleman from Kentucky:

I suppose there are gentlemen on this floor who would arrest, imprison, and fine a young woman in any State of the South if she were to refuse to marry a negro man on account of color, race, or previous condition of servitude, in the event of his making her a proposal of marriage, and her refusing on that ground. That would be depriving him of a right he had under the

amendment, and Congress would be asked to take it up and say, "This insolent white woman must be taught to know that it is a misdemeanor to deny a man marriage because of race, color, or previous condition of servitude;" and Congress will be urged to say after a while that that sort of thing must be put a stop to, and your conventions of colored men will come here asking you to enforce that right.

Now, sir, recurring to the venerable and distinguished gentleman from Georgia, [Mr. Stephens,] who has added his remonstrance against the passage of this bill, permit me to say that I share in the feeling of high personal regard for that gentleman which pervades this House. His years, his ability, and his long experience in public affairs entitle him to the measure of consideration which has been accorded to him on this floor. But in this discussion I cannot and I will not forget that the welfare and rights of my whole race in this country are involved. When, therefore, the honorable gentleman from Georgia lends his voice and influence to defeat this measure, I do not shrink from saying that it is not from him that the American House of Representatives should take lessons in matters touching human rights or the joint relations of the State and national governments. While the honorable gentleman contented himself with harmless speculations in his study, or in the columns of a newspaper, we might well smile at the impotence of his efforts to turn back the advancing tide of opinion and progress; but, when he comes again upon this national arena, and throws himself with all his power and influence across the path which leads to the full enfranchisement of my race, I meet him only as an adversary; nor shall age or any other consideration restrain me from saying that he now offers this Government, which he has done his utmost to destroy, a very poor return for its magnanimous treatment, to come here and seek to continue, by the assertion of doctrines obnoxious to the true principles of our Government, the burdens and oppressions which rest upon five millions of his countrymen who never failed to lift their earnest prayers for the success of this Government when the gentleman was seeking to break up the Union of these States and to blot the American Republic from the galaxy of nations. [Loud applause.]

Sir, it is scarcely twelve years since that gentleman shocked the civilized world by announcing the birth of a government which rested on human slavery as its corner-stone. The progress of events has swept away that *pseudo*-government which rested on greed, pride, and tyranny; and the race whom he then ruthlessly spurned and trampled on are here to meet him in debate, and to demand that the rights which are enjoyed by their former oppressors--who vainly sought to overthrow a Government which they could not prostitute to the base uses of slavery--shall be accorded to those who even in the darkness of slavery kept their allegiance true to freedom and the Union. Sir, the gentleman from Georgia has learned much since 1861; but he is still a laggard. Let him put away entirely the false and fatal theories which have so greatly marred an otherwise enviable record. Let him accept, in its fullness and beneficence, the great doctrine that American citizenship carries with it every civil and political right which manhood can confer. Let him lend his influence, with all his masterly ability, to complete the proud structure of legislation which makes his nation worthy of the great declaration which heralded its birth, and he will have done that which will most nearly redeem his reputation in the eyes of the world, and best vindicate the wisdom of that policy which has permitted him to regain his seat upon this floor.

To the diatribe of the gentleman from Virginia, [Mr. Harris,] who spoke on yesterday, and who so far transcended the limits of decency and propriety as to announce upon this floor that his remarks were addressed to white men alone, I shall have no word of reply.⁽³⁾ Let him feel that a negro was not only too magnanimous to smite him in his weakness, but was even charitable enough to grant him the mercy of his silence. [Laughter and applause on the floor and in the galleries.] I shall, sir, leave to others less charitable the unenviable and fatiguing task of sifting out of that mass of chaff the few grains of sense that may, perchance, deserve notice. Assuring the gentleman that the negro in this country aims at a higher degree of intellect than that exhibited by him in this debate, I cheerfully commend him to the commiseration of all intelligent men the world over--black men as well as white men.

Sir, equality before the law is now the broad, universal, glorious rule and mandate of the Republic. No State can violate that. Kentucky and Georgia may crowd their statute-books with retrograde and barbarous legislation; they may rejoice in the

odious eminence of their consistent hostility to all the great steps of human progress which have marked our national history since slavery tore down the stars and stripes on Fort Sumter; but, if Congress shall do its duty, if Congress shall enforce the great guarantees which the Supreme Court has declared to be the one pervading purpose of all the recent amendments, then their unwise and unenlightened conduct will fall with the same weight upon the gentlemen from those States who now lend their influence to defeat this bill, as upon the poorest slave who once had no rights which the honorable gentlemen were bound to respect.

But, sir, not only does the decision in the Slaughter-house cases contain nothing which suggests a doubt of the power of Congress to pass the pending bill, but it contains an express recognition and affirmance of such power. I quote now from page 81 of the volume:

"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 on account of their race, will ever be held to come within the purview of this provision. It is so clearly a provision for that race and that emergency, that a strong case would be necessary for its application to any other. But as it is a State that is to be dealt with, and not alone the validity of its laws, we may safely leave that matter until Congress shall have exercised its power, or some case of State oppression, by denial of equal justice in its courts shall, have claimed a decision at our hands.

No language could convey a more complete assertion of the power of Congress over the subject embraced in the present bill than is here expressed. If the States do not conform to the requirements of this clause, if they continue to deny to any person within their jurisdiction the equal protection of the laws, or as the Supreme Court had said, "deny equal justice in its courts," then Congress is here said to have power to enforce the constitutional guarantee by appropriate legislation. That is the power which this bill now seeks to put in exercise. It proposes to enforce the constitutional guarantee against inequality and discrimination by appropriate legislation. It does not seek to confer new rights, nor to place rights conferred by State citizenship under the protection of the United States, but simply to prevent and forbid inequality and discrimination on account of race, color, or previous condition of servitude. Never was there a bill more completely within the constitutional power of Congress. Never was there a bill which appealed for support more strongly to that sense of justice and fair-play which has been said, and in the main with justice, to be a characteristic of the Anglo-Saxon race. The Constitution warrants it; the Supreme Court sanctions it; justice demands it.

Sir, I have replied to the extent of my ability to the arguments which have been presented by the opponents of this measure. I have replied also to some of the legal propositions advanced by gentlemen on the other side; and now that I am about to conclude, I am deeply sensible of the imperfect manner in which I have preformed the task. Technically, this bill is to decide upon the civil status of the colored American citizen: a point disputed at the very formation of our present Government, when by a short-sighted policy, a policy repugnant to true republican government, one negro counted as three-fifths of a man. The logical result of this mistake of the framers of the Constitution strengthened the cancer of slavery, which finally spread its poisonous tentacles over the southern portion of the body-politic. To arrest its growth and save the nation we have passed through the harrowing operation of intestine war, dreaded at all times, resorted to at the last extremity, like the surgeon's knife, but absolutely necessary to extirpate the disease which threatened with the life of the nation the overthrow of civil and political liberty on this continent. In that dire extremity the members of the race which I have the honor in part to represent--the race which pleads for justice at your hands today, forgetful of their inhuman and brutalizing servitude at the South, their degradation and ostracism at the North--flew willingly and gallantly to the support of the national Government. Their sufferings, assistance, privations, and trials in the swamps and in the rice-fields, their valor on the land and

on the sea, is a part of the ever-glorious record which makes up the history of a nation preserved, and might, should I urge the claim, incline you to respect and guarantee their rights and privileges as citizens of our common Republic. But I remember that valor, devotion, and loyalty are not always rewarded according to their just deserts, and that after the battle some who have borne the brunt of the fray may, through neglect or contempt, be assigned to a subordinate place, while the enemies in war may be preferred to the sufferers.

The results of the war, as seen in reconstruction, have settled forever the political status of my race. The passage of this bill will determine the civil status, not only of the negro, but of any other class of citizens who may feel themselves discriminated against. It will form the cap-stone of that temple of liberty, begun on this continent under discouraging circumstances, carried on in spite of the sneers of monarchists and the cavils of pretended friends of freedom, until at last it stands in all its beautiful symmetry and proportions, a building the grandest which the world has ever seen, realizing the most sanguine expectations and the highest hopes of those who, in the name of equal, impartial, and universal liberty, laid the foundation stones.

The Holy Scriptures tell us of an humble hand-maiden who long, faithfully, and patiently gleaned in the rich fields of her wealthy kinsman; and we are told further that at last, in spite of her humble antecedents, she found complete favor in his sight. For over two centuries our race had "reaped down your fields." The cries and woes which we have uttered have "entered into the ears of the Lord of Sabaoth," and we are at last politically free. The last vestiture only is needed--civil rights. Having gained this, we may, with hearts overflowing with gratitude, and thankful that our prayer has been granted, repeat the prayer of Ruth: "entreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy god my God; where thou diest, will I die, and there will I be buried; the Lord do so to me, and more also, if aught but death part thee and me." [Great applause.]⁽⁵⁾

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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 Unites 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. [\(6\)](#)

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Representative Richard H. Cain, speaking on January 10, 1874 in response to the argument that the Bill would promote antagonism between the races by wrongfully granting social rights to African-Americans:

CIVIL RIGHTS.

Mr. CAIN. Mr. Speaker, I feel called upon more particularly by the remarks of the gentleman from North Carolina [Mr. VANCE] on civil rights to express my views. For a number of days this question has been discussed, and various have been the opinions expressed as to whether or not the pending bill should be passed in its present form or whether it should be modified to meet the objections entertained by a number of gentlemen whose duty it will be to give their votes for or against its passage. It has been assumed that to pass this bill in its present form Congress would manifest a tendency to override the Constitution of the country and violate the rights of the States.

Whether it be true or false is yet to be seen. I take it, so far as the constitutional question is concerned, if the colored people under the law, under the amendments to the Constitution, have become invested with all the rights of citizenship, then they carry with them all rights and immunities accruing to and belonging to a citizen of the United States. If four, or nearly five, million people have been lifted from the thralldom of slavery and made free; if the Government by its amendments to the Constitution has guaranteed to them all rights and immunities, as to other citizens, they must necessarily therefore carry along with them all privileges enjoyed by all other citizens of the Republic.

Sir, the gentleman from North Carolina [Mr. VANCE] who spoke on the question stated some objections, to which I desire to address a few words of reply. He said it would enforce social rights, and therefore

would be detrimental to the interests of both the whites and the blacks of the country. My conception of the effect of this bill, if it be passed into a law, will be simply to place the colored men of this country upon the same footing with every other citizen under the law, and will not at all enforce social relationship with any other class of persons in the country whatsoever. It is merely a matter of law. What we desire is that our civil rights shall be guaranteed by law as they are guaranteed to every other class of persons; and when that is done all other things will come in as a necessary sequence, the enforcement of the rights following the enactment of the law.

Sir, social equality is a right which every man, every woman, and every class of persons have within their own control. They have a right to form their own acquaintances, to establish their own social relationships. Its establishment and regulation is not within the province of legislation. No laws enacted by legislators can compel social equality. Now, what is it we desire? What we desire is this: inasmuch as we have been raised to the dignity, to the honor, to the position of our manhood, we ask that the laws of this country should guarantee all the rights and immunities belonging to that proud position, to be enforced all over this broad land.

Sir, the gentleman states that in the State of North Carolina the colored people enjoy all their rights as far as the highways are concerned; that in the hotels, and in the railroad cars, and in the various public places of resort, they have all the rights and all the immunities accorded to any other class of citizens of the United States. Now, it may not have come under his observation, but it has under mine, that such really is not the case; and the reason why I know and feel it more than he does is because my face is painted black and his is painted white. We who have the color--I may say the objectionable color--know and feel all this. A few days ago, in passing from South Carolina to this city, I entered a place of public resort where hungry men are fed, but I did not dare--I could not without trouble--sit down to the table. I could not sit down at Wilmington or at Weldon without entering into a contest, which I did not desire to do. My colleague, the gentleman who so eloquently spoke on this subject the other day, [Mr. ELLIOTT,] a few months ago entered a restaurant at Wilmington and sat down to be served, and while there a gentleman stepped up to him and said, "You cannot eat here." All the other gentlemen upon the railroad as passengers were eating there; he had only twenty minutes, and was compelled to leave the restaurant or have a fight for it. He showed fight, however, and got his dinner; but he has never been back there since. Coming here last week I felt we did not desire to draw revolvers and present the bold front of warriors, and therefore we ordered our dinners to be brought into the cars, but even there we found the existence of this feeling; for, although we had paid a dollar a piece for our meals, to be brought by the servants into the cars, still there was objection on the part of the railroad people to our eating our meals in the cars, because they said we were putting on airs. They refused us in the restaurant, and then did not desire that we should eat our meals in the cars, although we paid for them. Yet this was in the noble State of North Carolina.

Mr. Speaker, the colored men of the south do not want the adoption of any force measure. No; they do not want anything by force. All they ask is that you will give them, by statutory enactment under the fundamental law, the right to enjoy precisely the same privileges accorded to every other class of citizens.

The gentleman, moreover, has told us that if we pass this civil-rights bill we will thereby rob the colored men of the South of the friendship of the whites. Now, I am at a loss to see how the friendship of our white friends can be lost to us by simply saying we should be permitted to enjoy the rights enjoyed by other citizens. I have a higher opinion of the friendship of the southern men than to suppose any such thing. I know them too well. I know their friendship will not be lost by the passage of this bill. For eight years I have been in South Carolina, and I have found this to be the fact, that the higher class, comprising gentlemen of learning and refinement, are less opposed to this measure than are those who do not occupy so high a position in the social scale.

Sir, I think that there will be no difficulty. But I do think this, that there will be more trouble if we do not

have those rights. I regard it important, therefore, that we should make the law so strong that no man can infringe those rights.

But, says the gentleman from North Carolina, some ambitious colored man will, when this law is passed, enter a hotel or railroad car, and thus create disturbance. If it be his right, then there is no vaulting ambition in his enjoying that right. And if he can pay for his seat in a first-class car or his room in a hotel, I see no objection to his enjoying it. But the gentleman says more. He cited, on the school question, the evidence of South Carolina, and says the South Carolina University has been destroyed by virtue of bringing into contact the white students with the colored. I think not. It is true that a small number of students left the institution, but the institution still remains. The buildings are there as erect as ever; the faculty are there as attentive to their duties as ever they were; the students are coming in as they did before. It is true, sir, that there is a mixture of students now; that there are colored and white students of law and medicine sitting side by side; it is true, sir, that the prejudice of some of the professors was so strong that it drove them out of the institution; but the philanthropy and good sense of others were such that they remained; and thus we have still the institution going on, and because some students have left, it cannot be reasonably argued that the usefulness of the institution has been destroyed. The University of South Carolina has not been destroyed.

But the gentleman says more. The colored man cannot stand, he says, where this antagonism exists, and he deprecates the idea of antagonizing the races. The gentleman says there is no antagonism on his part. I think there is no antagonism so far as the country is concerned. So far as my observation extends, it goes to prove this: that there is a general acceptance upon the part of the larger and better class of the whites of the South of the situation, and that they regard the education and the development of the colored people as essential to their welfare, and the peace, happiness, and prosperity of the whole country. Many of them, including the best minds of the South are earnestly engaged in seeking to make this great system of education permanent in all the States. I do not believe, therefore, that it is possible there can be such an antagonism. Why, sir, in Massachusetts there is no such antagonism. There the colored and the white children go to school side by side. In Rhode Island there is not that antagonism. There they are educated side by side in the high schools. In New York, in the highest schools, are to be found, of late, colored men and colored women. Even old democratic New York does not refuse to give the colored people their rights, and there is no antagonism. A few days ago, when in New York, I made it my business to find out what was the position of matters therein this respect. I ascertained that there are, I think, seven colored ladies in the highest school in New York, and I believe they stand No. 1 in their class, side by side with members of the best and most refined families of the citizens of New York, and without any objection to their presence.

I cannot understand how it is that our southern friends, or a certain class of them, always bring back this old ghost of prejudice and of antagonism. There was a time, not very far distant in the past, when this antagonism was not recognized, when a feeling of fraternization between the white and the colored races existed, that made them kindred to each other. But since our emancipation, since liberty has come, and only since--only since we have stood up clothed in our manhood, only since we have proceeded to take hold and help advance the civilization of this nation--it is only since then that this bugbear is brought up against us again. Sir, the progress of the age demands that the colored man of this country shall be lifted by law into the enjoyment of every right, and that every appliance which is accorded to the German, to the Irishman, to the Englishman, and every foreigner, shall be given to him; and I shall give some reasons why I demand this in the name of justice.

For two hundred years the colored men of this nation have assisted in building up its commercial interests. There are in this country nearly five million of us, and for a space of two hundred and forty-seven years we have been hewers of wood and drawers of water; but we have been with you in promoting all the interests of the country. My distinguished colleague, who defended the civil rights of our race, the other day on this floor, set this forth so clearly that I need not dwell upon it at this time.

I propose to state just this: that we have been identified with the interests of this country from its very foundation. The cotton crop of this country has been raised and its rice-fields have been tilled by the hands of our race. All along as the march of progress, as the march of commerce, as the development of your resources has been widening and expanding and spreading, as your vessels have gone on every sea, with the stars and stripes waving over them, and carried your commerce everywhere, there the black man=s labor has gone to enrich your country and to augment the grandeur of your nationality. This was done in the time of slavery. And, if for the space of time I have noted, we have been hewers of wood and drawers of water; if we have made your cotton fields blossom as the rose; if we have made your rice fields wave with luxuriant harvests; if we have made your corn fields rejoice; if we have sweated and toiled to build up the prosperity of the whole country by the productions of our labor, I submit, now that the war has made a change, now that we are free--

I submit to the nation whether it is not fair and right that we should come in and enjoy to the fullest extent our freedom and liberty.

A word now as to the question of education. Sir, I know that, indeed, some of our republican friends are even a little weak on the school clause of this bill; but, sir, the education of the race, the education of the nation, is paramount to all other considerations. I regard it important, therefore, that the colored people should take place in the educational march in this nation, and I would suggest that there should be no discrimination. It is against discrimination in this particular that we complain.

Sir, if you look over the reports of superintendents of schools in the several States, you will find, I think, evidences sufficient to warrant Congress in passing the civil-rights bill as it now stands. The report of the commissioner of education of California shows that, under the operation of law and of prejudice, the colored children of that State are practically excluded from schooling. Here is a case where a large class of children are growing up in our midst in a state of ignorance and semi-barbarism. Take the report of the superintendent of education of Indiana, and you will find that while efforts have been made in some places to educate the colored children, yet the prejudice is so great that it debars the colored children from enjoying all the rights which they ought to enjoy under the law. In Illinois, too, the superintendent of education makes this statement: that, while the law guarantees education to every child, yet such are the operations among the school trustees that they almost ignore, in some places, the education of colored children.

All we ask is that you, the legislators of the nation, shall pass a law so strong and so powerful that no one shall be able to elude it and destroy our rights under the Constitution and laws of our country. That is all we ask.

But, Mr. Speaker, the gentleman from North Carolina [Mr. VANCE] asks that the colored man shall place himself in an attitude to receive his rights. I ask, what attitude can we assume? We have tilled your soil, and during the rude shock of the war, until our hour came, we were docile during that long, dark night, waiting patiently the coming day. In the Southern States during that war our men and women stood behind their masters; they tilled the soil, and there were no insurrections in all the broad lands of the South; the wives and daughters of the slaveholders were as sacred then as they were before; and the history of the war does not record a single event, a single instance, in which the colored people were unfaithful, even in slavery; nor does the history of the war record the fact that on the other side, on the side of the Union, there were any colored men who were not willing at all times to give their lives for their country. Sir, upon both sides we waited patiently. I was a student at Wilberforce University, in Ohio, when the tocsin of war was sounded, when Fort Sumter was fired upon, and I never shall forget the thrill that ran through my soul when I thought of the coming consequences of that shot. There were one hundred and fifteen of us, students at that university, who, anxious to vindicate the stars and stripes, made up a company, and offered our services to the governor of Ohio; and, sir, we were told that it was a white man=s war and that the negro had nothing to do with it. Sir, we returned--docile, patient, waiting, casting our eyes to the heavens whence help always

comes. We knew that there would come a period in the history of this nation when our strong black arms would be needed. We waited patiently; we waited until Massachusetts, through her noble governor, sounded the alarm, and we hastened then to hear the summons and obey it.

Sir, as I before remarked, we were peaceful on both sides. When the call was made on the side of the Union we were ready; when the call was made for us to obey orders on the other side, in the confederacy, we humbly performed our tasks, and waited patiently. But, sir, the time came when we were called for; and I ask, who can say that when that call was made, the colored man did not respond as readily and as rapidly as did any other class of your citizens? Sir, I need not speak of the history of this bloody war. It will carry down to coming generations the valor of our soldiers on the battlefield. Fort Wagner will stand forever as a monument of that valor, and until Vicksburgh shall be wiped from the galaxy of battles in the great contest for human liberty that valor will be recognized.

And for what, Mr. Speaker and gentleman, was the great war made? The gentleman from North Carolina [Mr. VANCE] announced before he sat down, in answer to an interrogatory by a gentleman on this side of the House, that they went into the war conscientiously before God. So be it. Then we simply come and plead conscientiously before God that these are our rights, and we want them. We plead conscientiously before God, believing that these are our rights by inheritance, and by the inexorable decree of Almighty God.

We believe in the Declaration of Independence, that all men are born free and equal, and are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness. And we further believe that to secure those rights governments are instituted. And we further believe that when governments cease to subserve those ends the people should change them.

I have been astonished at the course which gentlemen on the other side have taken in discussing this bill. They plant themselves right behind the Constitution and declare that the rights of the State ought not to be invaded. Now, if you will take the history of the war of the rebellion, as published by the Clerk of this House, you will see that in 1860 the whole country, each side, was earnest in seeking to make such amendments to the Constitution as would forever secure slavery and keep the Union together under the circumstances. The resolutions passed, and the sentiments expressed in speeches at that time, if examined by gentlemen, will be found to bear out all that I have indicated. It was felt in 1860 that anything that would keep the "wayward sisters" from going astray was desirable. They were then ready and willing to make any amendments.

And now, when the civil rights of our race are hanging upon the issue, they on the other side are not willing to concede to us such amendments as will guarantee them; indeed, they seek to impair the force of existing amendments to the Constitution of the United States, which would carry out the purpose.

I think it is proper and just that the civil-rights bill should be passed. Some think it would be better to modify it, to strike out the school clause, or to so modify it that some of the State constitutions should not be infringed. I regard it essential to us and the people of this country that we should be secured in this if in nothing else. I cannot regard that our rights will be secured until the jury-box and the school-room, those great palladiums of our liberty, shall have been opened to us. Then we will be willing to take our chances with other men.

We do not want any discriminations to be made. If discriminations are made in regard to schools, then there will be accomplished just what we are fighting against. If you say that the schools in the State of Georgia, for instance, shall be allowed to discriminate against colored people, then you will have discriminations made against us. We do not want any discriminations. I do not ask any legislation for the colored people of this country that is not applied to the white people. All that we ask is equal laws, equal legislation, and equal

rights throughout the length and breadth of this land.

The gentleman from North Carolina [Mr. VANCE] also says that the colored men should not come here begging at the doors of Congress for their rights. I agree with him. I want to say that we do not come here begging for our rights. We come here clothed in the garb of American citizenship. We come demanding our rights in the name of justice. We come, with no arrogance on our part, asking that this great nation, which laid the foundations of civilization and progress more deeply and more securely than any other nation on the face of the earth, guarantee us protection from outrage. We come here, five millions of people--more than composed this whole nation when it had its great tea-party in Boston Harbor, and demanded its rights at the point of the bayonet--asking that unjust discriminations against us be forbidden. We come here in the name of justice, equity, and law, in the name of our children, in the name of our country, petitioning for our rights.

Our rights will yet be accorded to us, I believe, from the feeling that has been exhibited on this floor of the growing sentiment of the country. Rapid as the weaver's shuttle, swift as the lightning's flash, such progress is being made that our rights will be accorded to us ere long. I believe the nation is perfectly willing to accord this measure of justice, if only those who represent the people here would say the word. Let it be proclaimed that henceforth all the children of this land shall be free; that the stars and stripes, waving over all, shall secure to every one equal rights, and the nation will say "amen."

Let the civil-rights bill be passed this day, and five million black men, women, and children, all over the land, will begin a new song of rejoicing, and the thirty-five millions of noble hearted Anglo-Saxons will join in the shout of joy. Thus will the great mission be fulfilled of giving to all the people equal rights.

Inasmuch as we have toiled with you in building up this nation; inasmuch as we have suffered side by side with you in the war; inasmuch as we have together passed through affliction and pestilence, let there be now a fulfillment of the sublime thought of our father--let all men enjoy equal liberty and equal rights.

In this hour, when you are about to put the cap-stone on the mighty structure of government, I ask you to grant us this measure, because it is right. Grant this, and we shall go home with our hearts filled with gladness. I want to "shake hands over the bloody chasm." The gentleman from North Carolina has said that he desires to have forever buried the memory of the recent war. I agree with him. Representing a South Carolina constituency, I desire to bury forever the tomahawk. I have voted in this House with a free heart to declare universal amnesty. Inasmuch as general amnesty has been proclaimed, I would hardly have expected there would be any objection on this floor to the civil-rights bill, giving to all men the equal rights of citizens. There should be no more contest. Amnesty and civil rights should go together. Gentlemen on the other side will admit that we have been faithful; and now, when we propose to bury the hatchet, let us shake hands upon this measure of justice; and if heretofore we have been enemies, let us be friends now and forever.

Our wives and our children have high hopes and aspirations; their longings for manhood and womanhood are equal to those of any other race. The same sentiment of patriotism and of gratitude, the same spirit of national pride that animates the hearts of other citizens, animates theirs. In the name of the dead soldiers of our race, whose bodies lie at Petersburg and on other battle-fields of the South; in the name of the widows and orphans they have left behind; in the name of the widows of the confederate soldiers who fell upon the same fields, I conjure you let this righteous act be done. I appeal to you in the name of God and humanity to give us our rights, for we ask nothing more. [Loud applause.]⁽⁷⁾

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Representative Richard H. Cain, speaking on January 24, 1874, after Representative Robbins of North Carolina made the argument that the Bill would unconstitutionally interfere with the internal affairs of the

States and opined that it contradicted the laws of nature, according to which "no two men are born equal." Representative Robbins had further opined that, "[t]he negro... is the world's star actor on the comic stage... But when you come to the grand tragic and heroic parts in the drama of humanity, where will, force, courage, forethought, the sense of masterdom, and the instinct of dominion are required to shine, the negro fails:"(8)

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Mr. CAIN. Mr. Speaker, I had supposed "this cruel war was over," and that we had entered upon an era of peace, prosperity, and future success as a nation. I had supposed that after the sad experience of more than five years, after we had sought to heal the wounds the war had made, after we had passed amnesty bills, and, as we thought, had entered upon the smooth, quiet road of future prosperity, we would meet on a common level in the halls of Congress, and that no longer would we brood over the past; that we would strike out a new line of policy, a new national course, and thus succeed in laying broad and deep the foundations of the future welfare of this country; that every man, of every race, of every section of this country, might strike hands and go forward in national progress.

I regret, however, that it again becomes my lot to answer a member from a neighboring State--North Carolina. It was my misfortune a few Saturdays ago to have to answer a gentleman from the same State [Mr. Vance] in relation to strictures upon my race. I regret that it becomes my duty again, simply in defense of what I regard as a right--in defense of the race to which I belong--to meet the arguments of another gentleman from North Carolina, [Mr. Robbins] to show, if I can, their fallacy, and to prove they are not correct.

The gentleman starts out by saying that if we pass the pending civil-rights bill it may indeed seem pleasant to the northern people, but to his section, and to the South, it will be death. I do not think he is correct, for the reason that they have in the South suffered a great many more terrible things than civil rights, and still live. I think if so harmless a measure as the civil-rights bill, guaranteeing to every man of the African race equal rights with other men, would bring death to the South, then certainly that noble march of Sherman to the sea would have fixed them long ago. [Laughter.]

I desire to answer a few of the strictures which the gentleman has been pleased to place upon us. He states that the civil-rights bill will be death to that section. I cannot see it in that light. We lived together before the war--four millions of colored men, women, and children, with the whites of the South--and there was no special antagonism then. There might have been some friction in some places and in some cases, [great laughter,] but no special antagonism between the two races in the South. I fail, therefore, to see the force of the gentleman's argument. I would like to ask why, in all conscience, after the measures of education, these noble efforts to educate these "barbarians," as he terms us, for two hundred years or more--after all the earnest efforts on their part, with their superior civilization, and all the appliances which the gentleman from North Carolina [Mr. Robbins] claims were brought to bear on these "barbarians"--I ask why there was no such antagonism then, but just at this time? Why, sir, if it be true, as the gentleman says, that such philanthropic efforts have been put forth for the education and improvement of the black race, there would be no occasion for antagonism. It is, I believe, a law of education to assimilate, to bring together, to harmonize discordant elements, to bring about oneness of feeling and sentiment, to develop similarity of thought, similarity of action, and thus tend to carry forward the people harmoniously. That does not seem to have been the case, if the argument of the gentleman from North Carolina is correct. Now, look at the fallacy of the gentleman's argument. This race of barbarians, in spite of all their disadvantages, had been educated to such an extent that the white community of the South were not afraid of them after their emancipation. Is not that singular?

The gentleman further states that the negro race is the world's stage actor--the comic dancer all over the

land; that he laughs and he dances. Sir, well he may; there are more reasons for his laughing and dancing now than ever before. [Laughter.] There are more substantial reasons why he should be happy now than during all the two hundred years prior to this time. Now he dances as an African; then he crouched as a slave. [Laughter and applause.]

The gentleman further states that not more than eighteen hundred negroes were killed during the four years of the war. The gentleman forgets some battles; he forgets Vicksburgh; I presume he does not remember Petersburg; he does not know anything of Fort Pillow. He knows nothing about all the great achievements of the black men while Sherman's army was moving on to victory. He forgets who entered Charleston first; he forgets who entered Richmond first; he forgets all this in the blindness of his prejudice against a race of men who have vindicated themselves so nobly on the battlefield. But I will grant the gentleman the charity of dwelling no longer on that point.

Mr. Speaker, the gentleman states that during the struggle for freedom four millions of negroes lifted no hand to liberate themselves; that no stroke was made by them to deliver themselves from their thralldom; yet a few moments afterward he makes the statement that their kind-heartedness prevented them from rising up and destroying the wives and children of the rebel soldiers who were at the front. I accept the admission. Sir, there dwells in the black man's heart too much nobleness and too much charity to strike down helpless women and children when he has a chance to do so. No; though the liberty of our race was dear to us, we would not purchase it at such a dastard price as the slaying of helpless women and children, while their husbands and fathers were away. I would scorn the men of my race forever if they had lifted their hands at such a period as that against helpless women and children, who were waiting in silent anxiety the return of their natural and lawful protectors. Our strong black arms might have destroyed every vestige of their homes; our torches might have kindled a fire that would have lighted up the whole South, so that every southern man fighting in the army would have hastened back to find his home in ashes. But our race had such nobleness of heart as to forbear in an hour os such extremity, and leave those men their wives and children.

Sir, I mean no disrespect to the gentleman, but I think the facts will bear me out in the statement that on every occasion on the battlefield where the black man met the white man of the South there was no flinching, no turning back, on the part of the black man. He bravely accepted his part in the struggle for liberty or death.

The gentleman says he still looks upon the whites as the superior race. That may be the case in some respects; but, sir, if they educated us they certainly should not find fault with us if we follow out what they have taught, and show ourselves obedient servants.

But, Mr. Speaker, there is another point. The gentleman states that we would make no movement to achieve our liberty. Why, sir, the education which those gentlemen gave the southern slaves was of a peculiar kind. What schoolhouse in all the South was open to the colored race? Point to one. Name the academy where you educated black men and black women as lawyers or doctors, or in any other department of science or art. Point out the county. Give us the name of the district. Tell the name of the school commissioner. Name the teacher. I will name one. Her name was Missa Douglas. And for the attempt to educate those of our race she was incarcerated in prison, and remained there for five years. That is the only instance, so far as I remember, of the education of the colored people of the South.

Examine the laws of the south, and you will find that it was a penal offense for any one to educate the colored people there. Yet these gentlemen come here and upbraid us with our ignorance and our stupidity. Yet you robbed us for two hundred years. During all that time we toiled for you. We have raised your cotton, your rice, your corn. We have attended your wives and your children. We have made wealth for your support and your education, while we were slaves, toiling without pay, without the means of

education, and hardly of sustenance. And yet you upbraid us for being ignorant; call us a horde of barbarians! Why, sir, it is ill-becoming in the gentleman to tell us of our barbarism, after he and his have been educating us for two hundred years. If New England charity and benevolence had not accomplished more than your education has done we would still be in that condition. I thank the North for the charity and nobleness with which it has come to our relief. The North has sent forth those leading ideas, which have spread like lightning over the land; and the negro was not so dumb and not so obtuse that he could not catch the light, and embrace its blessings and enjoy them. Sir, I hurl back with contempt all the aspersions of the gentleman on the other side against my race. There is but very little difference, even now, between the condition of the whites of the South and the condition of the blacks of the South. I have given some attention to the statistics of education in the Southern States. I find this pregnant fact, that there is about 12 per cent. more ignorance existing among the whites in the South than there is among the colored people in the South, notwithstanding the slavery of the colored race. I wish I had the reports here, that I might show the gentleman how the facts stand in reference to his own State especially, because, if I remember correctly, his State shows there is a preponderating aggregate of ignorance in the State of North Carolina, amounting to 60 per cent. and upward, compared with the entire number of the inhabitants in that State.

Tell us of our ignorance--the ignorance of the colored race! Why, Mr. Speaker, it appears to me to be presumption on the part of the gentleman to state that we--we whom they have wronged, whom they have outraged, whom they have robbed, whose sweat and toil they have had the benefit of for two hundred years; whose labor, whose wives, whose children, have been at their beck and call--I say it ill-becomes them to taunt us now with our barbarism and our ignorance. Sir, if he will open to us the schoolhouse, give us some chance, we would not have to measure arms with him now. But even now, Mr. Speaker, although there is such disparity between us and him so far as relates to education and resources, even now we fear not a comparison in the condition of education in the last eight years between the whites and the blacks of North Carolina.

The gentleman, moreover, states that the reason why they did not educate the colored race was that the colored man was not ready. Not ready, Mr. Speaker; if I had that gentleman upon the floor, with my foot upon his neck, and holding a lash over him, with his hands tied, with him bound hand and foot, would he expect that I should boast over him and tell him "You are a coward, you are a traitor, because you do not resist me?" Would he expect me to tell him that when I had him down under my foot, with his hands tied and the lash in my hand lashing his back? Would he tell me that, in conscience, I would be doing justice to him? On, no, no! And yet such was the condition in which he had my race. Why, sir, the whipping-post, the thumb-screw, and the lash, were the great means of education in the South. These were the schoolhouses, these were the academies, these were the great instruments of education, of which the gentleman boasts, for the purpose of bringing these barbarians into civilization. [Applause.] When men boast, they ought to have something to boast of. When I boast, Mr. Speaker, I shall boast of some noble deed. I will boast not of the wrongs inflicted upon the weak; I will boast not of the outrages inflicted upon the indigent; I will not boast, Mr. Speaker, of lashing the weak and trampling under foot any class of people who ought to have my sympathy, nor will I reproach them for being ignorant, when they have been kept away from every means to educate them.

He says we are not ready for it. How long would it have taken us to get ready under their kind of teaching? How long, O Lord, how long! [Laughter and applause.] How long would it have taken to educate us under the thumb-screw, to educate us with the whip, to educate us with the lash, with instruments of torture, to educate us without a home? How long would it have taken to educate us under their system? We had no wives; we had no children; they belonged to the gentleman and his class. We were homeless, we were friendless, although those stars and stripes hanging over your head, Mr. Speaker, ought to have been our protection. That emblem of the Declaration of Independence, initiated by the fathers of the Republic, that all men are born free and equal, ought to have been our protection. Yet they were to us no stars of hope, and the stripes were only stripes of our condemnation.

The gentleman talked something, I believe, about buzzards or crows taking the place of our brave eagle. Sir, the crow would, I think, more beautifully represent the condition of the South now--the croaking bird, you know. They have been croaking ever since the rebellion came on, and they have been croaking against emancipation and the Constitution ever since. They are a nation of croakers, so to speak. Like the crow they are cawing, cawing, cawing, eternally cawing. [Great laughter.] Mr. Speaker, you will pardon me, for I did not expect to speak this morning.

The gentleman says the negro has done less for himself than any other race of men on earth; and he instances the German, the Irishman, the Scotchman, the Englishman, and the Frenchman, as having done something. But he forgets the men of those nationalities come from stations which are the proud, educated, refined, noble, advancing nations of the earth. He forgets that those nations of which he speaks, from which those men have sprung, have given, and are still giving, to the world some of the brightest minds that ever adorned the galaxy of human intellect.

But he tells us that the negroes never produced anything. Well, sir, it may be that in the gentleman's opinion negroes have never produced anything. I wonder if the gentleman ever read history. Did he ever hear tell of any persons of the name of Hannibal, of Hanno, of Hamilear, of Euclid--all great men of ancient times--of Aesop, and others? No, sir; no; for that kind of literature does not come to North Carolina. [Great laughter.] It grows, it flourishes, on the free mountain peaks and in the academies of the North. That kind of literature comes to such men as Wendell Phillips, as Lloyd Garrison, as Charles Sumner, as Benjamin Butler, and other distinguished men, men of the North, men that are thinkers, men that do not croak, but let the eagle ever soar high in the conception of high ideas. They are ideas that belong to a free people; they are not consistent with or consonant with slavery. No, sir; they do not tell the negro of Euclid, the man that in his joy cried out "Eureka, I have found it;" no, that is not the language for the slave. No; that is not the language they teach by the whip and the thumb-screw; no, sir; it is not that.

But I must pass on. The gentleman says that the black men in the South, since emancipation and enfranchisement, have put bad men into office. Well, sir, that may be true, and I regret that we have put so many bad men in office. No one regrets it more than I do, but they were not colored men after all. [Great laughter.] They were not black men, those bad men in office who have done so much to deteriorate the value of the country. Not at all. Why, sir, they did not elect our distinguished friend [Mr. Vance] from North Carolina by black votes. They did not elect Mr. Holman, or a gentleman of some such name, in North Carolina. They did not run the State in debt. They were not the men who took the cash; they were simply mud-sills who did the voting, while another class of individuals did the stealing. That is the difference.

Well, Mr. Speaker, I beg to say that we did the best we could; and one of the results of our education was that we had been taught to trust white men in the South. We trusted them, and if they did wrong it was no fault of ours; not at all. I presume the gentleman who addressed the House today had some colored constituents who voted for him and sent him here. I will not dare to say, however, that he is a bad man. He may be one of the very best of men; but I think he has some very bad ideas, so far as my race is concerned. [Applause.]

The gentleman says that this is a white man's land and government. He says it has been committed to them in a sacred relationship. I ask in all conscience what becomes of our black men and women and children, to the number of five millions; have we no rights? Ought we to have no privileges; ought we not to have the protection of the law? We did not ask any more. The gentleman harps upon the idea of social equality. Well, sir, he has not had so much experience of that as I have had, or as my race have had. We have some objections to social equality ourselves, very grave ones. [Applause.] For even now, though freedom has come, it is a hard matter, a very hard matter, to keep sacredly guarded the precincts of our sacred homes. But I will not dwell upon that. The gentleman knows more about that than I do. [Laughter.]

The gentleman wishes that we should prepare ourselves to go to Africa, or to the West Indies, or somewhere else. I want to enunciate this doctrine upon this floor--you have brought us here, and here we are going to stay. [Applause.] We are not going one foot or one inch from this land. Our mothers and our fathers and our grandfathers and great-grandfathers have died here. Here we have sweated. Here we have toiled. Here we have made this country great and rich by our labor and toil. It is mean in you now to want to drive us away, after having taken all our toil for two hundred years. Just think of the magnitude of these gentlemen's hearts. After having taken all our toil for two hundred years; after having sold our wives and children like so many cattle in the shambles; after having reared the throne of great king cotton on our labors; after we have made their rice-fields wave with luxuriant harvests while they were fighting against the Government and keeping us in bondage--now we are free they want us to go away. Shame on you! [Applause.]

Now, Mr. Speaker, we are not going away. We are going to stay here. We propose to stay here and work out this problem. We believe that God Almighty has made of one blood all the nations upon the face of the earth. We believe we are made just like white men are. [Laughter.] Look; I stretch out my arms. See; I have two of them, as you have. Look at your ears; I have two of them. I have two eyes, two nostrils, one mouth, two feet. I stand erect like you. I am clothed with humanity like you. I think, I reason, I talk, I express my views, as you do. Is there any difference between us? Not so far as our manhood is concerned. Unless it be in this: That our opinions differ, and mine are a little higher up than yours. [Laughter.]

The gentleman states that this idea of all men being created equal is a fallacy, announced some years ago by Thomas Jefferson, that old fool-hardy man, who announced so many ideas that have been woven into the wool of the nation, who announced so many foolish things that have made this nation strong, and great, and powerful. Sir, if he was in error, I accept the error with pleasure. If he was a foolish man, I would to God that North Carolina had been baptized in that foolishness about two hundred years ago. [Great laughter.]

The gentleman also states that if you pass this bill your power over the South will pass away; that the power of the republican party in the South will pass away. Sir, let me tell the gentleman that behind this bill are nine hundred thousand voters; that, like the warriors of the tribe of Benjamin, every one of them is left-handed and can "sling a stone at a hair's breadth;" that each will come up stronger and mightier and more infused with power than ever before when you pass this bill giving them their rights, as other men have them. They will come up as never before to the support of the republican party, and they will make the South a source of joy and gladness.

The gentleman also talks about the colored people deteriorating. Sir, who tills your lands now? Who plants your corn? Who raises your cotton? I have been in the South during the last ten years. I have traveled over the Southern States, and have seen who did this work. Going along I saw the white men do the smoking, chewing tobacco, riding horses, playing cards, spending money, while the colored men are tilling the soil, and bringing the cotton, rice, and other products to market.

Sir, I do not believe the gentleman from North Carolina wants us to go to Africa; I do not believe it. It was a slip of the tongue; he does not mean that the black people should leave North Carolina; not a bit of it. If they did you would see such an exodus of white people from that State as you never saw before, for they would follow them wherever they might go. [Laughter.]

Sir, we feel that we are part and parcel of this great nation; and as such, as I said before, we propose to stay here and solve this problem of whether the black race and the white race can live together in this country. I make the statement that I regard it as essential country. I make the statement that I regard it as essential to their welfare and interests that they should live together in this country. Why not? I can see no reason why not, if they contribute their quota to the advancement of progress and civilization. Sir, the mechanics of the South are almost altogether colored people. The carpenters, the machinists, the engineers--nearly all the

mechanics in the Southern States are colored people. Why can we not stay here and work out this problem?

I ask Congress to pass this bill for the reason that it would settle this question, once and forever. The gentleman says that he does not desire that the colored people shall be crowded into the schools of the white people. Well, I do not think that they would be harmed by it; some few of them might be. But experience has taught us that it is not true that great harm will come from any such measure. I think, therefore, that if we pass this bill we will be doing a great act of justice, we will settle for all time the question of the rights of all people. And until that question is settled there cannot be that peace and harmony in the country that is necessary to its success.

The gentleman says the colored people and the white people are living together now in North Carolina in amicable relations. I am glad for that admission, for he rounded off all that he had said before by that last sentence. He said that the two races could not live together, and yet at the close of his speech he says that the whites and blacks are now living in North Carolina in amicable relations. Sir, if they are so living now, why not hereafter? Will peace and good order be destroyed because all are to have their rights? Sir, I do not think so.

I close with this thought: I believe the time is coming when the Congress of the United States, when the whole nation, will recognize the importance of the passage of this bill in order to settle this question once and forever. I regard the interests of the black man in this country as identical with the interests of the white man. I would have that set forth so clearly and unmistakably that there should be no antagonism between the races, no friction that should destroy their peace and prosperity. I believe Almighty God has placed both races on this broad theater of activity, where thoughts and opinions are freely expressed, where we may grasp every idea of manhood, where we may take hold of every truth and develop every art and science that can advance the prosperity of the nation. I believe God designed us to live here together on this continent, and in no other place to develop this great idea that all men are the children of one Father. We are here to work out the grand experiment of the homogeneity of nations, the grand outburst of the greatness of humanity, by the development in us of the rights that belong to us, and the performance of the duties that we owe each other.

Our interests are bound up in this country. Here we intend to stay and work out the problem of progress and education and civilization. I say to the gentleman from North Carolina, [Mr. Robbins,] and to the gentleman from Virginia, [Mr. Harris,] and to the gentleman from New York, [Mr. Cox,] who discussed civil rights the other day, and to gentlemen from the other States, that we are going to remain in this country side by side with the white race. We desire to share in your prosperity and to stand by you in adversity. In advancing the progress of the nation we will take our part; and if the country should again be involved in the devastation of war, we will do our part in the struggle. We propose to identify ourselves with this nation, which has done more than any other on earth to illustrate the great idea that all races of men may dwell together in harmony, working out together the problem of advancement and civilization and liberty.

Mr. Speaker, we will drive the buzzard away; we will scare the crow back to north Carolina. We will take the eagle as the emblem of liberty; we will take that honored flag which has been borne through the heat of a thousand battles. Under its folds Anglo-Saxon and Africo-American can together work out a common destiny, until universal liberty, as announced by this nation, shall be known throughout the world.

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Representative Alonzo J. Ransier, responding on February 7, 1874, to arguments raised against the constitutionality of the Bill, and commenting on the desirability of the Bill among African-Americans:⁽⁹⁾

Mr. RANSIER. Mr. Speaker, but for some remarks made by the gentleman from Georgia, [Mr. Harris,] the

gentleman from North Carolina, [Mr. Robbins,] and the gentleman from New York, our learned and genial friend, [Mr. Cox] during the protracted debate on civil rights, made before and subsequent to the recommittal of the bill on the subject to the Judiciary Committee, which in my judgment call for a specific reply, I would not again ask the attention and indulgence of the House for myself.

Statements have been made by one or all of these gentlemen, and others who oppose such a bill, as many of us think ought to pass, that ought not to go to the country uncontradicted, and a condition of affairs pictured by them as likely to follow its enactment into law which if true or likely to occur ought to go far toward the defeat of such a measure. If, on the other hand, these statements are shown to be untrue and to rest upon no foundation in point of fact, and that the enactment of such a law by Congress will be of benefit to all classes of our people and promotive of the ends of justice, of concord, and harmonious relationships, as we think we can show, then we cannot pass this measure a day too soon.

Mr. Speaker, this measure has been presented to us in masterly efforts in its constitutional aspects, and we are asked to consider it now in the light of practical statesmanship. We are asked to consider what would be the effect of its operation as to our school system and upon the relationships between the races. To these inquiries I propose to address myself as briefly as possible, and to this end I ask the indulgence of the House.

Before proceeding I desire to express my regret that anything should have occurred calculated to create ill-feeling between members of this House during this debate, and which the press of the country has characterized as contravening the legitimate limits of parliamentary courtesy.

It were far better if grave questions such as are involved in the consideration of a measure like this could be discussed in a spirit of fairness, and without passion or indulgence in such allusions as are calculated to give offense to members personally. Each of the friends of the measure, however, can say truthfully, "thou canst not say, I did it: never shake thy gory locks at me."

Mr. Speaker, the honorable gentleman from Georgia, [Mr. Harris,] in his speech on the bill, said:

I am satisfied, Mr. Speaker, that a very large majority of the republican members of this House do not understand the true condition of affairs in the South. For if they did, and are sincere in their avowals of solicitude for the welfare of the country, and especially for the prosperity and advancement of the colored race, I am very sure that they would indicate it in some better way than the adoption of legislative enactments which in my judgment, when tried, will not only prove unacceptable to the masses of colored people at the South, but alike destructive of the harmony and great interests of both races.

Now, sir, I am sure that a very large majority of the republican members of this House do know the true condition of affairs in the South, hence the desire on their part for the passage of such a measure. As to the remark that such enactments, "when tried, will not only prove unacceptable to the masses of colored people at the South, but alike destructive of the harmony and great interests of both races," he evidently misunderstands the situation himself. He is not the only member who has said during this debate that the colored people, the masses of them, are not asking for the passage of such a bill. The gentleman from Texas suggested the same thing.

THE COLORED PEOPLE A UNIT FOR CIVIL RIGHTS.

Mr. Speaker, there are organizations in nearly every State in the Union the object of which, in part at least, is to endeavor to secure for the colored people of the country their equal rights. They have been asking this of the country, through individuals with delegated authority to act, through State and county organizations, and through national conventions assembled for the purpose. In this connection I quote from the Journal of the proceedings of the convention of colored men held at Columbia, South Carolina, October 18, 1871; which convention was composed of regularly elected delegates from nearly every Southern State:

To the People of the United States of America:

Fellow Citizens: The colored people of the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and the District of Columbia, have delegated to us, their representatives, assembled in convention, authority to give expression to their purposes, desires, and feelings, in view of the relation they sustain to the Government and people of the United States, under the course of events that has arisen since, and as a consequence of, the war of rebellion.

We owe to Almighty God and the spirit of liberty and humanity that animates the great body of the people of this country the personal liberty and the rights of citizenship that we enjoy, and shall, under the promptings of duty, labor for the permanence and perfection of the institutions that have served as the great instrument of consummating this act of justice.

In seeking more perfect recognition as members of the great political family to which the interests of humanity have been peculiarly committed, we desire to recognize our obligations and responsibilities as members of this great family, and to assure the American people that we stand among them imbued with a national spirit; with confidence in and devotion to the principles of representative popular government, and with ideas of policy that embrace every individual and interest of our common country.

We ask of you that you will give to the Government the fullest measure of moral support, to enable it to complete that which is so auspiciously begun, and that minor differences of sentiment and policy may be hushed while the nation is gathering up its strength to purge the land of the foulest crimes by the sword of justice. When the nation was threatened with division, political differences yielded to the necessity of maintaining its territorial integrity. Now, that it is again threatened from the vortex of passion and crime affiliated, let the same devotion to right and justice induce equal efforts to preserve its moral integrity.

While there remains anything to be accomplished, in order to secure for ourselves the full enjoyment of civil and political right, we shall have class interests calling for the united efforts of persons of color. The moment these ends are secured, the motives for separate action will cease, and, in common with all other citizens, we can take our places wherever the interest of the Government, industry, or humanity may appoint, recognizing only one standard of duty, interest, or policy for all citizens.

We do not ask the Government or people of the United States to treat us with peculiar favor, but that, in the policy of the laws, our interest may be grouped with those that receive the consideration of our legislative bodies, and that, in the administration of the laws, no invidious distinctions be made to our prejudice.

We affirm that the colored people of the States represented by us have no desire to strike out a line of policy for their action involving interests not common to the whole people.

While we have, as a body, contributed our labor in the past to enhance the wealth and promote the welfare of the community, we have, as a class, been deprived of one of the chief benefits to be derived from industry, namely the acquisition of education and experience, the return that civilization makes for the labor of the individual. Our want, in this respect, not only extends to general education and experience, such as fits the man to adorn the society of his fellows, but that special education and experience required to enable us to enter successfully the departments of a diversified industry.

The growth of this nation has shown that its institutions are capable of blending into a harmonious brotherhood all nationalities and all interests and industries. In all other instances than that of the accession of our race to citizenship, the accretion of the elements of its population has been gradual, giving time to complete the process of assimilation. In our case we are well aware that there was much to alarm the apprehensions of those careful statesmen who hesitated to speculate as to the strength of our institutions much beyond what was demonstrated by the precedents in parallel cases in Europe and in our own country. The instantaneous embodiment of four million citizens who had for years looked upon the Government as not only denying them citizenship, but as preventing them from acquiring that capacity under any other national existence, was it must be admitted, a startling political fact.

But we are happy to point to the proof of the wisdom of those who regarded that course the safest that was indicated by the demands of justice. We are proud to be able to point to the history of our people since their admission to citizenship as proof that they understand what is due from the citizen to the Government owing him protection. Although they have suffered much at the hands of those who would deprive them of their rights, they have appreciated the difficulties and embarrassments that necessarily surrounded the attempts of the Government to vindicate their rights, and have waited uncomplainingly until relief

could be afforded although many times they could have found instantaneous relief by imitating their oppressors and taking the law into their own hand.

A convention subsequently held at new Orleans, Louisiana, which was composed of delegates from all parts of the country, issued a similar address as did the one recently held in this city. I have similar papers from meetings held all over this country to the same import. I will call attention to the following, which has been adopted by the Legislature of my own State; and be it known that in that Legislature there are about thirty-five democrats. The News and Courier newspaper, published in the city of Charleston, where I live, one of the leading democratic organs of the South, commenting upon the adoption of these resolutions, says that the democratic members, with a single exception, in both houses, voted for them. The following are the resolutions:

SUMNER AND CIVIL RIGHTS.

The following preamble and resolutions were adopted almost unanimously, only one vote being in the negative.

Whereas the recent introduction of the civil rights bill in the Senate of the United States, by Hon. Charles Sumner, Senator from Massachusetts, shows that he is determined to crown a series of inestimable services to the cause of freedom and equal rights in America by removing the last vestige of the late barbarism, and placing the capstone of equal civil rights on the dome of the reconstructed Union; and whereas the State of South Carolina, ever mindful of the rights of all her citizens, and watchful for their privileges, has placed on her statute-book a bill to protect them in their civil rights within her domain; but is aware of its inadequacy to protect them when outside her limits; and whereas both by a common line of policy and by the solemn pledges of the Philadelphia convention, by the noble words of the last inaugural, and by the sentiments of our dominant party, the national and State republicans, and the honored Chief Magistrate, have placed themselves on record as favoring the passage of such a bill; and whereas a large party of the loyal citizens of this State and of the nation irrespective of their intelligence, wealth, or position, whether they are private citizens or public officials, are discriminated against, in public travel and in places of general entertainment, to the degradation of their manhood and the violation of their rights as human beings; Therefore be it

Resolved. That we instruct our Senators and request our Representatives in Congress assembled to sustain, by their influence and by their votes, the bill introduced by Senator Sumner to attain the equality of civil rights before the law.

Resolved. That we sympathize with the movement on the part of the large class of citizens whose rights are thus willfully and persistently outraged to unite in a convention on the 9th of December, 1873, to memorialize Congress on this subject; and in view of the near approach of the meeting aforesaid, we, representing the people of the State of South Carolina, authorize those of our Representatives who may be identified with the class whose rights are thus daily violated to attend the said convention and represent our State.

Resolved, That copies of these resolutions be engrossed and forwarded to Hon. Charles Sumner, his excellency the President of the United States, and to our Representatives in Congress, and to the president of the equal rights convention.

I call the attention also to the following, a copy of which has just been presented in another body:

Atlanta, Georgia, *January 26, 1874*

Whereas Hon. A. H. Stephens, in his speech before Congress January 5, 1874, said that colored people of the State of Georgia did not desire the passage of the civil-rights bill; and whereas the Georgia Legislature has also adopted resolutions informing the Congress of the United States that the colored people of Georgia do not desire the passage of said civil-rights bill; and whereas the allegations of Mr. Stephens and the Georgia Legislature are without foundation in fact: Therefore,

Resolved, That we, a portion of the colored citizens of Georgia, do most solemnly deny both the speech of A. H. Stephens and said resolutions of the Georgia Legislature, so far as they relate to the colored citizens of this State being adverse to the passage of said civil-rights bill.

Resolved, that some arrangement be made by this meeting to deny the fact of the said assertions of Mr. Stephens and the Georgia Legislature.

Resolved, That we, the citizens of the city of Atlanta, Georgia, immediately inform the Congress of the United States that we desire a speedy passage of the civil-rights bill, and that we claim it as a right they owe us as members of the republican party, and more particularly as citizens of the United States.

Resolved, That we most heartily congratulate and thank Mr. Elliott for his able and pointed speech, January 6, 1874, in the House of Representatives of the United States, in behalf of the passage of the civil-rights bill, and in vindicating the ability and patriotism of the colored citizens of the country.

J. B. FULLER

Chairman.

J. O. WIMBISH,

W. D. MOORE,

Secretaries.

Therefore, we a committee appointed at a mass-meeting of the colored citizens of the city of Atlanta, Georgia, held on the 26th day of January, 1874, with power to forward the above expression of 11,000 of the colored citizens of this city, do make this petition:

To the honorable Senate and House of Representatives;

We, the undersigned committee, do hereby respectfully petition your honorable bodies to speedily pass the civil-rights bill, now under consideration in Congress as the earnest request of the above-stated citizens, with the further request that your honorable bodies will, in view of the unjust manner in which we are now treated by the Legislature and judicial tribunals in the State, enact such laws as, in your wisdom, are necessary to secure each citizen in the United States, without regard to race, color, or previous condition of servitude, equal civil and political rights, privileges, and immunities before the law.

And we your petitioners will ever pray.

H. E. BAULDIN,

ROMULUS MOORE,

C. WIMBISH,

C. H. MORGAN,

JAS. A. TATE.

Committee.

I affirm, Mr. Speaker, that, so far from the masses of the colored people not desiring civil rights, no man could, having made known his object, obtain without intimidation or coercion in some form the signatures or assent of one hundred colored men in any State of the Union against the passage of a full and complete civil-rights bill by Congress, or to indicate a disapproval of it "when tried."

The gentleman from Georgia [Mr. Harris] suggests that such a measure "will not only prove unacceptable to the masses of the colored people at the South, but alike destructive of the harmony and great interests of both races." Just here he thinks, and very properly so, is a wide field for practical statesmanship.

Mr. Speaker, not only since the rebellion, passing through some terrible scenes during and since reconstruction, (if indeed that work is completed,) and during the terrible four years when the country groaned amid the throes of rebellion, but during the entire two hundred and fifty years, whether as slave or

freeman, has the black man in our country exhibited a patience under long suffering, a forbearance under most provoking circumstances, and a forgiving and friendly disposition, that make him at once a good and peaceable citizen and perhaps a study.

He is taunted for his conduct during the war by the honorable gentleman from North Carolina, [Mr. Robbins,] because he did not lay in ashes the home of his master and murder the women and children while he (the master) was engaged in that which the gentleman seems to glorify. He says:

Look at one more fact. Nearly three years before the war ended the four million negroes of the South knew that its result involved the question of their liberty. Yet while the continent shook with the earthquake of war, and nobody was at home but old men and boys to keep them in order, those negroes seized no weapon and struck no blow. I do not mention it as a reproach to them. It merits rather the thanks of southern men. I mention it only to show that the negro is not like the white man. What race of white men would have remained quiet under the same circumstances? When the proclamation of emancipation was issued the peculiar patrons of the negro in the North expected him to rise and throw off the yoke and butcher our wives and children; and in the abundance of their philanthropy and humanity they hoped so, too.

Mr. Speaker, I have nothing to say in reply to those remarks as to the conduct of the colored people during the rebellion. Upon this and some other points he has been answered by my colleague, [Mr. Cain,] except that if (and I say this in the kindest spirit) those with whom the gentleman acts politically had shown during the years of the agitation of the question of slavery in this country, especially in the past fifteen years or so, that patience, Christian spirit, and I might add good sense, exhibited by the negro during the rebellion, the country would not have been called upon to mourn the loss of three hundred thousand of her sons, cut off by the casualties of war, and to groan today under a debt of over \$2,000,000,000.

Nor is this all. The gentleman from North Carolina uses language that is calculated to keep alive whatever of sectional feeling there may be existing between the people of the North and the people of the South, which it is the business of the statesmanship of today to allay and to bury in the oblivion of the past, if possible, in the interest of both sections and of all classes and colors. This language I shall not repeat; it is found in the concluding sentence of the extract of his speech just quoted.

Mr. Speaker, when I plead for the passage of a full and complete civil-rights bill that shall seek to prevent and punish discriminations against the citizen, I know that I speak for five million people, and ask for that which is a necessity to them; and when I say that these five million people desire to live on terms of amity with their white fellow-citizens, I know that I correctly represent them. The negro desires to forget the wrongs of the past, and has imposed no disabilities upon those who held him as a slave, when and where he has been in a position to do so; and he rejoices today, both from motives of patriotism and self-interest that the bitter feeling against him in the South, especially on the part of those who were his owners which found expression in acts of violence and butchery, is fast dying out; that a better state of feeling exists, which must increase as he becomes educated, and, therefor, better acquainted with his duties and responsibilities as a citizen, and as the other unlearns some of the teachings of the past.

THE NEGRO DESIRES HARMONIOUS RELATIONSHIP WITH ALL OTHER RACES.

Mr. Speaker, if I believed with the gentleman from Georgia [Mr. Harris] that such a measure as the bill we are now discussing would be "destructive of the harmony and great interest of both races," I, for one, would not insist upon its passage. I insist upon it, sir, not only because it is right in the abstract, but also because I feel that it will remove from the field of politics that which goes far to array one class against the other, in the South especially, I mean those class and caste distinctions, and would go far to disarm the mere political demagogue who is ever on the alert to use the colored vote, indifferent as to the ultimate results, so long as their selfish purposes can be best served thereby. It will increase his opportunities for learning and make him a more intelligent and independent voter, and make him feel a deeper interest in those questions affecting his material welfare and that of the community in which he lives. He will then have no animosities to feed or

nourish, or at least no occasion for any, and as he advances in the scale of intelligence and usefulness, and acquires wealth through the unobstructed avenues to the schoolhouse and to the industrial marts, and finds his undisputed way to the witness-box, the jury-box, and the ballot-box, which is his right, then the prejudices against him will melt as does the snow under a burning sun. Then, and not until then will a more harmonious relationship be brought about between him and his more favored brother, the Caucasian, to whose interest it is, especially in the South, that this desirable result should be brought about. Sir, permit me to say we want peace and good-fellowship in the South and throughout the country; we want race lines and sectional feelings blotted out and buried forever. We want new life and vigor infused into the arteries of our industries in the South; we want assistance in the direction of developing out vast and hidden material resources, and to rebuild our waste places, and to this end I ask, in the name of the black man and in the name of the white man of the South alike, the generous aid and encouragement of the powerful North, the great and liberal East, and the sturdy and growing West.

VINDICATION OF THE COLORED MAN AS A SOLDIER DURING THE WAR OF THE REBELLION.

Mr. Speaker, the honorable gentleman from North Carolina [Mr. Robbins] said in his speech the other day, in which he compared the colored man to somebody's "merry-andrew," referring to the dissimilarity of the races, that "this is a question which has puzzled the brains of scientists for centuries," and that--

If we were in a lyceum discussing ethnology, I would enlarge upon and fortify it. Here I merely throw out the hint, to be laughed at by fools, but to be pondered by those who realize the mystery and (as Carlyle says) "the deep tragedy of human life."

Now, Mr. Speaker, I doubt not that if that gentleman undertook to discuss that subject, "which has puzzled the brains of scientists for centuries," in a lyceum, he would find as many fools, judged by his standard, among his audience as he must have noticed here when he made this modest exhibition of his prodigious attainments in the direction indicated.

I desire to call attention to another remark he made in the speech referred to. The honorable gentleman said:

Despite all that we have heard on that subject, the negro is no fighter. To prove that he is, we are pointed to the records of the recent war between the States. Yes; infuriated with whisky, he was brought to the scratch a few times, only to be sacrificed without result.

He said also:

Even here on this floor (and I mean no disrespect to any fellow-member by this remark) he does nothing, he says nothing, except as he is prompted by his managers; even here he obeys the bidding of his new white masters, who move him like a puppet on the chess-board.

As to this remark, Mr. Speaker, I beg to refer the honorable gentleman to the fifth chapter of the Acts of the Apostles, and to call his attention to the terrible fate of the persons therein spoken of, (Ananias and Sapphira.) The gentleman is indeed fortunate in having escaped a similar fate while uttering the words just quoted from his speech.

As to the other remark that the negro is no fighter, in proof of which he says that only fifteen hundred of them were killed in action during the rebellion, I have a word to say.

I cannot, Mr. Speaker, within anything like the time allowed, read over or quote the opinions of those who have made this very question raised by the gentleman a matter of study at any considerable length. I quote the following, however, from a book entitled Military Services of General David Hunter, United States Army, during the War of the Rebellion, pages 18 and 19, which while it is complimentary to the colored

soldier, also shows the animus underlying such statements as those made by this impartial "scientist" and others like him:

Executive Mansion, *Washington, April 1, 1863*

My Dear Sir: I am glad to see the accounts of your colored force at Jacksonville, Florida. I see the enemy are driving at them fiercely, as is to be expected. It is important to the enemy that such force shall not take shape, and grow, and thrive in the South; and in precisely the same proportion it is important to us that it shall; hence the utmost caution and vigilance is necessary on our part. The enemy will make extra efforts to destroy them and we should do the same to preserve and increase them.

Yours, truly,

A. Lincoln

Major-General Hunter

I also quote from the same book, pages 26 and 27, being in part reply by General Hunter (who first employed colored men in the South as soldiers during the rebellion) to resolutions of the United States Senate inquiring as to the authority for so employing these people.

The general says:

The experiment of arming the blacks, so far as I have made it, has been a complete and marvelous success. They are sober, docile, attentive, and enthusiastic, displaying great natural capacities in acquiring the duties of the soldier. They are now eager beyond all things to take the field and be led into action, and it is the unanimous opinion of the officers who have had charge of them that, in the peculiarities of this climate and country, they will prove incalculable auxiliaries, fully equal to the similar regiments so long and successfully used by the British.

Nor was the conviction that the colored men could be employed to advantage as soldiers during the rebellion confined to the officers of the Union Army. The confederate government passed an act approved March 30, 1865, authorizing the employment of negroes as soldiers. A copy of this act is printed in the report of the Secretary of War, first session Thirty-ninth Congress, pages 139 and 140. It reads as follows:

An act to increase the military forces of the Confederate States, & c.

That if under the previous sections of this act the president shall not be able to raise a sufficient number of troops to prosecute the war successfully and maintain the sovereignty of the States and the independence of the Confederate States, then he is hereby authorized to call on each State, whenever he thinks it expedient, for her quota of three hundred thousand troops in addition those subject to military service under existing laws, or so many thereof as the president may deem necessary for the purposes therein mentioned, to be raised from such of the population, irrespective of color, in each State, as the proper authorities thereof may determine.

This law was never put in force, the rebellion having collapsed before colored men were mustered in that service *vi et armis*.

This action is the one remarkable instance where the southern people were perhaps a unit in favor of the doctrine of no discrimination on account of race, color, or previous condition of servitude.

A study of the opinions expressed by one hundred and fifteen surgeons engaged in the examination of both black and white recruits and substitutes goes to substantiate an idea which is common among ethnological authorities, namely, that no race is equally adapted to all circumstances of life; that mankind obey the same general laws that govern the distribution of florae and faunae upon the earth; and that the isotherms between which are limited the health and development of the negro do not comprehend less space upon its surface than those within which the others are confined.

It may be confidently affirmed that the statistics of the Medical Bureau, which refer principally to physico-geographical influences and to the effects of the intermixture of blood upon the negro, when taken in connection with those parts of the Surgeon-General's forthcoming report in which he is regarded as amenable to the vicissitudes of war, will form a more complete and reliable physical history of this race than exists at this time.

It would not be in accordance with the plan of this report to enter upon a discussion of the comparative aptitude for military service exhibited by the two types of mankind of which I have been speaking without the accompanying tables as evidence of the data upon which my opinions were based.

It appears, however, that of the surgeons of boards of enrollment five have given their opinion that the negro recruits and substitutes examined by them were physically a better class of men than the whites; nineteen that they were equal; two that they were inferior. A favorable opinion as to their fitness for the Army is expressed by seventeen; a doubtful one, because of insufficient data on which to ground the decision, by forty-three; an unfavorable opinion by nine; and by twenty a statement of not having come to any conclusion upon this subject. The question of the prevalence of disease among the negro inhabitants of different sections of the country is one upon which, at present, no specific opinion can be expressed. As in the case of the white race it may be shown hereafter that their maladies conform to those general principles which have been heretofore established. The discussion of the physical characteristics of the negro, as involving the propriety of his use in war, only belongs to this department. It is difficult and, in the present state of science, most uncertain to erect upon any general characteristics of organization anything but the most general rules concerning the effect of that structure upon the moral and intellectual nature. It may be said, however, that there are not more instances of disqualifying causes of this nature among the negroes in proportion to the numbers examined than are to be found in the records of exemption among the white race.

Again, Mr. Speaker, the total number of white troops, regulars and volunteers, in service during the rebellion in the Union Army is put down at 2,041,154. Of this number 42,724 are reported killed in action, 1½ per cent.

The total number of colored troops in service during the rebellion was 180,000. Of that number 1,514 are put down as killed in action; to which number are added 896 reported missing by competent authority, who were evidently killed, making 2,410 or about 1 1/8 per cent., showing on the whole a difference of about 1/6 of one per cent. When it is considered that the colored soldier participated in no battle, because he was not admitted into the service, until some of our heaviest battles were fought, is it not fair to strike off this difference of 1/6 of one per cent.? This done, would it not be fair to say that the white and the colored troops in the Union Army during the rebellion, in the direction indicated by the gentleman from North Carolina, stand upon about the same footing?

But, Mr. Speaker, enough of this. All of us might read the following lines, which are found in the works of Charles Sumner, volume 2, page 34, to advantage. It appears that they were written by Edmund Waller:

Earth praises conquerors for shedding blood:

Heaven, those that love their foes and do'em good.

It is terrestrial honor to be crowned

For strewing men, like rushes, on the ground:

True glory 'tis to rise above them all,

Without the advantage taken by their fall

He that invite diminishes mankind
Does no addition to his stature find:
But he that does a noble nature show,
Obliging others; still does higher grow:
For virtue practices such an habit gives
That among men he like an angel lives;
Humbly he doth and without envy dwell,
Loved and admired by those he does excel.

Mr. Speaker, that which seems to be most objectionable to many gentlemen, some of whom are in favor of the bill in other respects, is the provision prohibiting discriminations in the public schools on account of color or race. It is feared, and so said by some gentlemen who favor the bill, that to incorporate this feature in the bill, and to attempt to enforce it, will destroy the school systems in the South especially, and operate as a check upon the education of the children of both races.

Mr. Speaker, it does not seem to me that these fears are well founded. About the same line of argument was urged by many good people as to the abolition of slavery and clothing the colored man with the elective franchise, and at every step in the grand march toward freedom. Yet, sir, in nearly every instance these objections and apprehensions vanished, and were in a great part lost sight of upon trial. Then, too, sir, the principle upon which you concede, if you please, the right of the colored man to the privileges of the car, the inn, the theater, the witness and the jury box, apply in this case as well.

Sir, the learned gentleman from New York, [Mr. Cox] whose speeches are always to be read with interest and profit, well said in a speech delivered here recently:

Is it not irrefragable that if the right to the inn, railroad, theater, and cemetery be conceded to the black (as provided in the civil-rights bill) to the same extent as to the white to enjoy them, (though the enjoyment of the graveyard is perhaps a melancholy hilarity,) that the same right should be extended to them as to the schools? The colored members are correct in their reasoning, assuming these premises. Indeed, all the *amis des noirs* who have spoken, if right at all, are right in demanding equality alike in school and inn, in cemetery and car. When you debar them from the school you as much keep up the bar sinister as by keeping them from the playhouse. Would it not be a craven logic, unworthy of the struggling blacks and their admirers, to insist on the one and not the other?

NON-PROSCRIPTIVE SCHOOLS PROMOTIVE OF HARMONY.

Sir, as to the practical working of non-proscriptive schools, or, in other words, schools where black and white are taught in the North and East as well as in the South, it does not appear that either race is injured, or that the cause of general education suffers. At Yale, Harvard, Wilberforce, Cornell, Oberlin, the testimony is that both races get along well together. Nor is the South without such schools. In Madison, Kentucky, there is the Berea College, a notice of which I read from *The American Missionary*, for November 1873, pages 243 and 244. It reads as follows:

Less than thirteen years ago sixty-five armed men drew themselves up in line before Professor Rogers's house, close to the spot where now stands this new building, and notified the professors and trustees that they must leave the State within ten days. Less than six years ago half the whites left the school because black men were admitted to its privileges; but the white students came back in time and some of those who participated in mobs are not ashamed now to be recognized as friends. * * * * * Here are gathered from twelve to fifteen hundred people from the mountains and from the Blue Grass country, literate and illiterate, rich and poor, white and colored, farmers, mechanics, and professional men; a very mingled crowd, but a very

attentive and orderly audience.

It is an interesting sight, that large number under the green roof, listening eagerly through the morning and evening. But the fact that southern-born whites and blacks, in nearly equal proportion and in large numbers, have, for the past six years, recited together and in perfect harmony, makes this institution typical of what may be accomplished throughout the nation, and makes it of more than local importance. It requires no argument to show how much the colored people will be benefitted by such an education. There is nothing like just such a school as this to teach mutual respect and forbearance, to dignify labor, to enforce a regard for the person and property of all classes, and to take away some of the arrogant superciliousness of caste and race.

I also call attention to the following from the New York Independent, January 22, 1874, headed "Civil Rights and Yale College:"

Where the principles of impartiality have been brought to bear, whether in reference to schools, cars, churches, or hotels, there has always been first a huge outcry from the whole herd of white tyrants; then, upon the first trial, an ostentatious repugnance on the one hand, and a visible sensitiveness on the other, but finally both repugnance and sensitiveness forgotten in general acquiescence and oblivion. If Mr. Harris has forgotten it, will he please listen to a chapter in the history of Yale College?

In the year 1831 there was an effort put forth to secure a college for colored youth. At that time even the crumbs which fell from the mental boards of the various colleges were denied these people. It was proposed to locate this college in the city of New Haven. But when this plan became known a violent opposition at once arose. The officers of the city called a public meeting. The city hall was densely packed, and the whole afternoon was given to the consideration of the matter. The following is the public record of the result:

At a city meeting, duly warned and held in the city hall, in the city of New Haven, on Saturday, September 10, 1831, to take into consideration a project for the establishment in this city of a college for the education of colored youth, the following preamble and resolutions were by said meeting adopted, namely:

"Whereas, in the opinion of this meeting, Yale College, the institutions for the education of females, and the other schools already existing in this city, are important to the community and the general interest of science, and as such have been deservedly patronized by the public, and the establishment of a college in the same place to educate the colored population, is incompatible with the prosperity, if not the existence, of the present institutions of learning, and will be destructive of the best interests of the city: Therefore

"Resolved, by the mayor, aldermen, common council, and freemen of the city of New Haven in city meeting assembled. That we will resist the establishment of the proposed college in this place by every lawful means

"DENNIS KIMBERLY, *Mayor.*

"Elisha Monson, *Clerk.*"

It is needless to add that the danger was averted by this prompt and imposing array of force, and Yale College was saved to new Haven, and Connecticut, and the country. In 1831 the delicate nerves of Yale College could not endure the shock of seeing black boys educated a mile away; now she takes them to her own arms and bids them call her *alma mater*, and to our notion she looks quite as fair and buxom as ever. We are not a bit surprised to hear Mr. Harris, of Virginia, talk in the same wild strain as did Mayor Kimberly in 1831; for we know him to be forty-three years behind the times.

Again, the following from Old and New for February, 1874, a respectable monthly published in Boston, Massachusetts, and written by C. G. Fairchild, a writer not unknown to fame, will be read with interest by all thoughtful persons. It is headed "Non-proscriptive Schools in the South." The writer says:

The question of non-proscriptive schools at the South takes us at once to the fountainhead of a formative influence, to that which in itself begets force, which is noiseless and imperceptible, but which is as pervasive as sunlight, and as powerful to build up that against which tempests may waste their energies in vain. "Whatever you would have appear in a nation's life, that you must put into its schools," was long since a Prussian motto. Powerful as Prussia has proved this influence to be in fostering a love of country, it is far more powerful in the more subtle work of strengthening or allaying social prejudices. Are

non-proscriptive schools, therefore, desirable; and can they be secured?

Few can understand, without careful and extended personal observation, how essentially different was the construction of society in the South from that in the North. It recognized two distinct classes--the laboring class and the cultured class; classes as distinct as the roots and the fruitage of a tree. The one class needed only the shelter of the hut, as the horse has his stable; for the other, no mansion within the reach of their means could be too spacious or elegant. Theoretically all labor was to be performed by slaves; while the fruits of labor were to raise to the highest culture and perfection the ruling class. Such a society had no place for an industrious, self-respecting middle class. Slave labor placed its own badge of servile degradation upon all labor. The white man whose hands were roughened in the strife for his daily bread was despised even by the negro slave. No southern conception was more natural than that northern society was composed of "mud-sills." Universal labor meant nothing else to them.

How, then shall this exploded idea of civilization be overcome? In times past the negro race has been the exponent of labor at the South; and it is, for many years to come, to be closely associated with it. If, therefore, this race is to be separated from all others in the public schools, and even the youngest children are made to feel that the race is set apart for its special mission and destiny in society, how can we hope to make labor respectable? The old badge of servile degradation will attach to it not only for the black man but for the white man. To place blacks and whites in the same school is not to say that the races are equal or unequal. It is to animate all the individuals with a common purpose, with reference to which color or nationality has nothing to do. If color or nationality has anything to do with social affinities, non-proscriptive schools will not affect their natural and healthy influence. But color and nationality have nothing to do with labor. That is a matter of capacity and necessity. This fact a truly common-school system will impress constantly and effectively upon society, and thus relieve labor from a most unnatural and damning stigma put upon it by slavery.

The class distinctions perpetuated and taught by class schools infuse a detrimental influence into politics. Black men, no less than white men, should differ on public questions. But such difference cannot show itself in political action to any great extent as long as there is perpetuated a distinction so fundamental between the white man and the black as that, the children of the latter cannot go to school with those of the former. In such a case class interests will predominate over those interests which are more general and less personal.

The same writer, in noticing an institution at Marysville, Tennessee, where black and white children and youths are taught, says:

If all the facts bearing upon this point could be collated, not only the enemies but the friends of non-proscriptive schools would be astonished.

Let the doors of the public-school house be thrown open to us alike, sir, if you mean to give these people equal rights at all, or to protect them in the exercise of the rights and privileges attaching to all freemen and citizens of our country.

THE COLORED VOTE.

It is true, sir, that these people, the colored people of our country, compose a very small minority of the American people, yet they contribute largely toward its industrial interests and at times play an important part in political affairs. For instance, President Grant's popular majority in the last presidential election was 762,991. The total colored vote is put down at 900,000. Now, allowing 10,000 of this vote to have been cast for Mr. Greeley, and 50,000 of these voters as not voting at all, which I am satisfied is in excess of the number of this class not voting, making 60,000, then deduct the 60,000 from the 900,000, and the result will show a colored vote polled of 840,000 for General Grant; yet the popular majority of General Grant as taken from the Tribune Almanac for 1873 was not more than 762,991, as already stated.

To the curious in such matters, and to those who seriously consider our institutions in this respect, this might be considered as not unworthy of a passing notice.

* * * *

Representatives James T. Rapier and Alonzo J. Ransier, responding on June 9, 1874, to Representative Lamar's argument that the Bill was unnecessary because Blacks already had equal civil rights:

Mr. RAPIER. Mr. Speaker, I had hoped there would be no protracted discussion on the civil-rights bill. It has been debated all over the country for the last seven years; twice it has done duty in our national political campaigns; and in every minor election during that time it has been pressed into service for the purpose of intimidating the weak white men who are inclined to support the republican ticket. I was certain until now that most persons were acquainted with its provisions. That they understood its meaning; therefore, it was no longer to them the monster it had been depicted, that was to break down all social barriers, and compel one man to recognize another socially, whether agreeable to him or not.

I must confess it is somewhat embarrassing for a colored man to urge the passage of this bill, because if he exhibit an earnestness in the matter and express a desire for its immediate passage, straightway he is charged with a desire for social equality, as explained by the demagogue and understood by the ignorant white man. But then it is just as embarrassing for him not to do so, for, if he remain silent while the struggle is being carried on around, and for him, he is liable to be charged with a want of interest in a matter that concerns him more than any one else, which is enough to make his friends desert his cause. So in steering away from Scylla I may run upon Charybdis. But the anomalous, and I may add the supremely ridiculous, position of the negro at this time, in this country, compel me to say something. Here his condition is without a comparison, parallel alone to itself. Just think that the law recognizes my right upon this floor as a law-maker, but that there is no law to secure to me any accommodations whatever while traveling here to discharge my duties as a Representative of a large and wealthy constituency. Here I am the peer of the proudest, but on a steamboat or car I am not equal to the most degraded. Is not this most anomalous and ridiculous?

What little I shall say will be more in the way of stating the case than otherwise, for I am certain I can add nothing to the arguments already made in behalf of the bill. If in the course of my remarks I should use language that may be considered inelegant, I have only to say that it shall be as elegant as that used by the opposition in discussing this measure; if undignified, it shall not be more so than my subject; if ridiculous, I enter the plea that the example has been set by the democratic side of the House, which claims the right to set examples. I wish to say in justice to myself that no one regrets more than I do the necessity that compels one to the manner born to come in these Halls with hat in hand (so to speak) to ask at the hands of his political peers the same public rights they enjoy. And I shall feel ashamed for my country if there be any foreigners present, who have been lured to our shores by the popular but untruthful declaration that this land is the asylum of the oppressed, to hear a member of the highest legislative body in the world declare from his place, upon his responsibility as a Representative, that notwithstanding his political position he has no civil rights that another class is bound to respect. Here a foreigner can learn what he cannot learn in any other country, that it is possible for a man to be half free and half slave, or, in other words, he will see that it is possible for a man to enjoy political rights while he is denied civil ones; here he will see a man legislating for a free people, while his own chains of civil slavery hang about him, and are far more galling than any the foreigner left behind him; here will see what is not to be seen elsewhere, that position is no mantle of protection in our "land of the free and home of the brave;" for I am subjected to far more outrages and indignities in coming to and going from this capital in discharge of my public duties than any criminal in the country providing he be white. Instead of my position shielding me from insult, it too often invites it.

Let me cite a case. Not many months ago Mr. Cardoza, treasurer of the State of South Carolina, was on his way home from the west. His route lay through Atlanta. There he made request for a sleeping berth. Not only was he refused this but was denied a seat in a first-class carriage, and the parties went so far as to threaten to take his life because he insisted upon his rights as a traveler. He was compelled, a most elegant and accomplished gentleman, to take a seat in the dirty smoking-car, along with the traveling rabble, or else be left to the detriment of his public duties.

I affirm, without the fear of contradiction, that any white ex-convict (I care not what may have been his crime, nor whether the hair on the shaven side of his head has had time to grow out or not) may start with me today to Montgomery, that all the way down he will be treated as a gentleman, while I will be treated as the convict. He will be allowed a berth in a sleeping-car with all its comforts, while I will be forced into a dirty, rough box with the drunkards, apple-sellers, railroad hands, and next to any dead that may be in transit, regardless of how far decomposition may have progressed. Sentinels are placed at the doors of the better coaches, with positive instructions to keep persons of color out; and I must do them the justice to say that they guard these sacred portals with a vigilance that would have done credit to the flaming swords at the gates of Eden. Tender, pure, intelligent young ladies are forced to travel in this way if they are guilty of the crime of color, the only unpardonable sin known in our Christian and Bible lands, where sinning against the Holy Ghost (whatever that may be) sinks into insignificance when compared with the sin of color. If from any cause we are compelled to lay over, the best bed in the hotel is his if he can pay for it, while I am invariably turned away, hungry and cold, to stand around the railway station until the departure of the next train, it matters not how long, thereby endangering my health, while my life and property are at the mercy of any highwayman who may wish to murder and rob me.

And I state without the fear of being gainsaid, the statement of the gentleman from Tennessee to the contrary notwithstanding, that there is not an inn between Washington and Montgomery, a distance of more than a thousand miles, that will accommodate me to a bed or meal. Now, then, is there a man upon this floor who is so heartless, whose breast is so void of the better feelings, as to say that this brutal custom needs no regulation? I hold that it does and that Congress is the body to regulate it. Authority for its action is found not only in the fourteenth amendment to the Constitution, but by virtue of that amendment (which makes all persons born here citizens,) authority is found in article 4; section 2 of the Federal Constitution, which declares in positive language "that the citizens of each State shall have the same rights as the citizens of the several States." Let me read Mr. Brightly's comment upon this clause; he is considered good authority, I believe. In describing the several rights he says they may be all comprehended under the following general heads: "Protection by the Government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; the right of a citizen of one State to pass through or to reside in any other State for purposes of trade, agriculture, professional pursuits, or otherwise."

It is very clear that the right of locomotion without hinderance and everything pertaining thereto is embraced in this clause; and every lawyer knows if any white man in *ante bellum* times had been refused first-class passage in a steamboat or car, who was free from any contagious disease, and was compelled to go on deck of a boat or into a baggage-car, and any accident had happened to him while he occupied that place, a lawsuit would have followed and damages would have been given by any jury to the plaintiff; and whether any accident had happened or not in the case I have referred to, a suit would have been brought for a denial of rights, and no one doubts what would have been the verdict. White men had rights then that common carriers were compelled to respect, and I demand the same for the colored men now.

Mr. Speaker, whether this deduction from the clause of the Constitution just read was applicable to the negro prior to the adoption of the several late amendments to our organic law is not now a question, but that it does apply to him in his new relations no intelligent man will dispute. Therefore I come to the national, instead of going to the local Legislatures for relief, as has been suggested, because the grievance is national and not local; because Congress is the lawmaking power of the General Government, whose duty it is to see that there be no unjust and odious discriminations made between its citizens. I look to the Government in the place of the several States, because it claims my first allegiance, exacts at my hands strict obedience to its laws, and because it promises in the implied contract between every citizen and the government to protect my life and property. I have fulfilled my part of the contract to the extent I have been called upon, and I demand that the Government, through Congress do likewise. Every day my life and property are exposed, are left to the mercy of others, and will be so as long as every hotel-keeper, railroad conductor,

and steamboat captain can refuse me with impunity the accommodations common to other travelers. I hold further, if the Government cannot secure to a citizen his guaranteed rights it ought not to call upon him to perform the same duties that are performed by another class of citizens who are in the free and full enjoyment of every civil and political right.

Sir, I submit that I am degraded as long as I am denied the public privileges common to other men, and that the members of this House are correspondingly degraded by recognizing my political equality while I occupy such a humiliating position. What a singular attitude for law-makers of this great nation to assume, rather, come down to me than allow me to go up to them. Sir, did you ever reflect that this is the only Christian country where poor, finite man is held responsible for the crimes of the infinite God whom you profess to worship? But it is; I am held to answer for the crime of color, when I was not consulted in the matter. Had I been consulted, and my future fully described, I think I should have objected to being born in this gospel land. The excuse offered for all this inhuman treatment is that they consider the negro inferior to the white man, intellectually and morally. This reason might have been offered and probably accepted as truth some years ago, but no one now believes him incapable of a high order of culture, except someone who is himself below the average of mankind in natural endowments. This is not the reason as I shall show before I have done.

Sir, there is a cowardly propensity in the human heart that delights in oppressing somebody else, and in the gratification of this base desire we always select a victim that can be outraged with safety. As a general thing the Jew has been the subject in most parts of the world; but here the negro is the most available for this purpose; for this reason in part he was seized upon, and not because he is naturally inferior to any one else. Instead of his enemies believing him to be incapable of a high order of mental culture, they have shown that they believe the reverse to be true, by taking the most elaborate pains to prevent his development. And the smaller the caliber of the white man the more frantically has he fought to prevent the intellectual and moral progress of the negro, for the simple but good reason that he has most to fear from such a result. He does not wish to see the negro approach the high moral standard of a man and gentleman.

Let me call your attention to a case in point. Some time since a well dressed colored man was traveling from Augusta to Montgomery. The train on which he was stopped at a dinner-house. The crowd around the depot seeing him well dressed, fine-looking, and polite, concluded he must be a gentleman, (which was more than their righteous souls could stand,) and straightway they commenced to abuse him. And, sir, he had to go into the baggage-car, open his trunks, show his cards, faro-bank, dice, & c., before they would give him any peace; or, in other words, he was forced to give satisfactory evidence that he was not a man who was working to elevate the moral and intellectual standard of the negro before they would respect him. I have always found more prejudice existing in the breasts of men who have feeble minds and are conscious of it, than in the breasts of those who have towering intellects and are aware of it. Henry Ward Beecher reflected the feelings of the latter class when on a certain occasion he said: "Turn the negro loose; I am not afraid to run the race of life with him." He could afford to say this, all white men cannot; but what does the other class say? "Build a Chinese wall between the negro and the school-house, discourage in him pride of character and honest ambition, cut him off from every avenue that leads to the higher grounds of intelligence and usefulness, and then challenge him to a contest upon the highway of life to decide the question of superiority of race." By their acts, not by their words, the civilized world can and will judge how honest my opponents are in their declarations that I am naturally inferior to them. No one is surprised that this class opposes the passage of the civil-rights bill, for if the negro were allowed the same opportunities, the same right of locomotion, the same rights to comfort in travel, how could they prove themselves better than the negro?

Mr. Speaker, it was said, I believe by the gentleman from Kentucky, [Mr. Beck,] that the people of the South, particularly his State, were willing to accord the colored man all the rights they believe him guaranteed by the Constitution. No one doubts this assertion. But the difficulty is they do not acknowledge

that I am entitled to any rights under the organic law. I am forced to this conclusion by reading the platforms of the democratic party in the several States. Which one declares that that party believes in the constitutionality of the Reconstruction Acts or the several amendments? But upon the other hand, they question the constitutionality of every measure that is advanced to ameliorate the condition of the colored man; and so skeptical have the democracy become respecting the Constitution, brought about by their unsuccessful efforts to find constitutional objections to every step that is taken to elevate the negro, that now they begin to doubt the constitutionality of the Constitution itself. The most they have agreed to do, is to obey present laws bearing on manhood suffrage until they are repealed by congress or decided to be unconstitutional by the Supreme Court.

Let me read what the platform of the democratic party in Alabama has to say on this point:

The democratic and conservative party of the State of Alabama, in entering upon the contest for the redemption of the State government from the radical usurpers who now control it, adopt and declare as their platform--

1. That we stand ready to obey the Constitution of the United States and the laws passed in pursuance thereof, and the constitution and laws of the State of Alabama, so long as they remain in force and unrepealed.

I will, however, take the gentleman at his word; but must be allowed to ask if so why was it, even after the several amendments had been officially announced to be part of the Federal Constitution, that his State and others refused to allow the negro to testify in their courts against a white man? If they believed he should be educated (and surely this is a right) why was it that his school-houses were burned down, and the teachers who had gone down on errands of mercy to carry light into dark places driven off, and in some places killed? If they believe the negro should vote, (another right, as I understand the Constitution,) why was it that Ku-Klux Klans were organized to prevent him from exercising the right of an American citizen, namely, casting the ballot--the very thing they said he had a right to do?

The professed belief and practice are sadly at variance, and must be intelligently harmonized before I can be made to believe that they are willing to acknowledge that I have any rights under the Constitution or elsewhere. He boasts of the magnanimity of Kentucky in allowing the negro to vote without qualification, while to enjoy the same privilege in Massachusetts he is required to read the constitution of that State. He was very unhappy in this comparison. Why, sir, his State does not allow the negro to vote at all. When was the constitution of Kentucky amended so as to grant him the elective franchise? They vote there by virtue of the fifteenth amendment alone, independent of the laws and constitution of that Commonwealth; and they would today disfranchise him if it could be done without affecting her white population. The Old Bay State waited for no "act of Congress" to force her to do justice to all of her citizens, but in *ante bellum* days provided in her constitution that all male persons who could read and write should be entitled to suffrage. That was a case of equality before the law, and who had a right to complain? There is nothing now in the amended Federal Constitution to prevent Kentucky from adopting the same kind of clause in her constitution, when the convention meets to revise the organic law of that State, I venture the assertion that you will never hear a word about it; but it will not be out of any regard for her colored citizens, but the respect for that army of fifty-thousand ignorant white men she had within her borders, many of whom I see every time I pass through that State, standing around the several depots continually harping on the stereotyped phrase, "The damned negro won't work."

I would not be surprised though if she should do better in the future. I remember when a foreigner was just as unpopular in Kentucky as the negro is now; when the majority of the people of that State were opposed to according the foreigner the same rights they claimed for themselves; when that class of people were mobbed in the streets of her principle cities on account of their political faith, just as they have done the negro for the last seven years. But what do you see today. One of that then proscribed class is Kentucky's chief Representative upon this floor. Is not this an evidence of a returning sense of justice? If so, would it not be reasonable to predict that she will in the near future send one of her now proscribed class to aid him

in representing her interests upon this floor?

Mr. Speaker, there is another member of this body who has opposed the passage of this bill very earnestly, whose position in the country and peculiar relations to the Government compel me to refer to him before I conclude. I allude to the gentleman from Georgia, [Mr. Stephens,] He returns to this House after an absence of many years with the same old ideas respecting State-rights that he carried away with him. He has not advanced a step: but unfortunately for him the American people have, and no longer consider him a fit expounder of our organic law. Following to its legitimate conclusion the doctrine of State-rights, (which of itself is secession,) he deserted the flag of his country, followed his State out of the Union, and a long and bloody war followed. With its results most men are acquainted and recognize; but he, Bourbon-like, comes back saying the very same things he used to say, and swearing by the same gods he swore by in other days. He seems not to know that the ideas which he so ably advanced for so many years were by the war swept away, along with that system of slavery which he intended should be the chief corner-stone, precious and elect, of the transitory kingdom over which he was second ruler.

Sir, the most of us have seen the play of Rip Van Winkle, who was said to have slept twenty years in the Katskill Mountains. On his return he found that the small trees had grown up to be large ones; the village of Falling Waters had improved beyond his recollection; the little children that used to play around his knees and ride into the village upon his back had grown up to be men and women and assumed the responsibilities of life; most of his friends, including Nick Vedder, had gone to that bourn whence no traveler returns' but, saddest of all, his child, "Mene," could not remember him. No one can see him in his efforts to recall the scenes of other days without being moved almost to tears. This, however is fiction. The life and actions of the gentleman from Georgia most happily illustrate this character. This is a case where truth is stranger than fiction; and when he comes into these Halls advocating the same old ideas after an absence of so many years during which time we have had a conflict of arms such as the world never saw, that revolutionized the entire body politic, he stamps himself a living "Rip Van Winkle."

I reiterate, that the principles of "State-rights", for the recognition of which, he now contends, are the ones that were in controversy during our late civil strife. The arguments *pro* and *con* were heard in the roar of battle, amid the shrieks of the wounded, and the groans of the dying; and the decision was rendered amid shouts of victory by the Union soldiers. With it all appear to be familiar except him, and for his information I will state that upon this question an appeal was taken from the forum to the sword, the highest tribunal known to man, that it was then and there decided that National rights are paramount to State-rights, and that liberty and equality before the law should be coextensive with the jurisdiction of the Stars and Stripes. And I will further inform him that the bill now pending is simply to give practical effect to that decision.

I sympathize with him in his inability to understand this great change. When he left here the negro was a chattel; exposed for sale in the market places within a stone's throw of the Capitol; so near that the shadow of the Goddess of Liberty reflected by the rising sun would fall within the slave-pen as a forcible reminder that there was no hopeful day, nothing bright in the future, for the poor slave. Then no negro was allowed to enter these Halls and hear discussions on subjects that most interested him. The words of lofty cheer that fell from the lips of Wade, Giddings, Julian, and others were not allowed to fall upon his ear. Then, not more than three negroes were allowed to assemble at any place in the capital of the nation without special permission from the city authorities. But on his return he finds that the slave-pens have been torn down, and upon their ruins temples of learning have been erected; he finds that the Goddess of Liberty is no longer compelled to cover her radiant face while she weeps for our national shame, but looks with pride and satisfaction upon a free and regenerated land; he finds that the laws and regulations respecting the assembling of negroes are no longer in force, but on the contrary he can see on any public holiday the Butler Zouaves, a fine-looking company of colored men, on parade.

Imagine, if you can, what would have been the effect of such a sight in this city twelve years ago. Then one

negro soldier would have caused utter consternation. Congress would have adjourned; the Cabinet would have sought protection elsewhere; the President would have declared martial law; troops and marines would have been ordered out; and I cannot tell all that would have happened; but now such a sight does not excite a ripple on the current of affairs; but over all, and worse to him than all, he finds the negro here, not only a listener but a participant in debate. While I sympathize with him in his inability to comprehend this marvelous change, I must say in all earnestness that one who cannot understand and adjust himself to the new order of things is poorly qualified to teach this nation the meaning of our amended Constitution. The tenacity with which he sticks to his purpose through all the vicissitudes of life is commendable, though his views be objectionable.

While the chief of the late confederacy is away in Europe fleeing the wrath to come in the shape of Joe Johnston's history of the war, his lieutenant, with a boldness that must challenge the admiration of the most impudent, comes into these Halls and seeks to commit the nation through Congress to the doctrine of State-rights, and thus save it from the general wreck that followed the collapse of the rebellion. He had no other business here. Read his speech on the pending bill; his argument was cunning, far more ingenious than ingenuous. He does not deny the need or justness of the measure, but claims that the several States have exclusive jurisdiction of the same. I am not so willing as some others to believe in the sincerity of his assertions concerning the rights of the colored man. If he were honest in this matter, why is it he never recommended such a measure to the Georgia Legislature? If the several States had secured to all classes within their borders the rights contemplated in this bill, we would have had no need to come here; but they having failed to do their duty, after having had ample opportunity, the General Government is called upon to exercise its right in the matter.

Mr. Speaker, time will not allow me to review the history of the American negro, but I must pause here long enough to say that he has not been properly treated by this nation; he has purchased and paid for all, and for more, than he has yet received. Whatever liberty he enjoys has been paid for over and over again by more than two hundred years of forced toil; and for such citizenship as is allowed him he paid the full measure of blood, the dearest price required at the hands of any citizen. In every contest, from the beginning of the revolutionary struggle down to the war between the States, has he been prominent. But we all remember in our late war when the Government was so hard pressed for troops to sustain the cause of the Union; when it was so difficult to fill up the ranks that had been so fearfully decimated by disease and the bullet; when every train that carried to the front a number of fresh soldiers brought back a corresponding number of wounded and sick ones; when grave doubts as to the success of the Union arms had seized upon the minds of some of the most sanguine friends of the Government; when strong men took counsel of their fears; when those who had all their lives received the fostering care of the nation were hesitating as to their duty in that trying hour, and others questioning if it were not better to allow the star of this Republic to go down and thus be blotted out from the great map of nations than to continue the bloodshed; when gloom and despair were wide-spread; when the last ray of hope had nearly sunk below our political horizon, how the negro then came forward and offered himself as a sacrifice in the place of the nation, made bare his breast to the steel, and in it received the thrusts of the bayonet that were aimed at the life of the nation by the soldiers of that government in which the gentleman from Georgia figured as second officer.

Sir, the valor of the colored soldier was tested on many a battlefield, and today his bones lie bleaching beside every hill and in every valley from the Potomac to the Gulf; whose mute eloquence in behalf of equal rights for all before the law, is and ought to be far more persuasive than any poor language I can command.

Mr. Speaker, nothing short of a complete acknowledgment of my manhood will satisfy me. I have no compromises to make, and shall unwillingly accept any. If I were to say that I would be content with less than any other member upon this floor I would forfeit whatever respect any one here might entertain for me, and would thereby furnish the best possible evidence that I do not and cannot appreciate the rights of a

freeman. Just what I am charged with by my political enemies. I cannot willingly accept anything less than my full measure of rights as a man, because I am unwilling to present myself as a candidate for the brand of inferiority, which will be as plain and lasting as the mark of Cain. If I am to be thus branded, the country must do it against my solemn protest.

Sir, in order that I might know something of the feelings of a freeman; a privilege denied me in the land of my birth, I left home last year and traveled six months in foreign lands, and the moment I put my foot upon the deck of a ship that unfurled a foreign flag from its mast-head, distinctions on account of my color ceased. I am not aware that my presence on board the steamer put her off her course. I believe we made the trip in the usual time. It was in other countries than my own that I was not a stranger, that I could approach a hotel without the fear that the door would be slammed in my face. Sir, I feel this humiliation very keenly; it dwarfs my manhood, and certainly it impairs my usefulness as a citizen.

The other day when the centennial bill was under discussion I would have been glad to say a word in its favor, but how could I? How would I appear at the centennial celebration of our national freedom, with my own galling chains of slavery hanging about me? I could no more rejoice on that occasion in my present condition than the Jews could sing in their wonted style as they sat as captives beside the Babylonish streams; but I look forward to the day when I shall be in the full enjoyment of the rights of a freeman, with the same hope they indulged, that they would again return to their native land. I can no more forget my manhood, than they could forget Jerusalem.

After all, this question resolves itself to this: either I am a man or I am not a man. If one, I am entitled to all the rights, privileges, and immunities common to any other class in this country; if not a man, I have no right to vote, no right to a seat here; if no right to vote, then 20 per cent of the members on this floor have no right here, but, on the contrary, hold their seats *in violation of law*. If the negro has no right to vote, then one-eighth of your Senate consists of members who have no shadow of a claim to the places they occupy; and if no right to a vote, a half-dozen governors in the South figure as usurpers.

This is the legitimate conclusion of the argument, that the negro is not a man and is not entitled to all the public rights common to other men, and you cannot escape it. But when I press my claims I am asked, "Is it good policy?" My answer is, "Policy is out of the question; it has nothing to do with it; that you can have no policy in dealing with your citizens; that there must be one law for all; that in this case justice is the only standard to be used, and you can no more divide justice than you can divide Deity." On the other hand, I am told that I must respect the prejudices of others. Now, sir, no one respects reasonable and intelligent prejudices more than I. I respect religious prejudices, for example; these I can comprehend. But how can I have respect for the prejudices that prompt a man to turn up his nose at the males of a certain race, while at the same time he has a fondness for the females of the same race to the extent of cohabitation? Out of four poor unfortunate colored women who from poverty were forced to go to the lying-in branch of the Freedmen's Hospital here in the District last year three gave birth to children whose fathers were white men, and I venture to say that if they were members of this body, would vote against the civil-rights bill. Do you, can you wonder at my want of respect for this kind of prejudice? To make me feel uncomfortable appears to be the highest ambition of many white men. It is to them a positive luxury, which they seek to indulge at every opportunity.

I have never sought to compel any one, white or black to associate with me, and never shall; nor do I wish to be compelled to associate with any one. If a man do not wish to ride with me in the street-car I shall not object to his hiring a private conveyance; if he do not wish to ride with me from here to Baltimore, who shall complain if he charter a special train? For a man to carry out his prejudices in this way would be manly, and would leave no cause for complaint, but to crowd me out of the usual conveyance into an uncomfortable place with persons for whose manners I have a dislike, whose language is not fit for ears polite, is decidedly unmanly and cannot be submitted to tamely by any one who has a particle of self-

respect.

Sir, this whole thing grows out of a desire to establish a system of "caste," an anti-republican principle, in our free country. In Europe they have princes, dukes, lords, & c., in contradistinction to the middle classes and peasants. Further East they have the brahmans or priests, who rank above the sudras or laborers. In those countries distinctions are based upon blood and position. Every one there understands the custom and no one complains. They, poor innocent creatures, pity our condition, look down upon us with a kind of royal compassion, because they think we have no tangible lines of distinction, and therefore speak of our society as being vulgar. But let not our friends beyond the seas lay the flattering unction to their souls that we are without distinctive lines; that we have no nobility; for we are blessed with both. Our distinction is color, (which would necessarily exclude the brahmans,) and our lines are much broader than anything they know of. Here a drunken white man is not only equal to a drunken negro, (as would be the case anywhere else,) but superior to the most sober and orderly one; here an ignorant white man is not only the equal of an unlettered negro, but is superior to the most cultivated; here our nobility cohabit with our female peasants, and then throw up their hands in holy horror when a male of the same class enters a restaurant to get a meal, and if he insist upon being accommodated our scion of royalty will leave and go to the arms of his colored mistress and there pour out his soul's complaint, tell her of the impudence of the "damned nigger" in coming to a table where a white man was sitting.

What poor, simple-minded creatures these foreigners are. They labor under the delusion that they monopolize the knowledge of the courtesies due from one gentleman to another. How I rejoice to know that it is a delusion. Sir, I wish some of them could have been present to hear the representative of the F.F.V.'s upon this floor (and I am told that that is the highest degree that society has yet reached in this country) address one of his peers, who dared asked him a question, in this style: "I am talking to white men." Suppose Mr. Gladstone--who knows no man but by merit--who in violation of our custom entertained the colored jubilee singers at his home last summer, or the Duke de Broglie, had been present and heard this eloquent remark drop from the lips of this classical and knightly member, would they not have hung their heads in shame at their ignorance of politeness, and would they not have returned home, repaired to their libraries, and betaken themselves to the study of Chesterfield on manners? With all these absurdities staring them in the face, who can wonder that foreigners laugh at our ideas of distinction?

Mr. Speaker, though there is not a line in this bill the democracy approve of, yet they made the most noise about the school clause. Dispatches are freely sent over the wires as to what will be done with the common-school system in the several Southern States in the event this bill becomes a law. I am not surprised at this, but, on the other hand, I looked for it. Now what is the force of that school clause? It simply provides that all the children in every State where there is a school system supported in whole or in part by general taxation shall have equal advantages of school privileges. So that if perfect and ample accommodations are not made convenient for all the children, then any child has the right to go to any school where they do exist. And that is all there is in this school clause. I want some one to tell me of any measure that was intended to benefit the negro that they have approved of. Of which one did they fail to predict evil? They declared if the negroes were emancipated that the country would be laid waste, and that in the end he would starve, because could not take care of himself. But this was a mistake. When the reconstruction acts were passed and the colored men in my State were called upon to express through the ballot whether Alabama should return to the Union or not, white men threw up their hands in holy horror and declared if the negro voted that never again would they deposit another ballot. But how does the matter stand now? Some of those very men are in the republican ranks, and I have known them to grow hoarse in shouting for our platforms and candidates. They hurrah for our principles with all the enthusiasm of a new-born soul, and, sir, so zealous have they become that in looking at them I am amazed, and am often led to doubt my own faith and feel ashamed for my lukewarmness. And those who have not joined our party are doing their utmost to have the negro vote with them. I have met them in the cabins night and day where they were imploring him for the sake of old times to come up and vote with them.

I submit, Mr. Speaker, that political prejudices prompt the democracy to oppose this bill as much as anything else. In the campaign of 1868, Joe Williams, an uncouth and rather notorious colored man, was employed as a general democratic canvasser in the South. He was invited to Montgomery to enlighten us, and while there he stopped at one of the best hotels in the city, one that would not dare entertain me. He was introduced at the meeting by the chairman of the democratic executive committee as a learned and elegant, as well as eloquent gentleman. In North Alabama he was invited to speak at the Seymour and Blair barbecue, and did address one of the largest audiences, composed largely of ladies, that ever assembled in that part of the State. This I can prove by my simon-pure democratic colleague, Mr. Sloss, for he was chairman of the committee of arrangements on that occasion, and I never saw him so radiant with good humor in all my life as when he had the honor of introducing "his friend," Mr. Williams. In that case they were extending their courtesies to a coarse, vulgar stranger, because he was a democrat, while at the same time they were hunting me down as the partridge on the mount, night and day, with their Ku-Klux Klan, simply because I was a republican and refused to bow at the foot of their Baal. I might enumerate many instances of this kind, but I forbear. But to come down to a later period, the Greeley campaign. The colored men who were employed to canvass North Carolina in the interest of the democratic party were received at all the hotels as other men and treated I am informed with marked distinction. And in the State of Louisiana a very prominent colored gentleman saw proper to espouse the Greeley cause, and when the fight was over and the McEnery government saw fit to send on a committee to Washington to present their case to the President, this colored gentleman was selected as one of that committee. On arriving in the city of New Orleans prior to his departure he was taken to the Saint Charles, the most aristocratic hotel in the South. When they started he occupied a berth in the sleeping-car; at every eating-house he was treated like the rest of them, no distinction whatever. And when they arrived at Montgomery I was at the depot, just starting for New York. Not only did the conductor refuse to allow me a berth in the sleeping-car, but I was also denied a seat in the first-class carriage. Now, what was the difference between us? Nothing but our political faith. To prove this I have only to say that just a few months before this happened, he, along with Frederick Douglass and others, was denied the same privileges he enjoyed in coming here. And now that he has returned to the right party again I can tell him that never more will he ride in another sleeping-car in the South unless this bill become law. There never was a truer saying than that circumstances alter cases.

Mr. Speaker, to call this land the asylum of the oppressed is a misnomer, for upon all sides I am treated as a pariah. I hold that the solution of this whole matter is to enact such laws and prescribe such penalties for their violation as will prevent any person from discriminating against another in public places on account of color. No one asks, no one seeks the passage of a law that will interfere with any one's private affairs. But I do ask the enactment of a law to secure me in the enjoyment of public privileges. But when I ask this I am told that I must wait for public opinion; that it is a matter that cannot be forced by law. While I admit that public opinion is a power, and in many cases is a law of itself, yet I cannot lose sight of the fact that both statute law, and the law of necessity manufacture public opinion. I remember, it was unpopular to enlist negro soldiers in our late war, and after they enlisted it was equally unpopular to have them fight in the same battles; but when it became a necessity in both cases public opinion soon came around to that point. No white father objected to the negro's becoming food for powder if thereby his son could be saved. No white woman objected to the negro marching in the same ranks and fighting in the same battles if by that her husband could escape burial in our savannas and return to her and her little ones.

Suppose there had been no reconstruction acts nor amendments to the Constitution, when would public opinion in the South have suggested the propriety of giving me the ballot? Unaided by law when would public opinion have prompted the Administration to appoint members of my race to represent this Government at foreign courts? It is said by some well-meaning men that the colored man has now every right under the common law; in reply I wish to say that that kind of law commands very little respect when applied to the rights of colored men in my portion of the country; the only law that we have any regard for is *uncommon law* of the most positive character. And I repeat, if you will place upon your statute-books laws that will protect me in my rights, that public opinion will speedily follow.

Mr. Speaker, I trust this bill will become law, because it is a necessity, and because it will put an end to all legislation on this subject. It does not and cannot contemplate any such idea as social equality; nor is there any man upon this floor so silly as to believe that there can be any law enacted or enforced that would compel one man to recognize another as his equal socially; if there be, he ought not to be here, and I have only to say that they have sent him to the wrong public building. I would oppose such a bill as earnestly as the gentleman from North Carolina, whose associations and cultivations have been of such a nature as to lead him to select the crow as his standard of grandeur and excellence in the place of the eagle, the hero of all birds and our national emblem of pride, and power. I will tell him that I have seen many of his race to whose level I should object to being dragged.

Sir, it matters not how much men may differ upon the question of State and national rights; there is one class of rights, however, that we all agree upon, namely, individual rights, which includes the right of every man to select associates for himself and family, and to say who shall and who shall not visit at his house. This right is God-given and custom-sanctioned, and there is, and there can be no power overruling your decision in this matter. Let this bill become law and not only will it do much toward giving rest to this weary country on this subject, completing the manhood of my race and perfecting his citizenship, but it will take him from the political arena as a topic of discussion where he has done duty for the last fifty years, and thus freed from anxiety respecting his political standing, hundreds of us will abandon the political fields who are there from necessity, and not from choice and enter other and more pleasant ones; and thus relieved, it will be the aim of the colored man as well as his duty and interest, to become a good citizen, and to do all in his power to advance the interests of a common country.

Mr. RANSIER. Mr. Speaker, I am obliged to my friend for yielding a portion of his time to me while I am sorry that by doing so he has interrupted himself in his eloquent speech. I had intended, if I had had the opportunity, to say something on this occasion by way of reply to a part of a recent speech by the gentleman from Mississippi, [Mr. Lamar,] and that of the gentleman from Tennessee, [Mr. Butler.] The few minutes allowed me, however, are not sufficient to enable me even to briefly sketch what I had hoped to be able to say.

The remarks on yesterday of the distinguished Mississippian [Mr. Lamar] who somewhat electrified the House, and who by the way seems to be somewhat in advance of those for whom he spoke in the matter of a sincere and hearty acquiescence with some of the results of the late war, attracted my attention for more reasons than one. The first was because to many of his utterances importance ought to be attached, coming from the gentleman who spoke. But when he said that the negroes in this country were possessed of all the rights and privileges attaching to other citizens, I cannot admit that he stated what was exactly true. For if that were the fact five millions of people would not be asking the Congress of the United States today for the passage of the civil-rights bill. Nor would the dying words of Charles Sumner, addressed to Mr. Hoar, have been uttered, "Do not let the civil-rights bill fail." Nor would the Senate of the United States sit twenty consecutive hours to pass a useless measure. Hence I say that the statement of the distinguished Mississippian that the colored people of this country possessed all the rights attaching to American citizenship, followed up by the imploring appeal that we ought to pay some attention to the rights and interests of the white people of the South, was not exactly true; else we would not be here today asking the congress of the United States to pass the civil-rights bill; nor would we be here today reminding the republican party of the country of their solemn obligation to pass such a bill, nor would we be here to remind the republican party today that if Congress adjourns without the passage of such a bill, to which it is committed, they will demoralize nine hundred thousand voters in this country and withhold an act of justice from five millions of people. I repeat that the statement of the gentleman from Mississippi is not exactly true, as has already been abundantly proven.

But it is a sign, Mr. Speaker, of the rapid strides of progress we have made as a nation that the distinguished gentleman from Mississippi, identified in the manner he is with the past, is now seeking to blot out that past,

so far as clinging to its dead issues is concerned. I hail the spirit of his speech as indicative of the progress and advancing strides we are making as a nation. But I say today, and I speak, if I can, to the country, that so far as there is an impression that the colored man in this country had obtained all that attaches to American citizenship, or that the passage of the civil-rights bill will work injuriously to either whites or blacks, there never was a greater mistake made. If that were the fact, I say again there never was a more useless or unnecessary imploration uttered than that embodied in the dying words of Charles Sumner, "Take care of the civil-rights bill."

Now, sir, let me say in the brief moment allowed me that what pains me most in this matter is that men coming from the South, from Tennessee and from Virginia, indebted for their elevation to the position of members of Congress on this floor in part at least to colored votes, are to be found declaring that colored men do not want the civil-rights bill. They misrepresent that portion of their constituencies. I say to them, in the language of Charles Sumner to a Senator of the United States, "They are not your constituency; they are mine." You misrepresent them and have added insult to the injury you would inflict.

When the gentleman from Tennessee [Mr. Butler] said that the colored people did not want civil rights, that portion of his constituency almost at that same moment were, in a State convention called for the purpose, engaged in making a protest against the position assumed by Mr. Brownlow, of Tennessee, who had written against the bill.

The convention referred to passed the following resolutions:

Whereas the Congress of the United States by public authority, have made large donations and endowments to many educational institutions, to citizens of the several States of this Union; and whereas Tennessee has received the fund allowed and provided by this supreme authority of our country, and the colored citizens form a large part of the population of the State, and have received none of the benefits of this liberal provision for public improvement; and whereas there is now a bill before the Congress of the United States conferring on the colored citizens civil rights, and as it is our duty as men to arrange means of instruction for the perfect development of posterity, we call the attention of the Congress of the United States to the fact that the public institutions of Tennessee are defective in point of principle and practice, are anti-republican and proscriptive, and their tendency is to breed discord between citizens and stimulate the spirit of caste and hate: Therefore,

Resolved, That we most respectfully ask the passage of the civil-rights bill as introduced by Hon. Charles Sumner of Massachusetts, and reported by the Judiciary Committee, containing the provisions of an impartial education afforded to us and our children by the public schools of this country, as the most potent power to develop true republicanism and love of country, good feeling and personal regard mutually.

Resolved, That the institutions endowed by the General government be so regulated that the colored citizens shall be admitted to them impartially, in proportion to their population, and provision shall be made to carry out the apportionment of this class of citizens; and whereas the common or public schools of the country is the medium through which an education will reach the masses of the citizens we, as American citizens, demand that we shall enjoy them impartially, that we may encourage protection in a republic where all are equal before the law, and promote a high and useful career for the young upon the enduring basis of a true and consistent republic, which generously showers its blessings upon all alike, regardless of external circumstances or condition.

Resolved, That we will consider the omission of the republican party to enact this measure a baseless surrender of the rights of humanity to your insidious foes, who have contested upon the avenues of civil life every right we enjoy, as they did every right of freedom on the field of battle; and we will do our utmost to stamp upon every demagogue who seeks to betray the privileges of our children to the full enjoyment of impartial and equal privileges in the public schools the brand of the traitor Judas, as deserving politically a traitor's doom, with whom we will never, never join hands nor support, but will regard as our public and private enemy, more terrible to meet than a savage beast, more injurious than any catastrophe that could befall us, or any calamity that could be devised by any wicked unseen power that could reap a carnival of misery; but equal and impartial rights will secure to posterity their just and true relations, order will come from chaos, good will spring up where spite and hate exist, Ethiopia will in this fair country stretch forth her hands to God, peace will prevail, God will bless us, and we will walk hand in hand.

Also the following:

Whereas it has been asserted without authority and unwarrantably that the colored citizens of Tennessee and the South do not want civil rights, with impartial school privileges to all the colored children in the South in the public schools, and all the other privileges demanded and allowed in civil laws this convention of colored citizens repel indignantly and with contempt the misanthrope who would seek to fasten and fetter with prejudice our children and posterity, and we earnestly invoke the national Congress to pass the civil-rights bill, giving to our children impartial school privileges in every public school, State and national, throughout the United States, and deny to any the privileges of invidious distinctions against our race in any of the institutions of the country; and present our thanks to General Benjamin F. Butler, of Massachusetts, for his management of the bill in the House of Representatives of the United States, so ably vindicated by the lamented Charles Sumner.

I ask for the passage of the civil-rights bill before we shall adjourn. We ask it as a measure of justice to those people who have been true to the nation and to the party in power. We ask it at the hands of President Grant and the republican party. We ask it too, sir, as a matter of sound public policy in the interest of the republican party and the country. To say that the intelligent colored people are not desiring this measure is, sir, I repeat, adding insult to injury. We ask it; we are not in a position to demand it. We plead for it respectfully, but in no uncertain voice, and confidently look for its early passage.

Mr. Speaker, the condition of affairs in South Carolina, Arkansas, Louisiana, and elsewhere in the South is lugged into these debates here and into the writing of newspaper articles as evidences of the unfitness of the negro for the franchise and for civil rights. Sir, that affairs in some of these States are not in a satisfactory condition is unfortunately true; but, sir, these people have done as well under all the circumstances as any other race similarly situated could have done. They have made mistakes and are alive to the fact, and so far as they are concerned are endeavoring to rectify them. They have been deceived in men whom they elected to fill important positions, as the too-confiding colored people of portions of Tennessee and Virginia and elsewhere have been deceived and are being misrepresented by some of those towards whose election they contributed largely.

As to affairs in my own State, sir, I could wish that there were no grave constitutional obstructions in the way of an investigation into our affairs, as is asked for by a portion of our people. The masses of our people, white and black, would rather invite investigation and a thorough understanding of our affairs than shrink from it. None but those who may be guilty of such practices as are charged against them, and are or may be directly responsible for the misuse of the public moneys and abuses in other directions, could reasonably object. But, sir, because some officials in these States have abused the public confidence and prostituted their office, is violence to be done to a great principle of justice, and a whole race denied therein equal rights in a government like ours? It cannot be, Mr. Speaker. Let justice be done though the heavens fall.

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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 of 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 staunch 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.

PUBLIC OPINION.

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."

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Representatives Richard H. Cain and Joseph H. Rainey, responding on February 3, 1875, to arguments that the Bill would unconstitutionally infringe the rights of whites.

Mr. CAIN. Mr. Speaker there are periods in the history of nations and of peoples when it is necessary that men belonging to a race or races whose rights and interests are at stake should lay aside all feelings of delicacy and hesitation and vindicate their rights, their character, and their nationality. I have listened with some surprise to the speech of the gentleman who has just taken his seat, (Mr. WHITEHEAD.) I have been surprised at his attempt to ridicule and cast a slur upon a race of men whose labor has enabled him and his for two hundred years to feed, and drink and thrive and fatten.

I have sat in this House nearly nine months, and I have listened to gentlemen recognize as the leaders on the other side attempting to demonstrate as they supposed the inferiority of a race of men whom they have so long outraged, and to cast a slur upon them because they have been helpless. But revolutions never go backward. The mills of the gods grind slowly, but surely and exceeding fine. The times have changed. The wheels have rolled up different circumstances from those that were rolled up in the days of the old regime.

The gentleman from Virginia calls in question the propriety of passing the civil-rights bill. I cannot agree with him, and for this reason; my understanding of human rights, of democracy if you please, is all rights to all men, the government of the people by the people, and for the people's interest, without regard to sections, complexions, or anything else.

Why not pass the civil-rights bill! Are there not five millions of men, women, and children in this country, a larger number than inhabited this country when the fathers made the tea party in Boston harbor, five millions whose rights are as dear and sacred to them, humble though they be, as are the rights of the thirty-

odd millions of white people in this land? I am at a loss to understand the philosophy which these gentlemen have learned; how they can arrogate to themselves all rights, all liberty, all law, all government, all progress, all science, all arts, all literature, and deny them to other men formed of God equally as they are formed, clothed with the same humanity; and endowed with the same intellectual powers, but robbed by their connivance of the means of development. I say I am at a loss to understand how they can deny to us these privileges and claim them for themselves.

The civil-rights bill simply declares this: that there shall be no discriminations between citizens of this land so far as the laws of the land are concerned. I can find no fault with that. The great living principle of the American Government is that all men are free. We admit from every land and every nationality men to come here and under the folds of that noble flag repose in peace and protection. We assume that, whatever education his mind may have received, each man may aspire to and acquire all the rights of citizenship. Yet because, forsooth, God Almighty made the face of the negro black, these gentlemen would deny him that right though he be a man. Born on your soil, reared here amid the toils and sorrows and griefs of the land, producing by his long years of toil the products which have made your country great, earnestly laboring to develop the resources of this land, docile though outraged, yet when the gentlemen who held them in bondage--sir, I will not repeat the dark scenes that transpired under the benign influence and direction of that class of men.

He tells you that since the liberation of the negro the people of the North want to stir up strife. Why, sir you of the South stir up the strife. When the Government of the United States had made the black man free; when Congress, in the greatness of its magnanimity prepared to give to every class of men their rights, and in reconstructing the Southern States guaranteed to all the people their liberties, you refused to acquiesce in the laws enacted by Congress; you refused to "accept the situation," to recognize the rights of that class of men in the land. You sought to make the reconstruction acts a nullity, if possible. You sought to re-enslave the black man by every means in your power. You denied the validity of those reconstruction acts which undertook to protect him in his liberty. It is because you thus refused to accept the situation as it ought to have been accepted that there is now strife in the land. And I will tell you further that there will be strife all over this land as long as five millions of black men, women, and children are deprived of their rights. There will be no real and enduring peace so long as the rights of any class of men are trampled under foot, North or South, East or West.

Gentlemen say that the republican party is keeping up a continual strife among classes. Why, sir, it is not the republican party that is keeping up strife. The republican party is seeking to maintain peace. It is the southern men that make the strife, because they will not let us have our liberties, because they seek to thwart the designs of the Government. No man can read the tales of horror now being brought out by the investigating committees in the South, without realizing the fact that it is not the northern people or the republican party that makes this strife in the country.

I regard it as essential to the peace of the country that there shall be no discrimination between citizens; and the civil-rights bill I regard as a just and righteous measure which this Government must adopt in order to guarantee to all citizens equal rights.

And, Mr. Speaker, I am astonished that there is an apparent disposition in some quarters to give this question the go-by. "O," gentlemen say, "you will stir up strife in the country"-- "bad blood," the gentleman from Virginia said. Well, I think there has been a good deal of "bad blood" in the South already. It seems to me that a few years ago they had some "bad blood" in the South--very bad blood. And if any one will read the transactions in the South during the last few months, he will find that the "bad blood" has not all got out of the South--bad blood stirred up, not by the northern people, but by the southern people themselves.

Now, I do not think there is so much bad blood between the blacks and whites. The gentleman tells us in

the next breath that they have the best laborers in country. Well, if the labor is so good why do you not treat your laborers well? If they are the best class of laborers, if they do so much, why not guarantee to them their rights? If they are good laborers, if they produce your corn and your rice, if they give you such grand products, it is not proper and just that you should accord to them the rights that belong to them in common with other men?

The gentleman said that the slaves lived better than their masters. That is susceptible of grave doubt. I think there is a great difference between hog and hominy in the log cabin and all the luxuries of life in the richly-carpeted mansion. It seems to me there is a great difference when one class bear all the labor and produce all the crops, while the other class ride in their carriages, do all the buying and selling, and pocket all the money.

The gentleman says he wishes to defend "old Virginny." Now, I do not think that Virginia is any better than the rest of the States in this respect. My colleague has already stated that they do not allow colored people to ride in the cars except in cars labeled "Colored people allowed in this car." "Old Virginny never tires!" In this connection let me bring another fact to the gentleman's notice. Eight or ten months ago a lady acquaintance of mine was traveling from South Carolina to Washington; she had ridden in a first-class car through North Carolina, having paid a first-class fare; but when she got to the gentleman's noble State of "old Virginny," she was rudely taken and pushed out of the first-class car into the smoking car, where she was obliged to remain until she passed out of "old Virginny." It is in this way that they give colored people all their rights and privileges in "old Virginny." It seems to me that such things as this must make "bad blood" for somebody.

But, Mr. Speaker, the gentleman says that this measure is merely an attempt on the part of the people at the North to continue agitation and strife. Sir, I believe that if Congress had boldly passed the civil-rights bill a year ago; if it had let the nation know that the mandates of the highest authority of the land must be obeyed, there would be no trouble today about the civil-rights bill, nor about "mixed schools," &c. The laws of the country would be obeyed. The trouble is merely that there has been a disposition to some extent on the part of some republicans to minister to the prejudices of southern men. Why is it that southern men make all this ado about schools? I think, Mr. Speaker, you will find that of all the men who have voted against the civil-rights bill in the contest that has been going on, there have been more men from the South than from the North on the republican side. The trouble arises in that direction.

But gentlemen speak about "bad blood"--Sir, the statistics show--I want to illustrate the manner in which some of the southern people feel about the "bad blood"--the statistics show that there are 1,728,000 mulattoes in the South. One would naturally think there was a good deal of "bad blood" between the two classes--a great deal of unkind feeling!

Mr. Speaker, I regard the civil-rights bill as among the best measures that ever came before Congress. Why, sir, it is at the very foundation of good government. I take a higher view of the question than that of prejudice between the two classes. I regard this five million of men, women and children in the country as an integral part of the country, interwoven with all its interests. The laboring class of the South are as much a part of the population of this country as any other laboring class. The gentleman says that the South has its laborers. So they have. Very well; why should you not keep those laborers there? Why are the gentleman's friends desirous of killing them off? Why do you drive them from the fields? Why do you drive them from their homes? A committee of this House tells us the testimony taken before them shows there are two or three thousand men, women, and children who have been driven from plantations simply because men voted the republican ticket. That is all. The bad blood of the South comes because the negroes are republicans. If they would only cease to be republicans, and vote the straight-out democratic ticket there would be no trouble. Then the bad blood would sink entirely out of sight.

Mr. WHITEHEAD. Will the gentleman permit me to ask him a single question?

Mr. CAIN. Certainly.

Mr. WHITEHEAD. You were speaking of street cars just now and I should like to say just this is in regard to the street cars in Richmond. More than for years ago the street cars of Richmond were thrown open to all classes. Let me read the authority I have for that statement:

More than four years ago the street cars of Richmond were thrown open to all classes.

JOHN W. WOLTZ.

Mr. RAINEY. I desire to say to the gentleman from Virginia I am prepared to give my affidavit that I was in the State of Virginia less than two years ago, and in the city of Richmond. They have cars set apart for the colored people running in the streets of that city. I was prohibited from riding in any other cars than the ones designated for colored people.

Mr. WHITEHEAD. I have this to say. I do not know what was the cause of the gentleman's being put out of the ordinary street cars of that city. The statement I have given is the statement of Mr. Woltz, a leading republican of the State of Virginia and the city of Richmond, who is in full favor now with his party.

Mr. RAINEY. I do not know whether the gentleman who represents the district gives that information or not, but I state to the gentleman from Virginia exactly what occurred to myself.

Mr. CAIN. In less time than that spoken of, the gentleman from South Carolina, a personal friend of mine, was thrust from the street cars in Richmond. He entered a suit in the courts to recover damages for being thrust out of those cars, but was afterward prevailed upon to withdraw his suit..

But, Mr. Speaker, I was about to say this question of civil rights is one which ought to be met plainly and fully. It ought to be made clear and plain to the whole country. What are you going to do with these people? They are here and here they are going to stay. We are going to fight it out on this line if it takes the whole summer. Here we are, part and parcel of this Union, born here and here we expect to die..

But, Sir, I have no fear for the future. I believe the time will come when the sense of justice of this nation, when the enlightenment of this century, when the wisdom of our legislators, when the good feeling of the whole people will complete this grand work by lifting up out of degradation a race of men which has served long and faithfully by placing it, so far as the laws are concerned, upon an equal footing with all other classes. I have faith in this country. My ideas are progressive. I recognize the fact that there has been a constant progress in the development of ideas in this country. The great principle which underlies our Government, of liberty, of justice, of right, will eventually prevail in this land and we shall enjoy equal rights under the laws. I regret exceedingly gentlemen talk of social equality. That seems to be their great bugaboo. O, if you put colored men upon an equality before the law they will want social equality! I do not believe a word of it. Do you suppose I would introduce into my family a class of white men I see in this country? Do you suppose for one moment I would do it? No, sir; for there are men even who have positions upon this floor, and for whom I have respect, but of whom, I should be careful how I introduced them into my family. I should be afraid indeed their old habits acquired beyond Mason and Dixon's line might return. No, Mr. Speaker, it is a damnable prejudice, the result of the old cursed system of slavery. It is that which brought about this prejudice and has caused it to overshadow the whole land. Slavery has left the poison still in their minds. Slavery and its effects have nearly expired. It is, to be sure, in its last dying throes. The rude band of war opened a cavern into which ran much of the bad blood spoken of. The stamp of Phil Sheridan's gallant troopers let much more of it out. Before this Congress closes it will pass the civil-rights bill, giving equal rights and protection to all classes throughout the country. Then indeed, thank God, the

last vestige of that old barbarism will have disappeared, and peace shall spread her wings over a united, prosperous, and happy people.

Mr. Speaker, I possibly owe an apology to the House for these remarks, because I entered the House only twenty minutes before the gentlemen from Virginia [Mr. WHITEHEAD] stopped speaking; but I felt it was a duty I owed to myself and to the race to which I belong to hurl back his aspersions against the people with whom I am identified, and whom I have endeavored to vindicate here tonight.

There has been a great cry, Mr. Speaker, about schools. Let me give you some statistics bearing upon that part of the case. I have been at some pains to look over the statistics of education in the South, the East, the West, and the North. And in the returns of the last census I find these figures: The number of whites who read throughout the Union was 6,412,246. The number of colored who read was 172, 779; the difference being 6,239,467. Number of whites who cannot write 2,842,062. Colored who cannot write, 2,778,515. I think, so far as the educational clause of the civil-rights bill is concerned, we shall not lose anything if it is struck out. There is more ignorance in proportion in this country among the whites than there is among the colored. The prejudice, therefore, against the clause, so far as that is concerned, will not injure us as a great deal after all. We could afford for the sake of peace in the republican ranks, if for nothing else--not as a matter of principle--to except the school clause.

So far as the grave-yards are concerned, why, we are not much troubled where we shall be buried. We know very well we shall be buried somewhere if we die. We are certain of that; somebody will get us out of the way.

Mr. Speaker, I regard it as essential, therefore, that this bill should pass. These five millions of people for whom I speak are waiting for its passage. Their hopes, their prospects, their lives to a certain extent depend upon it. And I think this country owes it to them. Having lifted them out of slavery, having emancipated them, having given them manhood in a sense, I regard it as essential to the interests of this country that they shall make them citizens of this country, with all that that word imports, and that they shall guarantee to them the protection necessary for their lives and for their property.

It is also necessary, Mr. Speaker, that this bill should pass that we may go through the length and breadth of this country without let or hindrance. I know there are prejudices; but we must expect that these will exist. Let the laws of the country be just; let the laws of the country be equitable; this is all we ask, and we will take our chances under the laws in this land. We do not want the laws of this country to make discriminations between us. Place all citizens upon one broad platform; and if the negro is not qualified to hoe his row in this contest of life, then let him go down. All we ask of this country is to put no barriers between us, to lay no stumbling blocks in our way, to give us freedom to accomplish our destiny, that we may thus acquire all that is necessary to our interest and welfare in this country. Do this, sir, and we shall ask nothing more. [\(10\)](#)

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Mr. RAINEY. Mr. Speaker, it was my original intention to have submitted some remarks tonight upon this bill. But upon further reflection I had made up my mind to wait until tomorrow morning, when I hoped to have an opportunity to speak at some length and to my better satisfaction; yet I cannot permit this opportunity to pass without a few words in reply to the gentleman from Virginia. [Mr. WHITEHEAD.] I regret that some others on that side of the House have not seen fit to participate in the debate tonight, for it looks a little uncharitable to direct all our arguments from this side against a single honorable opponent. But it so happens that he is the only one who has said anything in regard to the bill at this time. I did not come in the Hall this evening early enough to hear all the gentleman had to say. I wish I had heard his entire speech, for I might have been able then to form a better judgment of the course of his argument.

I must say, judging from what I have heard, that the gentleman has made no argument that, in my opinion, can do the civil-rights bill any harm. He has attempted to ridicule the same; he has attempted to ridicule the people whom it is designed to benefit; but he has not adduced any strong argument, logical nor legal, why the bill should not pass and become a law; why the class of people against whom he has raised his opposing voice tonight should not have their constitutional rights. His premises are erroneous altogether, consequently his conclusions are not fallacious and void of force. He said the common law now provides all of the remedies this bill is intended to afford; therefore he could not see the necessity for its passage. He further adds that it was intended to create strife and not benefit the colored people. I want to say to the member from Virginia that so far as the common law is concerned, although I am not a lawyer, I am aware however, that it contains remedial provisions; but they are so general in their character as frequently to lose specific application and force unless wrought into statutory enactment. Hence the necessity for this bill, which sets forth specifically the offenses and the means of redress. That I believe to be why, among other reasons, we enact statutory law; otherwise we would appeal to the common law and obtain our ends independent of the statutes.

The fact of the determined and earnest opposition to which this measure has been subjected is an additional argument in favor of its passage in order that we may have the constitutional rights guaranteed us, being citizens. The time has come under this Government when we must no longer be looked upon and judged by the color of our skins. Yes the time is at hand when you must cease to take us for cringing slaves. We may have been such in the past, but you should not fail to remember that we are freemen now, and citizens of this great country in common with yourselves; therefore entitled to the full enjoyment of all the privileges and immunities incidental to that condition.

But, as I said before, the gentleman remarked that this bill is intended to create or provoke strife, and in that next breath he contradicted himself by saying if this was the intention and purpose of the republican party for political effect it would be deceived, at least so far as Virginia was concerned, as there would be no strife there. If that would not be the case in Virginia, namely, that there would be no strife, why then the gentleman's argument falls to the ground, inasmuch as he admits that in his own State there would be no trouble in event of its becoming a law. Whether this admission was intentional or not I have no means whereby to determine; the gentleman will therefore have to reconcile it to himself.

Now I take the ground that there will be no difficulty in any of the States on account of this bill. There is no argument offered by the opposition to it that was not presented here years ago. True it was not upon this subject, but subjects of a kindred nature affecting the Government more vitally than this ever will. I assert that this "genus" in argument has gnawed at the vitals of this Republic for nearly half a century, until it was aroused from its masterly inactivity, throttled the demon of rebellion, and asserted its potency.

We heard in the course of this debate those diatribes which were so familiar to the ear of the country in times past, the declamation of which contributed in no ordinary degree toward fermenting that bitter sectional spirit which culminated in conflict and bloodshed. The condition of the colored race reminds me forcibly of what is said of Mohammed's coffin, which is affirmed to be oscillating between heaven and earth. The passage of this bill, the purpose of which is to accord equal civil rights to my race, who have felt and are still feeling the sad necessity for the same, will go further to allay restive public sentiment in this regard and define more definitely the status of us, the new-born citizens, than any statutory enactment that has yet taken place.

It was declared, sir, that if we were enfranchised it would provoke conflict and create strife; that if we were placed in the jury-box it would create a similar result. We have been in the jury-box; we have sat upon cases involving the interests of our fellow-citizens, and have rendered verdicts, and I can say with confidence and pride that as regards my own State our action in this respect has been recognized and accepted even by the democratic lawyers, who frequently select colored jurors. We have also had the pleasure of voting; and the

only trouble today is that the colored man is so loyal to the Government and true to the party that has given him such rights as he has, that he cannot be prevailed upon to enter the ranks of the opposition. That is the reason why gentlemen on the other side are fighting so strenuously against our advancement. But I will say to them that we intend to continue to vote so long as the Government gives us the right and the necessary protection; and I know that right accorded to us now will never be withheld in the future if left to the republican party. The sooner those opposed to us will understand and concede the fact the better it will be for the tranquility, prosperity, and happiness of the whole country.

I say to the gentleman from Virginia, I do not doubt that there are privileges accorded to the colored people in his State; that they are allowed to live quietly and without molestation; but I ask why? The answer is, since the election of Governor Walker in that State colored men have been compelled, to a great degree, to vote as the democracy dictated or else not vote at all, without detriment to their business. Whenever the democrats get control of a State, they say "Everything is lovely, and the negroes are happy and prosperous;" but just as soon as the republicans obtain control, then the cry is made loudly that anarchy, ruin, and general destruction are upon the people; that they are oppressed nigh unto death by burdensome taxation, and that the Government is a failure.

Sir, in the State of South Carolina, where we have a republican from of government indeed, where the colored people are in a majority, we are endeavoring, with a fair prospect of success, to demonstrate that the reconstruction policy is not a failure. You may overrule us in Virginia, North Carolina, and Georgia; but we will hold our own in South Carolina; and when her government passes out of the hands of republicans our flag shall yet be flying.

It may be true that in Virginia they have some regard for the colored people, but I can mention a circumstance from my personal observation which does not show regard for the dead and little for the living. When in Richmond some two or three years ago I was taken to the outskirts of the city where there was a burial ground in which the slaves had formerly been buried. To my astonishment I found that graveyard cut through for the purpose of opening a street, and the city carts hauling away the dust of those poor dead slaves and strewing the same about the streets to fill up the low places and mud-holes. I saw this with my own eyes, and therefore can testify before God and man as to the fact. Does not this statement show that with some people there is no regard for the poor negro, living or dead? Think of it! The sacred dust of the dead in a civilized community used to fill up mud-holes and low places!

Yet you talk about humanity; your kindly feeling for the colored race. Gracious Heaven! If you have no feelings for the ashes of the dead; if you have no regard for the dust of the dead slave who served you all the days of his life faithfully, honestly, well, we may have apprehensions as to the manner in which we will be treated, now that we are free and struggling for equal rights, unless we are protected by the strong arm of the law.

We do not intend to be driven to the frontier as you have driven the Indian. Our purpose is to remain in your midst an integral part of the body-politic. We are training our children to take our places when we are gone. We desire this bill that we may train them intelligently and respectably, that they may thus be qualified to be useful citizens in their day and time. We ask you, then, to give us every facility, that we may educate our sons and our daughters as they should be. Deprive us of no rights belonging to us as citizens; give us an equal opportunity in life, then if we fail we will be content if driven to the wall.

But Mr. Speaker, the subject under consideration is one in which I naturally feel a deep and almost inexpressible interest, not on account of any personal aggrandizement or exclusive individual benefit which I hope to enjoy, but for reasons far more patriotic, lofty, and disinterested in their conception. I speak in behalf of my race and people, who have long endured hardship, degradation, and proscription to subserve the pernicious and diabolical ends of slavery.

I speak in behalf of that people which was found ready and willing when they were needed and an opportunity was afforded to show their fealty to the Government and their readiness with strong arms and willing hearts to contribute toward our country's cause. Are such men to be hooted at and treated contemptuously because of their color? Would you have their loyal aspirations crushed out beneath the heel of tyranny or tramp of prejudice? And yet these very men, or their offsprings, are told that they cannot receive, "full and equal enjoyment of any accommodation, advantage, facility, or privilege furnished by innkeepers; by common carriers, whether by land or water; by licensed owners, managers, or lessees of theaters, or other places of public amusement; by trustees, commissioners, superintendents, teachers, and other officers of common schools and public institutions of learning." Is not such action calculated to damp their ardor and fill them with cold indifference and dismay?

Sir, it is not within the scope of reason to expect that any people will continue to be loyal and faithful to a government that disregards their rights and treats with indifference their earnest appeal for the accordment of those privileges and immunities enjoyed by other citizens within its counties; but more especially is this true when they are aware that the only ground upon which these privileges and immunities are withheld is because of complexional differences. Sir, there may exist this difference between the hue of our skins and that of other citizens; but that does not deprive us of principle and such sterling elements of character as would be desirable and befit any class of people and make the man. This may be denied by some and questioned by others. To such I reply, lay aside your prejudices, and doubt will give place to conviction.

Much apprehension and fear have been exhibited on account of the social aspect of this subject. A few words on that point will not be out of place. This fear and apprehension are unwarranted; there is no social precedent for this alarm. It is merely conjectural, or, in other words, it is nothing more than the result engendered by a diseased and prejudiced mind. Every impartial thinker is aware that no law is supposed possible to regulate the social customs of any people. What is social equality? Is it the undisturbed right to enter public places of amusement, and receive the same accommodations as are offered others at like cost? Surely that cannot be, for it is obvious that suspicious characters are frequently the occupants of first-class seats among the spectators; so if this settles the question we may well tremble for the purity and reputation of good society. Is it the unrestricted right to be entertained at public inns or restaurants and be respectfully treated? That cannot be, for we have daily instances before us where thieves and others of questionable repute enjoy these advantages without, I hope, being considered social equals of other guests. Is it the right of franchise, of being accommodated by common carriers, whether by land or water, and treated as other first-class passengers are? I think not. It is therefore a waste of argument to insist upon it. Social equality consists in congeniality of feeling, a reciprocity of sentiment, and mutual, social recognition among men, which is graded according to desire and taste, and not by any known or possible law. Men as a rule are always careful never to introduce into the sauciness of their family circles those who would abuse the privilege, or who are not recognized as social equals. This is a right that cannot be disputed, neither can it be invaded by any law or statutory enactment.

Reference has been made, for the purpose of arousing public opposition and resentment upon the ground that it would signalize the overthrow of opposing barriers, to unrestrained association between the races and thus inaugurate intermarriage of whites and blacks. Such argument shows the weakness of this supposed salient point adduced by the opposition. It is a mere subterfuge, and unworthy of those who announce it. If their arguments are of any value and force, it reflects unfavorably upon those whose cause they are supposed to defend. Need I say it is unknown to the spirit of our Constitutions, Federal or State; the possible enactment of any compulsory law forcing alliance between parties having no affinities whatever.

The superiority of the Anglo-Saxon race--which has been flaunted in our faces during this discussion--is enough to lead one to believe that there is no occasion whatever for this dread of indiscriminate association, inasmuch as this much talked of superiority would be of sufficient security and safeguard of itself to defy all assaults, intrusions, or intrigues.

Surely there is not constraining power in one class over another to compel or induce that intimate relationship which custom has declared can only be brought about by desirable and mutual agreement. This is not only an acknowledged social right, but one guaranteed by the Constitution, which says, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

If the future may be judged from the results of the past, it will require much effort upon the part of the colored race to preserve the purity of their own households from the intrusions of those who have hitherto violated and are now violating with ruthless impunity those precious and inestimable rights which should be the undisturbed heritage of all good society.

We are grateful, however, that the day has come when no slave mother will lament in plaintive strains the parting of herself and daughters thus:

Gone, gone--sold and gone

To the rice-swamp, dank and lone--

Toiling through the weary day,

And at night the spoiler's prey.

O, that they had earlier died,

Sleeping calmly, side by side,

Where the tyrants power is o'er

And the fetter galls no more

Gone, gone--sold and gone

To the rice-swamp, dank and lone,

From Virginia's hills and waters

Woe is me, my stolen daughters!

I venture to assert to my white fellow-citizens that we, the colored people, are not in quest of social equality. For one I do not ask to be introduced into your family circles if you are not disposed to receive me there. Among my own race we have as much respectability, intelligence, virtue, and refinement possible to expect from any class circumstanced as we have been. This being so, why should I cast imputation upon my people by saying to them, "I do not want your society; I prefer to associate with the whites." Why should I be ashamed of them with their blood flowing in my veins? Such is not the promptings of my heart nor of my colored colleagues on this floor. We are not naturally more disposed to immorality than others. Under the new order of things we are hopeful, however, that a higher order of morality will be established in the South than existed there in *ante bellum* days; for the time has come when it is admitted that the negroes have rights that white men are bound to respect.

Among my race I am free to confess that we have some immoral men and women, but our consolation is that such regretful examples are not confined to any race or people. It might be said, however, in extenuation of this condition of affairs, that many of them have been kept bowed down in the fetid trenches of slavery for so long a time that their senses have become blunted beyond a keen conception of their own rights and interests, which has led many to believe that they are contented with such privileges as they now

enjoy, without desiring further legislation in their behalf. The misfortunes of this class are not chargeable to any but those who delighted to degrade us in the past and desire to continue the same treatment in the present. It is to be hoped, therefore, that they will not be considered as reflecting the opinions or wishes of the more intelligent in this regard.

The earnest desire for the passage of this bill as a measure of justice and equity becomes more evident from the stubborn opposition made to it. There has been no measure passed by Congress having for its avowed object the benefit of the negro race in any way but what has met the same contention that has been so apparent in this instance.

Much has been said about the Constitution and its bearing upon the passage of this bill, and the ultimate result of such an event. Time will not permit me to refer to them all. I will say, by way of general reply, that those who read the Constitution with partial and selfish motives in view fail to see the interests of the colored race apart from what is implied in the three last amendments thereto, and frequently with a narrow conception of those. We claim equal rights and interests with other citizens who are embraced within the limits of all its provisions. If this should not be admitted, the people would soon lose appreciation for that instrument, and clamor for a change that would afford them more general and better protection. Believing it to be adequate for the ample security of all, the people are content with it.

Article 4, section 2, of the Constitution reads thus:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

According to this provision it is unconstitutional to deny any privilege or immunity to colored citizens in either Virginia, Georgia, Kentucky, or any other State that is guaranteed to other citizens. It must be remembered that we are not dealing with the past, but with the immediate present and for the future.

In this connection reference may be properly made to the public schools. All the objections that have been urged against the general commingling of white and colored children in these schools have been stated and successfully refuted in the past. There was great dissatisfaction shown at the inauguration of this system in those States where it has been in successful operation for years. It is gratifying to state that the satisfactory results of its workings has dispelled all doubts in regard to its practicability, quieted apprehension, and contributed largely to remove fears and annihilate that prejudice which has been declared upon this floor should be fostered and respected. It is with the aim of making more complete the destruction of this uncharitable sentiment and proscription that the opening of the public schools to all is so much to be desired. Surely the children are not better than their parents, who now sit with us in the jury box, the legislative hall, and are daily to be seen in the same public conveyances. Therefore I can see no reason why the white and colored children cannot attend the same public school.

What we desire, Mr. Speaker, is to have the cloud of proscription removed from our horizon, that we may clearly see our way to intellectual and moral advancement. This is nothing more than what all good citizens desire to enjoy and ought to have. I therefore favor the passage of the Senate bill now on your table.

This being done, complaints will cease, for we can then justly say, let "caps, hands, and tongues applaud it to the clouds;" the republican party has been just and true to its pledges. [\(11\)](#)

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Representative Joseph H. Rainey, responding on February 4, 1875, to an argument that the Bill conferred "special protections" that men of quality, like Frederick Douglass, did not need:

Mr. RAINEY. I would like to ask the gentleman just one question before he sits down. Did the talent and

good conduct of Fred. Douglass enable him to sit at the same table on the Potomac boat with his fellow-members of the San Domingo commission?

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Representative Richard H. Cain, responding on February 4, 1875, to the argument that racial tolerance can not be legislated:

Mr. CAIN. Mr. Speaker, in the discussion of this question of the civil-rights bill, it has become a question of interest to the country how the colored people feel on this question of the schools. I believe, Sir, that there is no part of this bill so important as the school clause. The education of the masses is to my mind of vital moment to the welfare, the peace, the safety, and the good government of the Republic. Every enlightened nation regards the development of the minds of the masses as of vital importance. How are you going to elevate this large mass of people? What is the means to be employed? Is it not the development of their minds, the molding and fashioning of their intellects, lifting them up from intellectual degradation by information, by instruction? I know of no other means so well adapted to the development of a nation as education.

Especially is this true in the Southern States of this Union, where the great cry against the colored people is their ignorance. Admit it, Sir, and it is a lamentable fact that the past laws and customs and habits and interests of the Southern States have prevented the colored people from attaining that education which otherwise they would gladly have attained. It was a part and parcel of the system of slavery to prevent education; for the moment you remove ignorance and develop the minds of those who are enslaved the less likely they are to remain contentedly in servitude. For this reason it was the policy of the South to keep in ignorance that part of the community that they controlled for their benefit as their slaves. Now that there is a change throughout the land, now that these millions formerly enslaved are free, it is essential to the welfare of the nation that they should be educated.

But the question arises in the discussion of this bill, how and where are you to do this work? As a republican, and for the sake of the welfare of the republican party, I am willing, if we cannot rally our friends to those higher conceptions entertained by Mr. Sumner--if we cannot bring up the republican party to that high standard with regard to the rights of man as seen by those who laid the foundation of this Government--then I am willing to agree to a compromise. If the school clause is objectionable to our friends, and they think they cannot sustain it, then let it be struck out entirely. We want no invidious discrimination in the laws of this country. Either give us that provision in its entirety or else leave it out altogether, and thus settle the question.

I believe the time is coming when the good sense of the people of this country, democrats as well as republicans, will recognize the necessity of educating the masses. The more the people are educated the better citizens they make. If you would have peace, if you would have quiet, if you would have good will, educate the masses of the community. Objection is made to the ignorance of the colored people, and the State of South Carolina is cited as an illustration of that ignorance operating in legislation. Why, Sir, if it be true that the legislators of South Carolina are to some extent ignorant, I answer that it is not their fault; the blame lies at somebody else's door.

Now, Sir, let the democracy, instead of reproaching us with our ignorance, establish schools; let them guarantee to us school-houses in all the hamlets of the country; let them not burn them down, but build them up; let them not hang the teachers, but encourage and protect them; and then we shall have a great change in this country.

Sir, we must be educated. It is education that makes a people great. We are a part and parcel of this great nation, and are called upon to assume the responsibility of citizenship. We must have the appliances that

make other people great. We must have school-houses and every appliance of education. If your objection is to guaranteeing to us in the civil-rights bill an equal enjoyment of school privileges, then I say surround us with all the other appliances; say nothing of the school-house if you choose, but enforce our rights under the law of the country, and we shall be enabled to exercise every other privilege in the community.

Mr. GUNCKEL. Let me ask the gentleman from South Carolina whether the colored people of the South want mixed schools.

Mr. CAIN. So far as my experience is concerned I do not believe they do. In South Carolina, where we control the whole school system, we have not a mixed school except the State college. In localities where whites are in the majority, they have two white trustees and one colored.

Mr. COBB, of Kansas. I desire to ask the gentleman what in his opinion will be the effect of the passage of the Senate civil-rights bill so far as regards the public-school system of the South.

Mr. CAIN. I believe that if the Congress of the United States will pass it and make it obligatory upon all the people to obey it and compel them to obey it, there will be no trouble at all.

Mr. KELLOGG. Would the gentleman prefer to retain the provision in regard to schools which I have moved to strike out in the House bill, or would he rather have that provision struck out according to my amendment.

Mr. CAIN. I agree to accept it.

Mr. KELLOGG. I offered it in the interest of your people as well as ours.

Mr. HYNES. Let me ask the gentleman a question, whether from his knowledge of the white and black people of the South he does not believe in every State controlled by the democratic party they would not abolish the school system rather than permit mixed schools? In other words, Mr. Speaker--

Mr. COX. Let me answer.

Mr. HYNES. I did not understand my friend to my left was from South Carolina. I ask my friend from South Carolina whether he does not believe that the prejudice against mixed schools in the South is not stronger in the minds of the white people there than their love for the public-school system?

Mr. CAIN. I do not know; I cannot judge of the democracy. [\(12\)](#)

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Representative James T. Rapier, responding on February 4, 1875, to an assertion by Representative White of Alabama, that blacks in Alabama did not support the Bill:

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Mr. RAPIER. I have sought the floor today for one purpose only. I had hoped that there would be no further discussion upon this bill, and I would not have spoken now but for the fact that I think my colleague from Alabama [Mr. White] has not properly represented the sentiments of the people of my State. I ask the Clerk to read just what my colleague did say.

The Clerk read as follows:

He was a southern man, born and raised on southern soil, and desired to secure the highest advantages that could be attained; and peace and harmony secured. It was urged, he said, that there was a prejudice on the part of the white man against the colored man. He would say to the gentlemen they were as much prejudiced against the whites in behalf of the blacks. It was not prejudice; it was pride of race and pride of country. The substitute he offered did not come from him. It came from higher authority--the colored people of Alabama.

Mr. RAPIER. That I deny, Mr. Speaker. The last time the colored people in Alabama were heard from upon this subject they expressed their opinions in a platform one clause of which I ask the Clerk to read.

The Clerk read as follows:

As citizens of the United States and of the State of Alabama, we claim all the civil and political rights, privileges, and immunities secured to every citizen by the Constitution of the United States and of the State of Alabama; and we will be satisfied with nothing less.

Mr. RAPIER. That class of people commissioned me to speak for them upon this subject in this House. If any man in the State of Alabama is acquainted with the colored people, I hold that I am the man. And when my colleague [Mr. White] says that the "colored people of Alabama" instructed him to offer such a bill as that, I have only to say that he has placed them in a very false position.

The platform which he had read from the Clerk's desk yesterday, and which he said was the platform of the republican party in the State of Alabama, was never framed or adopted by them. They never read that platform and never saw it until it was read in the republican convention of the State of Alabama, and there were not more than eighteen colored men in the convention at the time when that platform was adopted. The reason why the colored men there did not oppose that platform was that the republicans in the northern part of Alabama said that unless such a platform was put forth they were afraid they could not secure the white vote of that portion of the State. Therefor we allowed them to have their platform; and that platform was sent forth to the people of Alabama, and they repudiated it. I am unqualifiedly opposed to the White substitute, but favor the Senate bill as it stands.

I have no compromise to offer on this subject; I shall not willingly accept any. After all, this question resolves itself into this: either I am a man or I am not a man. If I am a man, I am entitled to all the right and privileges and immunities that any other American citizen is entitled to. If I am not a man, then I have no right to vote, I have no right to be here upon this floor; or if I am tolerated here, it is in violation of the Constitution of our country. If the negro is not a man, and has no right to vote, then there are many occupying seats here in violation of law.

Sir, if any man is entitled to the protection of the laws of his country, I hold that the colored man is that man. When he had no particular reason for liking this Government; when your Government was threatened with destruction, when those who had always been fostered and cared for by the Government hesitated as to what they should do, when this great Republic was in the act of going down, then it was that the negro came forward, made bare his breast and in it received the thrusts of the bayonets aimed at the life of the nation. And now you hesitate to say whether I shall be regarded as a man or not in this country, being a representative of that race.

[Here the hammer fell.]

Mr. RAPIER. In the name of my constituents I demand the passage of the Senate bill.

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

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

3. Representative Elliot refers to the following exchange:

Mr. HARRIS of Virginia. I know the objection that will occur to the mind of every gentleman on the other side of the House, and of every one here who differs from me on this question. They will say that it is prejudice--unjust prejudice. Admit that it is prejudice; yet the fact exists and you, as members of Congress and legislators are bound to respect that prejudice. It was born in the children of the South--born in our ancestors and born in your ancestors in Massachusetts--that the colored man was inferior to the white.

Mr. RANSIER. I deny that.

Mr. HARRIS of Virginia. I do not allow you to interrupt me. Sit down; I am talking to white men; I am talking to gentleman.
[\(4\)](#)

4. 2 Cong. Rec. 565-567 (1874).

5. 2 Cong. Rec. 407-410 (1874).

6. 2 Cong. Rec. 416-417 (1874).

7. 2 Cong. Rec. 565-567 (1874).

8. 2 Cong. Rec. 898-899 (1874).

9. 2 Cong. Rec. 1311-1314 (1874).

10. 3 Cong. Rec. 956-957 (1875).

11. 3 Cong. Rec. 958-960 (1875).

12. 3 Cong. Rec. 981-982 (1875)