

Neglected Voices

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

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, 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 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.⁽¹⁾

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