

Repub Party 1894

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The other element, THE FUTURE.

There are now two conflicting tendencies in the Republican party. One demands that it shall go forward fulfilling its mission as the party of justice, liberty and equal rights; undeterred by past failures, but patiently, wisely and steadily pressing for the secure enjoyment of equal rights and privileges by every citizen of the United States in every State of the Union. They contend that its work as the party of freedom will not be completed until every citizen is as secure from mob-violence at home as we demand that he shall be abroad, until individual right or political privilege is in no degree affected by the color of the skin or the oppression of the ancestor. They believe that the remedy for darkness is light and the cure for oppression is justice. They are indifferent as to method but insist on sincerity of purpose. They believe that the first duty of government is to protect its citizens at home and see that the law offers effective redress for his injuries rather than serve as a shield for wrong-doing.

The other element, to use its favorite phrase, demands that the party shall "shake the nigger." Unfortunately, it occupies the position of the Whig party of 1854, which demanded that personal rights should be excluded from national legislation, and only questions of tariff, finance and administration occupy the attention of Congress. The latter element seem to be in control of the party organization. In the last campaign human rights were as unheard of as if we had been in the heart of Russia. During the present year only one State convention has uttered a word of protest or denunciation of evils admitted to be as abhorrent to its professed principles as was slavery itself and even more dangerous to self-government. If this element prevail and secure full control of the party, as now seems most probable, those who believe in justice, liberty and equality of right and opportunity, as the paramount concern of government, will be in almost the exact position that the Liberty party of forty years ago sustained to the Whig party of that time. They are indeed the logical heirs of that impulse and because they es-

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teem human rights above party success, are not likely to submit to the elimination of the vital principle of the party; but will be compelled as the Free Soilers were, to form such political organization and alliances as will best emphasize their protest against it.

As for the colored citizen, should the Republican party take this course, he will have to elect between independent action or alliance with those who openly avow that he shall not enjoy the right of citizenship conferred upon him by the national constitution and a party which declares that though he is nominally entitled to equal rights, it will do nothing to secure his enjoyment of the same. As regards these two, there seems to be little choice between the man who is holding one's head under water and one who stands off and declines to interfere. As the colored vote alone unquestionably represents the balance of power in at least five States of the North, it is evidently a matter of some political importance whether the Republican party retains its distinguishing principle or becomes merely a revival of the old Whig party with its admirable economic

theories and its absurd policy of non-interference with any evil  
the State may see fit to establish by legislation or permit a part  
of its people to perpetrate in defiance of law.

has been confined to the Southern States, the people of the North  
had little knowledge of its true character and its influence upon  
its effects upon the negroes of the South. The idea was  
too that master class and poor white were all alike engaged in the  
work. Because of this ignorance as to the potential influence of  
the North and South a serious treaty prevailed among certain  
times leaders, that all that it should be necessary to make specific  
provisions for the security of the colored man and his rights and  
his steps for his enlightenment. If he were ever given the colored  
franchise, that extended, all these things would be added to him  
through the expense of the Southern States to remain poor.

The colored man, as he increases in knowledge and his influence  
grows from the wrongs of that time will regard the policy of non-  
interference with increasing scorn. If an in some cases at the present

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This was due largely to a failure to realize the actual conditions. Too great prominence was given to "the war" and its results. The antecedent facts were almost wholly lost sight of. Slavery having been confined to the Southern States, the people of the North had little knowledge of its true character and no comprehension of its effects upon all exposed to its influences. They did not realize that master, slave and poor white were all alike shaped in its mold. Because of this ignorance of the essential differences between the North and South, a curious theory prevailed among certain republican leaders, that all that it would be <sup>un</sup>necessary to make specific provision for the security of the citizen and his rights or take any steps for his enlightenment. If he were only given the elective franchise, they contended, all these things would be "added unto him," through the eagerness of the Southern whites to regain power.

The colored man, as he increases in knowledge and gets farther away from the events of that time will regard the policy of reconstruction with increasing wonder. If, as in some cases at the pres-

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ent, his wonder ripens into resentment, it will hardly be matter of surprise. He will wonder that any party should have been so blind as to attempt the re-establishment of the State governments of the South with a party composed of 60 to 70 percent of colored voters, 20 to 30 percent of Southern whites and from two to five percent of northern settlers. He will say that of the colored voters not more than one percent could read and write: that they were without experience: without possessions and wholly dependent upon the landowners who were chiefly their political opponents, for subsistence and opportunity, and in consequence of these well known facts, were not only quite unable to assume the burthen of self defence, much less the added burthen of party control and the shaping of legislation. He will not unnaturally conclude that the purpose was to leave the colored citizen to bear the added odium of such failure and abandon him to face opponents relentless in their hostility to his equality of right with only a glittering pretence of liberty and a hollow mockery of right. It will not be at all strange if the colored citi-

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zen of the future shall look upon reconstruction as an act of deliberate treachery by which the republican party shirked responsibility for its previous policy and paved the way for abandonment of those whom it had invited to its ranks and to whom it had pledged in the most solemn manner its undying sympathy and unfailing support; that the party gave him the status of a citizen and clothed him with the elective franchise only as a transparent excuse for deserting him when he asked protection for his life, person and opportunity.

As regards the initial motive this will be just as false a deduction, as the Southern Democrat's favorite idea that reconstruction was a malicious attempt to subject the Southern white man to "Negro rule." The republican party of that time was entirely sincere in its purpose to secure to the colored man the full and secure enjoyment of the rights of the citizen and had no idea of oppressing the whites. The war had not left that feeling of asperity at the North which it did at the South. They were even more anxious to avoid giving offence by doing too much than fearful of failure from



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doing enough. They reasoned that the creation of a million voters  
dependent and ignorant as the most of them were, would incline the  
Southern people to accept the policy of reconstruction in the hope  
of dividing the colored, whereby both parties and all factions would  
become active champions and defenders of the rights and liberties  
of the colored citizen. It was an absolutely puerile hypothesis. B  
But the better elements of the white republicans protested against  
it in vain. "I tell you," said one of the most active of the party  
congressional leaders in conversation with the writer, "more than  
half the white men of every State of the South will vote the Repub-  
lican ticket. It is to their interest to do so, don't you see? In  
five years those that were the hottest rebels will be the staunch-  
est republicans." It is enough to convulse a marble statue with  
laughter now. Yet the man had gray hairs and was accounted wise.  
There are some who still claim the style of party leader, that still  
go the shonky. I use a low word  
nourish the same infantile delusion. Every now and then one of them  
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applies for a patent on some new notion by which the "Solid South"



is to be "split" and the colored citizen implored to favor both sides of some dominant question! Ignorance not malice was the basis of the belief on which this ~~stinking~~ policy was founded!

The South's answer was KuKluxism--a disease born of prejudice against the colored man as a citizen; belief that his liberation was illegal and his enfranchisement a fraud. It was a determination to nullify the constitution practically co-terminous with the impulse to secession, from which it was distinguished by the instruments employed--secret violence, terror and assassination. The president was given power to proceed against those engaged in it as public enemies. The federal courts were given jurisdiction of particular cases. In a limited area, and for a brief interval the conspiracy was checked.

A year afterwards the first backward step was taken and the policy of abandoning the contest for equal rights and a protected citizenship inaugurated. The Republican speaker of the House left the chair and led the opposition against the continuance of the ~~plan~~

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grant of special power to the president. Thereupon the South abandoned its policy of secret violence and fraud and instead of asking the colored citizen to give them his vote took it from him by open force and universal terror. The abandonment of the republican governments of the South to forcible overthrow was the second step in this direction. To every Southern republican it bore the complexion of betrayal. To the colored citizen it was peculiarly trying and confusing. His loyalty to the party which had given him the form of liberty and the name of citizen, had been most pathetic in its faithfulness. If he was betrayed by some he trusted, and the resources of some of the States wasted by those acting in his name, he had at least the example of more intelligent communities. The intelligent voters of New York saw no harm in Tammany whose pillage overtopped them all, both in magnitude and openness. Small wonder is it that it seemed to the more ignorant quite inscrutable; to the more intelligent that their people were being sold again into bondage. The writer has never had any doubt as to the bargain or the price. For the

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sake of the presidency, assurance was no doubt given that the Southern malcontents might overthrow the Republican governments by the display of overwhelming force without interference by the national power. It was perhaps the largest transaction in human rights ever consummated. Deprived of any voice in the government, the colored man of the South has gradually been stripped of his personal and individual security until in 1894, the life of the colored citizen is less secure than was that of the slave in 1854. Only two white men have been executed for the murder of colored citizens in more than twenty years. Almost every day some of their number are killed in open day by mobs. Sometimes, it is for alleged crimes; sometimes for mere "impertinence." Yesterday, a colored teacher was killed because he had written "impertinent" letters to the county authorities, charging misuse of public funds. Nearly one-third of the killings thus far have been excused on some more or less vague charge of improper relations with white women. During the past few years seventeen have been burned alive. One was flayed alive; one publicly dis-

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membered: a woman encased in a barrel driven full of nails and rolled down hill. While he was still a citizen, these crimes against him were secret; now they are open. He is killed with impunity; his domicile violated; his person outraged; his rights utterly ignored. Practically, he has been debased again to the level of the freedman. Cast<sup>e</sup> has succeeded slavery as the arbiter of his destiny. Whatever the whites of the South permit him to have, that he is permitted<sup>may</sup> to enjoy: whatever they refuse he is denied. Sometimes ~~this~~ this is done under the forms of law, sometimes in defiance of law.

expressed in one-third of the below.

Seeing this there were some who still hoped that a party so strongly committed to the destruction of civil rights for persons of every color yet so ready to acknowledge the rights of property, those rights they claimed to be unable directly to maintain. If, as was claimed, the colored man was not prepared for citizenship then it was granted him then the obligation to prepare him for it afterwards was doubly great. From 1863, a section of southern republicans had

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After 1876, there was hardly any pretence of trying to keep alive the Republican party at the South. The party which had boasted of its devotion to free speech, free soil and free men, saw its candidates driven from the stump by mobs with hardly a protest. For a dozen years no man has dared to maintain the principles it professes on the stump in half a dozen states. The Republican party gave no aid or countenance to those who were fighting the battles in the States which slavery had consecrated to injustice and oppression. They concurred in the demand that free-speech should be suppressed in one-third of the Union.

Seeing this there were some who still hoped that a party so strongly committed to the doctrine of equal rights and personal liberty might yet be moved to do something to secure indirectly, those rights they claimed to be unable directly to maintain. If, as was claimed, the colored man was not prepared for citizenship when it was granted him, then the obligation to prepare him for it afterward was doubly great. From 1863, a section of Southern republicans, had

persistently urged upon that party as a matter both of duty and policy, the necessity of enlightening the ignorance of the southern suffragans as the only reliable cure for discordant conditions. They pointed out that the colored citizen could only become self-maintaining and self-defending by this means. They urged that the ignorance of both the colored man and the poor-white was the result of slavery. They called attention to the fact that one-fourth of the white population were unable to read and write.

At length one whose heart was wrung by the apathy, insincerity and falsehood which pretended leaders forced upon the rank and file of the party of freedom gave tongue in sharp remonstrance. The people heard and answered. In the national convention of 1880, every State delegation demanded a declaration in favor of national aid to education in the States to be disbursed in the ratio of illiteracy. The rights of the citizen were the one live issue of the campaign. The people endorsed the party's position by giving control of every department of the government. If the pledge had been promptly and

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honestly carried into effect, the colored citizen might and would readily have forgiven all the shortcomings of the past. Four years elapsed and nothing was done: the subject was languidly discussed. The republican party suddenly bowed down to the fetish of State sovereignty. It feared to move lest the sovereignty of the State should be impaired by giving its people an opportunity to learn the alphabet. The party which had freed the slave and left him naked to face the future, was afraid it might pauperize him if it made him a present of the alphabet.

In 1884, for the first time in its history, the party entered on a campaign with no declaration touching the rights of man or the citizen in its platform. So far as possible the questions of citizenship of equal rights, liberty and justice were excluded from the campaign. The presidential candidate did not allude to them until after his defeat.

In 1888, the party restored the equal rights plank to its platform. In all his speeches the presidential candidate gave or seemed



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to give prominence to the subject. Again the question of aid to education--primary, every day education--came to the front. It was, practically a proposition for the nation to do a little good to classes, to whom it had done an infinitude of evil. As drawn, the bill provided that the white schools of the South should receive two or three or in some cases four times as much for each white illiterate. Why was this? Because the State rights fetish would be offended if the colored citizen was put upon a level with the white. The bill did not pass and one intended wrong to the colored man was not perpetrated. Thirty-six years the principle to which it stood

its end. In 1892, the national convention, declared again in peculiarly emphatic terms against outrages upon the lives and persons of citizens in the various States and in favor of a free ballot and fair count as the sine qua non of republican institutions. The presidential candidate after expressly endorsing the rest of the platform with a nonchalance peculiarly his own, declared that he would again recommend "a non-partisan commission" to formulate such changes in

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the laws affecting the ballatorial and other rights of the citizen  
as would make them satisfactory to all and so avoid the spectacle  
of open violation of the law in some States. It seemed very like an  
overture to those opposed to the Negro as a citizen, to grant the  
repeal of the XIVth Amendment in exchange for another presidential  
term. In confirmation of this view, to the dull unaided common mind  
came an unprecedented fast in political history--a party virulently  
and universally attacked upon the most prominent and important ele-  
ment of its policy--a policy reiterated in every platform of the  
party save one, for thirty-six years, the principle to which it owed  
its existence as well as all its successes, a principle which had  
been its vital animating, distinguishing essence, to which its other  
principles were but secondary and all its triumphs merely adjutory--  
made no defence of its policy, uttered not a word of defiance or ex-  
cuse but stood dumb before its shearers--pointing to its tariff and  
the gain in dollars and cents which the country had made during its  
thirty-two years of national control. What the soul is to the body,

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that the demand for liberty, free speech and equal right has been to the Republican party. But for that it would not have been: but for that there would have been no need for it: but for that there would have been no war, no emancipation, no greenbacks, no bonds, no national banks, no restored union, no amended constitution. Take the impulse of justice, liberty and equal right for all away from the Republican party and it ceases to be republican--it is only the old Whig party over again.

1894

I.

The Republican party at its inception was simply and purely  
an Anti-Slavery party. It had no other excuse for being, and profess-  
ed no other motive or purpose. It had no administrative or financial  
policy, and except that it favored "the improvement of Rivers and  
Harbors of national importance," by the general government, it did  
not ally itself in constitutional interpretation with either of the  
then established parties. Its antagonism to slavery found expression  
in the broadest possible re-assertion of the universal rights of  
man as set forth in the Declaration of Independence; the demand that  
the Constitution of the United States should be construed in accord-  
ance therewith, and that the power of Congress should be exercised  
"to prohibit in the territories, the twin relics of barbarism, slave-  
ry and polygamy." The platform also favored the building of a Pacific  
railroad. There was no mention of tariff. Its central thought  
and only really distinctive feature was that of a national party de-

manding the prohibition of slavery in the territories and <sup>2</sup>its restriction in every way possible under the Constitution, because it was violative of the fundamental thought and spirit of the Republic as expressed in the Declaration of Independence, to wit, the equal and inalienable rights of all men. Its purpose and spirit were correctly epitomized in the rallying cry of its first campaign: "Free speech, free soil, free men." It was fully set forth in the speeches of all its leaders, who from 1854 until 1860, never professed any other distinctive purpose than the prohibition of slavery in the territories and ultimate extirpation in the States.

Seward's

~~Saxxaxi~~ famous figures of the angel of freedom wrestling with the impulse to oppress, his still more famous pronouncements of an "irrepressible conflict between freedom and slavery: Lincoln's immortal aphorism, "This nation cannot exist half-free and half-slave:" Governor Andrew's fine phrasing of the truth "There can be no liberty without free speech, and no slavery where it exists,"--these and

and that, however, by reason of the fact that slavery was abolished

ten thousand other flashing aphorisms which have become a part of the inheritance of liberty throughout the world, show that for the first time in the world's history, a party had been organized to secure by constitutional means, liberty for a people deprived of all voice in regard to their own destiny, on the high but simple ground that all men are created equal and entitled to certain inalienable rights, which it is the prime function of all just governments to secure and maintain. Individually, the components of the Republican party may be said to have had no interest in the task it set itself to perform. Not one of them would be made richer by the attainment of its purpose or poorer by its failure. The slaveowner had a specific pecuniary stake in slavery; certain mercantile elements of the North were also personally interested in its perpetuation, but no republican had any appreciable interest in the attainment of the end proposed, the endowment of the colored man with the equal rights of man throughout the entire domain of the United States. It is true that slavery, by reason of the fact that slaves were embraced

in the ratio of representation, gave an undue advantage in national politics to the Southern voter, giving the white man of the South a greater opportunity with the dominant class in these States from one and a half to five times the representative power in the general government as was exercised by the Northern voter. It was also true that if slavery were allowed to seize upon the undeveloped empire of the West, the opportunity for expansion for the free thought and free labor of the North, would be forever lost. Slavery was an exclusive and nefarious system. Wherever it existed, free labor withered, free thought and free speech disappeared. No man could question its edicts and live, and no freeman could endure its degrading competition. The white man who was dependent on the labor of his hands for a livelihood, sank before its baleful influence, to a level scarcely above that of the slave with <sup>a</sup> constantly increasing downward tendency. The purposes of the Republican party were, should (1)--To do justice to the Negro by restoring to him the universal rights of man. Its power in the general government diminished and (2)--To prevent the restriction of the area of free opportunity



ty by the extension of slavery.

(3)--To give to the "poor whites" of the South equal right and equal opportunity with the dominant class in those States.

These were not separately formulated in its platform but were ~~embraced~~ embraced as necessary consequences of its central <sup>thought</sup> purpose, and were the considerations on which that purpose was buttressed in thousands of glowing arguments that found expression in the press and on the stump. It is unquestionable that in ~~its~~ exaltedness and disinterestedness of purpose, the Republican party excelled all previous <sup>party</sup> organizations. ~~known to history.~~

It was, in a peculiar sense, a constitutional anti-slavery party. It admitted the fact that slavery (~~to a certain extent~~), was recognized by the Constitution, but contended that such recognition, being (~~leg-~~ <sup>reg-</sup> ~~islation~~) in derogation of natural and universal individual right, should be strictly and not liberally construed, whereby its extension would be restricted, its power in the general government diminished and its ultimate extinction secured. In this respect, it was distin-

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guished not only from the Whig party with its policy of non-inter-  
ference with slavery, but also from the extreme Abolitionists, who  
held that such provisions of the Constitution in derogation of hu-  
man right were ipse facto null and void. The Democratic policy was  
to denationalize the question of slavery by insisting upon the the-  
ory of State-sovereignty, whereby each State was given exclusive ju-

risdiction of the personal rights of <sup>all</sup> inhabitants of its ~~own~~ terri-  
tory whereby it became possible for one class to enslave another at  
will without interference from the general government. The Whig pol-  
icy was to danationalize the question of slavery by compromise,  
whereby the right to extend slavery into certain unorganized terri-  
tory was to be relinquished in consideration of the <sup>enactment</sup> ~~grant~~ of a law  
for the rendition of fugitives slaves, of peculiar rigor and mani-  
fest disregard of the accepted principles of individual right pre-

vailing in the States of the North. The Republican policy *countered both*  
*these policies* by nationalizing the slavery question through the assertion of the  
undivided sovereignty of the general government over unor=

ganized territory, and a strict rather than a liberal construction of

of the national control over the rendition of fugitives. Legally,

the position of the new party upon these questions may be said to

have been that of the dissenting justices of the Supreme Court in

**Prigg vs Pennsylvania**, 16 Peters Reports 539 (1842) and the **Dred**

**Scott Decision**, 19th Howard 323, (1856).

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The growth of the party professing these principles was ~~unusually~~ *altogether* marvellous. In the spring of 1854, there was no good ground on which the closest observer would have been justified in predicting the immediate fusion of the elements of which it was composed. Its rise was that of a cyclone gathering swiftly in the summer sky. Before the close of that year, it had carried 15 out of the 31 States; elected 11 Senators and <sup>secured</sup> a plurality in the House of Representatives. For 20 years it held uninterrupted control of that body, and in 1860, secured every electoral vote of the "Free States," except three from New Jersey. In that year it adopted also as a part of its platform the principle of a protective tariff, though it cut no figure whatever in the campaign which followed, which was from first to last, an appeal to the popular sentiment against slavery as a crime against the individual and a peril to free thought, free speech and national prosperity.

### CONTRABAND AND FREEDMAN.

The outbreak of the war for Secession, brought the Republican party face to face with unexpected difficulties. Its position with regard to the doctrine of State-sovereignty, had already been defined so far as the unorganized territory was concerned, and it was not difficult for it to draw to itself the major part of the people of the North who were inclined to deny its extension so as to justify secession. Its peculiar position in regard to slavery proved both a hindrance and an advantage. At the outset of the struggle, it was placed in the dilemma of discouraging its own adherents or offending these new allies. Perhaps nothing but the unexampled wisdom and patience of Abraham Lincoln could have saved it from fatal disruption. For a time, the curious spectacle was presented of the Union armies turning back into bondage the slaves of those who were in arms against the government <sup>when they</sup> came within <sup>our</sup> lines proffering aid and information in regard to the movements of the enemy. The

slave being mere property according to the laws of these States,  
 though wrongfully so held, according to the individual belief of a  
 large majority of the party in power, it was a task of the utmost  
 difficulty to maintain its distinctive tenets of non-interference  
 with slavery in the States where it was established, except by con-  
 stitutional means. The declaration by Gen. Butler that the slaves of  
 persons engaged in armed resistance to the power of the United  
 States <sup>were "contrabands of war"</sup> served for a time to abridge the difficulty and allay the  
 the disaffection produced by the former policy. Even that was soon  
 seen to be fallacious and insufficient. It was evident, to every one  
 that slavery was a source of great strength to the Confederacy and  
 its maintenance not only a <sup>serious hindrance</sup> ~~source of weakness~~ to our armies, but a  
 rank injustice to a portion of the population of the rebellious  
 States, which were almost to a man singularly devoted to the federal  
<sup>cause</sup> ~~side~~. neither a citizen, one of the people of the United States,  
 even This fact became so apparent before the issue of the proclama-  
 tion premonitory of emancipation, that <sup>when</sup> ~~before~~ the time limited there-

in had expired, the act itself, as a measure of weakening the enemy, was concurred in as just and wise even by the masses of the "war-Democrats" and other new recruits of the party, while <sup>by</sup> its original members and the extreme Abolitionists, ~~it was~~ welcomed <sup>as</sup> a happy solution of a problem infinitely more perilous to the future of the Republic than rebellion itself.

This measure being established and confirmed by the XIIIth Amendment of the Constitution of the United States <sup>which</sup> by abolishing <sup>everywhere</sup> the legal estate of slavery, established the legal condition of the "freedman", or, in other words, put all the colored inhabitants of the United States upon the level of those <sup>hitherto</sup> known as "free negroes." The effect of this Amendment was simply to prevent any State from establishing slavery as a legal relation: it did not clothe the ~~Negro~~ with any rights of person or property. He was still in legal contemplation, neither a citizen, one of "the people of the United States," nor even a "man" within the meaning of that term as used in the Declaration of Independence. He was, in the language of the Supreme Court,



"a mere inhabitant of the State in which he might reside, which might confer upon him such privileges as it chose, which privileges it might at any time restrict or wholly withdraw. Not only that, but by the decision in the Dred Scott Case, the Supreme Court had declared that the man, any of whose ancestors were of African descent <sup>and</sup> ~~who~~ had <sup>at any time been held, since the United States,</sup> ~~ever been slaves,~~ could not be made citizens of any State by the action of a State or citizens of the United States by any act of Congress. They were "freedmen" or "free Negroes,"--nothing more, <sup>might</sup> ~~could~~ be granted privileges but had no inherent rights.

This state of affairs was disclosed in the spring of 1866, when the first Civil Rights Bill which proposed to confer upon colored men the rights and privileges of Citizens of the United States. <sup>was vetoed on this ground.</sup> Thereupon, the XIVth Amendment of the Constitution was proposed with the express purpose of remedying this defect. It became a part of the Constitution on the 20th of July 1868. With its adoption, the legal condition of "freedman" or "free-negro" ceased. From that moment, the Negro <sup>became</sup> was a citizen of the United States and of the State in which he may reside, the peer in right and constitutional privilege with

the whitest of the race which had denied him all right. It is unquestionably the most important piece of legislation since the adoption of the Federal constitution. In comparison with the XIIIth Amendment, which merely abolished slavery, <sup>as a legal constitution,</sup> sinks into insignificance. Its real scope and unparalleled importance are perhaps best appreciated by consideration of the changes it made in the relation of the general government to the rights of individuals and the limits of State ~~authority~~ authority.

The one principle of construction of the Constitution of the United States, which is beyond all question or controversy is, that <sup>all</sup> whatever rights or powers <sup>or privileges which</sup> are expressly or by necessary implication, created or guaranteed by that instrument, are within the judicial and legislative protection, regulation and control of the government of the United States. This doctrine has been expressly affirmed by the Supreme Court in almost numberless cases, the most extreme of which, as it happens, was <sup>held</sup> the decision that the rendition of fugitive slaves <sup>to be</sup> was a matter in the exclusive control of the general

government, which is based upon inference merely from the limitation of the State's power to relieve such fugitive of obligation put upon him by another State and impersonal direction that "he shall be delivered up."

The provisions of the XIVth Amendment are not only ~~the most~~ sweeping and positive ~~as~~ as to require no help from inference, but as if to prevent all possible avoidance of their clear purport, they are buttressed by negations of exactly the same sort, though much more explicit, than those on which the power of the United States to regulate the rendition of slaves was based.

The first section of the XIVth Amendment of the Constitution is the Magna Charter of American citizenship. It is perhaps the most admirably expressed constitutional provision ever <sup>enacted</sup> ~~drawn~~. Affirmatively, it clothes "every person born or naturalized in the United States and subject to the jurisdiction thereof," with a double citizenship by making him,

1--A citizen of the United States, and

2--A citizen of the State wherein he may reside.

This provision serves a two-fold purpose: (1) It subordinates State-citizenship to national citizenship thereby eradicating the heresy of <sup>the</sup> "paramount allegiance of the citizen to his State," by which adherence to the Confederacy was excused. (2) These two rela-

tions, State and national citizenship, embrace <sup>all</sup> the legal rights, privileges and duties, which can attach to an individual as a member of

a civilized community whether civil, personal or political, <sup>which are thereby put under the ultimate protection of the national power.</sup> The re-

lation of citizenship is a mutual one. Protection and allegiance are its inseparable correlatives. The citizen owes allegiance; the Nation protection. Previous to that time, the Nation had nothing to do with State-citizenship: by this act it prescribes it, and is therefore bound to maintain its own guarantee. It changes the whole character of the government of the United States making it a Nation of paramount sovereignty and for the first time in its history "a government for the people."

As if in express confirmation of this purpose and intent, the negative provisions of this section expressly restrict the States from the exercise of certain acts of sovereignty which up to that time were clearly within their jurisdiction (1) They "shall not abridge the privileges or immunities of citizens of the United States."

What are those "privileges and immunities"? The first and greatest is the secure enjoyment of all personal rights and equal privileges and opportunity as "a citizen of the State in which he may reside," State citizenship having become an inseparable attribute of National citizenship. (2) The State shall not "deprive any person of life, liberty or property," without due process of law. Or "deny to any person the equal protection of the law."

It is not easy at once to appreciate the character and extent of such a change. The old ideas remain and color the thought until new occasions open the eyes and enable one to see clearly what only ~~only~~ <sup>view</sup> our own preconceptions have hidden from us. Neither the Republican party, the courts or the legal profession at first realized the mag-

nificent scope, the scientific harmony and unparalleled grandeur of this provision. As the XIIIth Amendment abolished slavery, the XIVth prohibited caste and made the Nation, the final arbiter of every man's right, privilege and opportunity.

This was the climax of Republican glory. In the enactment of the ~~XIVth~~ <sup>XVth</sup> Amendment, it showed its own incomprehension of what had already been achieved and went back again to class-legislation. It *It did not realize the difference between a "freedman" and a "citizen."* had already acted upon the spirit of the ~~XIVth~~ <sup>XVth</sup> Amendment, before its adoption, by permitting the colored inhabitants of the recently rebellious States to vote on the same conditions as the whites upon the question of reconstruction and the choice of delegates to frame constitutions for these States. These constitutions enfranchised the citizens created by the XIVth Amendment without distinction of race or color. Thus "the right to vote" was conferred upon all male citizens on equal terms. The XVth Amendment was intended to prevent its being abridged for certain causes. From that time forward, the legislation of the Republican party, so far as it concerned

the colored man related chiefly to his exercise of political rights and enjoyment of certain civic privileges.

The problem which confronted the Republican party after the enunciation of these fundamental principles, was perhaps the most difficult that has ever been undertaken in any constitutional government. One third of the population of a region, isolated for a century from the rest of the nation by the exclusive power of slavery, which had asserted by a four years war, its right to <sup>a</sup> separate government solely with the object of preserving that institution, were emancipated by force of the national arms; their re-enslavement <sup>had been</sup> prohibited by constitutional enactment and they declared citizens of the <sup>Nation</sup> ~~Union~~ and of the State, equal in right privilege and opportunity with the dominant class. When emancipated no provision whatever was made for their sustenance: when they were made citizens no means was provided for their support. As freedmen, they represented the largest aggregation of poverty and helplessness ever known. The Nation in all its varied industries had profited as well as the slave own-



ers, ~~had profited~~ by the unrequited labor of the Negro for two centu=  
ries and a half. He came out of bondage absolutely naked. He had  
neither money nor property; education; family nor business experience.  
Slavery did ~~not~~ permit him to own or possess anything. It forbade  
him <sup>to learn to read or write; incapacitated him from making a con-</sup>  
tract, denied him a legal marriage or legitimate offspring. When ~~em~~  
emancipated the four millions of freedmen had not all told as many  
dollars or dollar's worth, aside from the clothes in which they stood.  
They had neither homes, lands, tools, seeds or beasts of bur~~den~~. The  
land was the master's, and its tillage was their only opportunity.  
As slaves they had <sup>enjoyed</sup> no rights and they were wholly unprepared to de-  
fend those suddenly <sup>conferred</sup> ~~cast~~ upon them. Not one in a hundred could read  
or write. They had never been permitted to contravene a white man's  
lightest utterance, much less testify against him. Contracts were a  
mystery and an instrument of writing inscrutable. <sup>to them</sup> However kindly  
the white man might be disposed toward them as inferiors, only the

at the South,  
smallest conceivable fraction of those who had borne sway had any  
sympathy with their claim of equal rights or aspiration for equal  
power and opportunity. The rancor of half a century of strife turned  
ed its venom upon them. Greed made the white man the natural enemy  
of their opportunity. A dependent manageable labor had been the  
ideal of slavery. It remained the ideal of those whose industrial  
and economic philosophy slavery had shaped.

It is hardly a matter of surprise that under such conditions the legislation enacted by the Republican party to carry into effect the constitutional amendments should have failed. The surprising thing is that any one save the Southern white man who is by nature and habit of thought unfitted to appreciate anything that is intended or designed to secure equality of right and opportunity for the colored man, should for a moment have supposed that such legislation was either unnecessary or in any way avoidable. When one class obtains power, especially by unlawful means over another class, it never relinquishes its hold, but on the contrary grows more and more relentless until compelled to relax by some external influence or more by fear of unavoidable consequences. The ~~man~~ educated and aspiring the colored citizen becomes, the more obnoxious will he be to Southern white sentiment and the more fierce, bloody and oppressive will be the means used to keep him in subjection. Such evils cannot be wholly remedied at once but they never cure themselves.

There are two influences only that can be relied on in time

to work a cure. The one is to protect the citizen in the free exercise of his rights and provide redress for wrongs done him through the national judiciary. The other is such aid in an educational way as shall soonest make the citizenship of the South capable both of defending its own rights and appreciating its true interests. These forces are mutually correlative. Secure free-speech throughout the South and the colored citizen will rapidly increase in self maintaining and self-defending quality, while the intolerance and prejudice of the Southern white man will gradually relax as his view of what is for his true interest enlarges. Prejudice can never be re-  
by knowledge alone but being restrained,  
strained, very rapidly disappears with the spread of intelligence.

As long as Southern mobs murder citizens of the United States at will, the prejudice of race and tradition will grow stronger. Restrained by the power of law, it will cease to regard itself as a supreme and irresistible impulse.

This was the foundation of what is known as "Reconstruction." That it would be a failure, of some sort was a foregone conclusion from the outset. No majority, a majority of which is illiterate, inexperienced, dependent, and the subject of the most intense and malignant race prejudice ever known, can successfully cope in the struggle of self-government with a minority which practically contains all the intelligence, controls all the property and represents all the experience and leadership of a people--especially, a people so notable for self assertion as the whites of the South were <sup>admitted</sup> known to be. All these elements were known and recognized from the first. It was known also, that a very large proportion of these people regarded the grant of citizenship as a usurpation and counted resistance, avoidance, nullification of any legislation based thereon as a simple duty. In the face of these conditions, to adopt a plan depending for its success upon a transparent political trick, was not only a grave mistake, but was an act of cruel injustice to every element.

of the republican party in those States. Of these, the colored element, while pathetically faithful to the party which had done so much to secure them the rights of men, were yet unfitted from lack of experience to pass upon the advisability of such action. A large portion of the white Republicans composed of Southern men who had been loyal to the Union during the Rebellion and Northern men who settled in the South at its close, doubted and not a few remonstrated. When the question came they were compelled to accept the plan prescribed by the Republican party or ally themselves with its opponents who openly sought to re-establish the control of the very same elements which had so recently plunged the country into war. Under these circumstances, they were obliged to undertake a task, thrust upon them by their party, which was predestined to failure unless administered with a more than human wisdom.

This fault of the Republican party leaders might have been forgiven, because all men are liable to make mistakes, and only the pettiest nature finds any consolation in blaming his co-workers, even

though the event has justified his conviction: but the fact that the mere instruments should have been made to bear the blame, and the party itself sought thereby to escape responsibility for farther action to secure liberty and equality of rights to all citizens, cannot be so lightly passed over. The party was fully conscious of its duty in this regard--a duty which it owed to those who had trusted its promises, to the principles of human liberty and the cause of universal justice and humanity as well as to its own past.

From 1854 until 1870, as we have seen, the Republican party devoted itself especially to securing liberty and an equal citizenship for all. It had accomplished the nominal fulfillment of its initial pledge, "Free-soil, free speech, free men." For a brief interval it was reasonably safe for a man to advocate equal rights for all men in every part of the country. This interval was succeeded by a period of revolution of the most desperate and anarchistic character. The whites <sup>who</sup> were opposed to the grant of equal citizenship to the Negro, organized themselves into various oathbound organizations, known

specifically, as Constitutional Union Guards, the White Brotherhood, the Invisible Empire, &c, but known generically and popularly as the KuKlux Klan, the purpose of which was to nullify this grant of equal right and privilege to the colored citizen by any means that might be necessary to attain that end and reduce them again to a dependent if not legally servile condition.

It is needless to dwell upon the reign of terror which followed. Suffice it to say that such an outbreak of secret violence, murder, intimidation and outrage as broke forth throughout the South, never before equalled in civilized society. It was not a revolt of the weak against the strong but a conspiracy of the strong to deprive the weak of rights and privileges granted without their assent.

By this revolution, unexampled in extent and virulence as well as in its strange appeal to secret crime as its chief instrument, the republican party was affected with the fullest notice of the character of the conflict which though no doubt unavoidable, it had precipitated with a singular lack of provision for its consequences.



That it realized the duty incumbent on it, as a party consecrated to liberty and equal rights, is evident from the fact that every platform, adopted by a Republican convention, whether State or National, up to 1884 declared the logical and evident fact that its prime object as a party and the chief function of republican government is to provide for the secure enjoyment of equal rights and liberty by all. After thirty years of emphatic and multitudinous reiteration of this principle, in 1884 the subject was utterly ignored in the platform, and its presidential candidate made no allusion to the subject until the speech which he delivered after his defeat in which he correctly charged it to the account of the suppressed republican vote of the South.

This action of the party was doubly significant: the candidate was the man who ten years before had led the first movement in the Republican party looking to the abandonment of the exercise of national power for the assertion and protection of the rights of the citizen, as a political issue. This action was followed by the first

serious check the party had met whereby it lost control of the House of Representatives which it had held continuously for twenty-eight years.

It was noticable also from the fact that the Republican Convention of four years before, 1830, had gone farther than the party had ever before done, in assertion of this duty. It had not only pledged itself to secure the personal rights of the citizen but had asserted its fixed purpose to secure "a free ballot and a fair count" which it truly declared to be the foundation stone of free government, and also to apply some of the surplus revenues of a marvellously prosperous nation to curing the cause of these evils by aiding the education both of the white and colored citizens of the South, the ignorance of both of which was the clear and direct result of the national sin and crime of slavery. It must not be forgotten that the "poor-white" of the South was just as much a product of slavery as the illiterate slave; and the fact that one-fourth of the white voters of that section were and still are unable to read or write, con=

stitutes the chief obstacles to the establishment of free institutions in those States. This constituted practically the sole issue in the campaign of 1830 when the country gave what has come to be spoken of as "an old-time Republican majority." Scarcely any other question was mooted in that campaign. Liberty and justice, a free ballot and a fair count, were the slogans of certain victory as they have always been before the American people when uttered with sincerity.

From 1830 until 1834, the Republican party had control of the presidency, the House of Representatives and the Senate. During this time no serious effort was made to redeem this pledge. One or two bills were introduced in both houses which were accorded a prefatory and lackadaisical support by the party though faithfully championed by some of its best and ablest representatives. From 1834 until 1838, nothing was possible to be accomplished in this direction because of Democratic control. In 1838, the party restored to its platform the customary assertion of the equal rights of all citizens

and renewed its pledge of national aid to education. Its presidential candidate took especial pains to emphasize the declaration in the speeches which he made. Restored again to control of every branch of the government, it was naturally supposed that a genuine effort would be made to redeem these pledges. An election bill of a peculiarly expensive and cumbrous character passed the House and was killed by the Republicans of the Senate. This was peculiarly unfortunate since a measure practically self-operating and costing nothing would accomplish more than this could effect if put in operation. The Republicans of the House however, stood squarely by the principle of protection to the citizen as well as to labor. An Educational bill which came from the Senate after months of useless delay was so defective that it gave two and three times as much to white schools for each white illiterate in a State as to colored schools for each colored illiterate. Such manifest injustice very fortunately was not crystalized into law, but it is notable that like the election bill the opposition it met from members of the Re=

publican party in Congress was not based on its manifest injustice or insufficiency.

In 1892, the National convention declared in emphatic terms in favor both of national legislation to prevent lynching and secure the full enjoyment of the rights of the citizens as well as the free exercise of ballatorial right in the various States of the Union. Its candidate for president, with an insouciance peculiarly his own, instead of endorsing these planks of the platform declared that if elected, he would recommend the formation of a non-partisan commission to formulate such amendments to the present laws as would make them satisfactory to all. As the very essence of opposition to such legislation was opposition to the enfranchisement of the colored citizen and a determination to prevent at all hazards his exercise of the elective franchise, the natural interpretation of this purpose was that it was an overture for the practical repeal of the XIVth Amendment of the Constitution. This view was confirmed by the fact that the discussion of the rights of the citizen was rigid=

ly excluded from the campaign both in the press and on the stump, though the matter was pressed upon them by some of the leading Democratic papers. That this was done by explicit direction of the Republican Committee is a matter not merely capable of explicit proof but admitting of no reasonable doubt.

These things coupled with an entire abandonment of the South as a field of political action, being literally driven out because no man dare advocate its principles, because free speech is unknown and political liberty permitted to no man who chooses to contravene the views of the Democratic party--the abandonment of the conflict for personal right and individual liberty at the South under such peculiarly discreditable and exasperating conditions, indicates most clearly that the party which was brave enough to demand free speech as the essential attribute of free men and a free government in 1856, which in spite of the threat of disunion in 1861, resisted with

the liberty of the press. In other words, the party which in 1856

of 1856, and in 1861, the party which in 1861, the party which in 1861

arms the demand of the South for a perpetual guarantee that slavery should not be restricted, now in 1894 regards the freedom of speech, the liberty of the citizen and consider it a matter <sup>worthy</sup> of no consideration that no man dare publicly advocate the principles it has proclaimed for forty years in one-third the territory of the United States. It does not need an infant's power of reasoning to perceive the sentiment now dominant in the Republican party is determined to wrest it from farther consideration of the questions pertaining to human right and the fundamental principles of liberty and confine it to the advocacy of certain economic theories. In other words, they are determined to eliminate from the Republican party the one feature which has distinguished it from other parties and base its future upon the principles of tariff for revenue and non-interference with the action of the States or the mob as to the rights of the colored citizen which the Whig party proclaimed with regard to the liberty of the <sup>slave</sup> slave. In other words, to use the favorite phrase of the advocates of this policy, the purpose is "to shake the nigger."

to leave the colored citizen helpless, <sup>n</sup>dependent, defenceless--a citizen in name, "a mere inhabitant" according to the Dred Scott decision in fact. Plainly stated, the purpose is to leave the South to drive the colored citizen to desperation by caste-legislation and then join with the Southern mob in his suppression, expatriation or extermination as the Whig party of forty years ago did in guaranteeing his perpetual enslavement.

Should this sentiment prevail in shaping the policy of the Republican party, there will be no alternative left for those who believe that rights which are not protected and enjoyed are not rights, and that liberty which is held on sufferance of a class or race is hardly better than bondage; that a Nation is not free, in one-third of whose territory free speech is unknown--there will be nothing left for these to do, be they black or white, many or few but to organize a party which shall be to the noninterference Republican organization what the liberty-loving Republicans of 1855 were to to the "non-interference" Whig party, which bewailed the fact of slave-



ry only less than its own inability to do anything to restrict its continuance. It will place the Republican party in substantial accord with the "Bourbois" element of the South; since there is no practical difference between refusing to admit <sup>the</sup> colored man's rights of equal citizenship and refusing to secure him the free enjoyment of the same. The one simply denies the abstract right; the other refuses to aid in promoting its practical enjoyment. A chief reason assigned for this policy is that if the Republican party should renounce its traditional policy, it would be enabled to secure the support of a portion of the Southern whites who believe in a protective tariff. The idea is wholly delusive. The name Republican is too thoroughly identified with liberty, justice and equal rights for all to ever serve as a rallying cry for those whose deepest sentiment is in reassertion of the right and duty of the white man to subordinate and control the colored man--if not as a slave, then as a dependent inferior. To those who believe in the principles it has taught and the triumphs it has won in their name, it will seem far better that

it should die of inanition as did the Whig party forty years ago,  
rather than live to debase by their abandonment so glorious an in-  
heritance.