

Rights of the Coloured Race to Citizenship and  
Representation: and the Guilt and Consequences of  
Legislation Against Them

By

George B. Cheever

1864

RIGHTS OF THE COLOURED RACE  
TO  
CITIZENSHIP AND REPRESENTATION ;

AND THE GUILT AND CONSEQUENCES OF  
LEGISLATION AGAINST THEM.

A DISCOURSE

DELIVERED IN THE

Hall of Representatives of the United States, in Washington, D. C.,

MAY 29, 1864,

BY

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NEW YORK :

FRANCIS & LOUTREL, PRINTERS, 45 MAIDEN LANE

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# RIGHTS OF THE COLOURED RACE,

AND THE

## IMPIETY OF LEGISLATION AGAINST THEM.

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EZEKIEL—xxii: 29, 30, 31.

The People of the land have used oppression and exercised robbery, and have vexed the poor and needy; yea, they have oppressed the stranger wrongfully. And I sought for a man among them that should make up the hedge and stand in the gap before me for the land, that I should not destroy it; but I found none. Therefore have I poured out mine indignation upon them; I have consumed them with the fire of my wrath; their own ways have I recompensed upon their heads saith the Lord God.

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An appalling resemblance forces itself upon our notice between the career of the Jewish nation on the verge of its ruin, and the present condition of our own country under the judgments of the Almighty. The same sin has brought us to the same penalty.

Had the divine indictment against the Jewish rulers, government, church, and people, been committed to the prophet to be employed against ourselves, it could not have been drawn with greater accuracy.

Let us trace some of the counts, and their application; the nature of our controversy against God; the violation of our covenant with Him, in the perversion of our own Constitution and Government for the oppression of millions: the impiety, injustice, and inhumanity of our legislation against the coloured race, on account of their colour; the right of that race, as well as

our own, to the benefits of a republican form of government; and the inevitable consequences, if we do not repent, and execute justice for them, without respect to persons.

#### COUNTS OF THE INDICTMENT.

The people of the land have used oppression. They have dealt with it as their policy, used it as an instrument of power, and made it the means of their prosperity.

They have oppressed the stranger, a sacred class, guarded by special provisions in the divine law. They have disregarded and violated the peculiar injunctions and claims of God and humanity in behalf of that class.

They have done this wrongfully, in an exasperating and wanton defiance, not only of the spirit of their own Constitution, and of the law of natural equity, but against the letter of their own covenant and laws of liberty and justice. They have thus belied the nature of the institutions, both of freedom and Christianity.

They have exercised themselves in robbery, and have vexed the poor and needy, under the drill of pretended guarantees therefor, and under the assumption of a necessity, through the binding force of such guarantees. They have done this in direct violation of the national covenant with God and the people, by means of a false interpretation of that covenant, carried into a mighty power of precedent in judicial decisions, and tyrannical practice, admitted to have been against conscience, and yet obligatory by political compact.

In this they have been sustained by an unrighteous theology, maintaining the dispensing power of an oath to do evil, as releasing us from the divine obligation to do good. A pretended engagement in behalf of the oppressor is alleged as of greater force than the command of God to interfere in behalf of the oppressed. They have permitted the unrighteous statute to be passed, and then have "willingly walked after the commandment," and urged the necessity of obeying it, as a justification of their wickedness, notwithstanding the admission that God and conscience were against it. The prophets prophecy false

things, and the princes bear rule by their means, and the people choose to have it so.

Now, considering the known and admitted object of government, as ordained of God, to protect the innocent and the weak from injury and oppression, by interfering against the oppressor in behalf of the oppressed, the great crime of this nation, after the practice and growth of such oppression for eighty years into a system, and the increase of the number of its victims to four millions, is this, namely, to have pledged itself NOT TO INTERFERE against the sum of all villainies, not to do what God has organized and commissioned the government on purpose that it might and should do; pledged itself not to obey the command and accomplish the purpose of God in government, not to interfere against slavery where it is.

This pledge and obligation are asserted on pretense of an oath; which oath cannot be found, either in words or in meaning, nor any history or record of it, nor any reference to it; nor was ever assumed or administered, either by or to the nation, or its chief magistrate, or judges, or legislators; but which, nevertheless, is always asserted and supposed, and by a large portion of the Church itself, and the ministry, has been built upon as the statute supreme of our political theology.

#### THE CONTROVERSY AGAINST GOD.

It is manifest that this controversy is with God. We are fighting against God, and while this is the case, we cannot prevail.

Even now, in the very centre of this rebellion and conflict we have renewed our original sin, the very sin on account of which God is striking us. We have put the iniquity into direct legislation. We have dared to make the colour of the skin the ground on which we adjudge a whole race of millions of our fellow beings to slavery. Instead of delivering them at God's command, we deliberately consign them by law to perpetual contempt and oppression. We inflict upon them what our fathers resisted unto the death, when Great Britain inflicted it on them. Enduring it themselves, our fathers called it slavery, and went into a seven years war for the right of representation. The whole

nation did not then number so many as the millions whom we have since then reduced to slavery, and whom we now propose, amidst the very fire of the judgments of God against that slavery, to deprive of their political and personal rights, by new legislation on account of the colour of their skin.

This is the climax. No tribe, no government, could do worse than this, take away the rights of human nature, by deliberate legislation, on account of the tincture of the human skin.

We have said that we can obtain a right to interfere with slavery only by the war power, that we can attempt to deliver or to elevate any of the victims of our tyranny only by martial necessity, not by law. But we can apply the power of legislation to injure and degrade them. It would seem that it is constitutional to legislate against them, but not in their behalf. Indeed, it is averred that nothing but war can release us from the constitutional obligation of oppressing them. Nothing under heaven, whether in peace or war, prevents us from the right, or can suppress the wickedness, of legislating against them, and yet nothing but ultimate necessity for our own benefit can give us the right of setting them free and protecting them. What shall be said of a government, church, and people, maintaining, under all circumstances, the right of oppression by law, if it is judged expedient, but disavowing all right of protection and beneficence, all right of doing justice, except in a state of war? We are delivered, by the Constitution, and bound by our oath, to do all these abominations, but only the war-power releases us to do justice. Such is the doctrine—a horror of thick darkness.

And we agreed to amend our Constitution in behalf of slavery, so as to forbid Congress from ever interfering against this wickedness. And we agreed also to make that amended article, of all others, sacred and perpetual against any future amendment. There might be some future outbreak of virtue, humanity, justice; we provided against it. And we elected our President on the pledge of never interfering against slavery in the slave States; on the pledge of never doing what God has ordained government on purpose to do; on the pledge of never doing justice, or permitting justice to be done, to millions in bondage; on the pledge of never interfering in their behalf. From the

moment of that impious pledge, we never have had one moment's peace or union. The rebellion broke out, yet we continued to affirm and obey our pledge, adding that we could not do anything against slavery, even under the war power, except on the justification of an ultimate and indispensable necessity. Thus we have nearly ruined the country, to avoid striking slavery.

THE TESTIMONY OF WASHINGTON.

No such monstrosity as this was ever admitted by the fathers. It was their opinion that the emancipation of the slaves by law was constitutional and proper. The testimony of Washington is conclusive on this point. "There is not a man living," said he, in his letter to Robert Morris, "who wishes more sincerely than I do, to see a plan adopted for the abolition of slavery, but there is only one proper and effectual mode by which it can be accomplished, and that is, BY THE LEGISLATIVE AUTHORITY, and this, so far as my suffrage will go, shall not be wanting." Again, to Mr. Mercer, "It is among my first wishes to see some plan adopted, by which slavery in this country MAY BE ABOLISHED BY LAW."

By law, under the Constitution as it is; by law, according to the powers and in pursuance of the objects of the Constitution, which were and are liberty and justice, nothing else. Washington did not say, by amendment of the Constitution, but plainly by legislative authority and enactment, according to the Constitution. You cannot find an intimation that anything else was necessary, or that any alteration in the Constitution would be necessary in order to prepare the way for doing justice by such legislation. He would give his suffrage for the abolition of slavery in this country by the existing legislative authority; he would have slavery abolished by law. He was not writing or dreaming of a constitutional impossibility.

It never entered into Washington's mind to imagine that the iniquity of slavery was a disease and obligation congenital with our Constitution, or that we were constitutionally inhibited from legislating against it, or constitutionally sworn to defend or protect it. This refinement was reserved for those whose conscience

forbids them from acting on moral considerations. Washington regarded moral considerations as the first and highest, and all others, indeed, as based on those. He never dreamed of any power of morality and justice being conferred or gained by what is called the war power, which was not first of all conferred and made obligatory by the nature of justice, and by the very object and necessity of government, being the protection of the rights of all.

#### DIABOLICAL DOCTRINE OF THE SACREDNESS OF AN IMMORAL OATH.

The diabolism of immorality, which holds a nation or an individual to be bound by an immoral oath, is wholly a modern invention of politicians and theologians, to excuse ourselves for not putting away the iniquity of slavery, by the pretense of a religious obligation, to sanction and maintain it, a bond averred more binding than the law of God. Hence the possibility of an announcement so monstrous as this, namely, that though the pledge of slavery was against our conscience, yet, having taken it, our faithfulness to it, in opposition to conscience, was the highest proof of national virtue, the result of the largest liberty, and the fruit of the purest religious faith. And this, that although slavery is so wrong, that if it be not wrong, nothing under heaven is wrong, yet we are bound by oath to sustain it.

#### OBLIGATION OF INTERFERING AGAINST OPPRESSION.

A grave and criminal responsibility rests upon those who have held and taught such erroneous views of our Constitution, setting it in a matter of morality against the law of God, and then maintaining its supremacy, anything in the divine law to the contrary notwithstanding. Beyond question it has been these doctrines that have caused the nation to persist so long in tolerating and maintaining slavery; and it is these same doctrines that have produced the rebellion and war; since, except for these teachings, and under the true interpretation of the Constitution, the country would have thrown off this iniquity, peacefully, constitutionally, long ago.

And as to theology, what shall be said of that system which teaches men and nations to obey man rather than God, and to



forbear from interfering against slavery, and to maintain an alleged compact with the enslavers? Christianity so taught is caricatured, and may sit at the feet of Paganism itself for light. Let me refer you to antiquity for an example of virtuous action and opinion, in the very case of being required to forbear from interfering against the oppressor and in behalf of the oppressed; let me ask you to note the judgment of the Grecian mind upon it. You will find it in the tragedy of Antigone, who is questioned and threatened with death for the crime of having given burial to the corpse of her dead brother, in defiance of the proclamation of the king forbidding it.

“Have you dared to transgress these laws,” asks the chorus, generally a conservative and time-serving body; “and did you know the proclamation forbidding this act of humanity?”

Antigone makes answer, and it might have been Daniel in the Old, or Peter in the New Testament, declaring that we must obey God rather than man. “It was not Jove who heralded these commands, nor Justice, that dwells with the gods, who established such laws as these among men; neither did I believe that your proclamations possessed authority, or gave the right, to transgress the unwritten, eternal, and unchangeable laws of the gods. For, not now, nor of yesterday, but eternally, they live, and no one knows from what time they had their being. I would not, through fear of the spirit of any man, pay to the gods the penalty of their violation. For I knew that I must die, even though you had not proclaimed it, and if I die before my day, I count it gain; this sorrow is nothing. But if I had suffered him who was born of my mother to lie in death an unburied corpse, in that case I would indeed have sorrowed; in this I sorrow not. And if I seem to you in this thing to have done what is foolish, I merely incur the imputation of folly from a fool.”

This was the grandeur of a pagan conscience. Think of the nobleness of these declarations, and remember that these are flashes of the untaught reason of mankind; untaught, I mean, by divine Revelation; gleams of Justice, righteousness and natural humanity, from that universal conscience, which shows the law of God written in the heart, before it had received the sunlight of the law on Sinai. These were the lessons of Grecian

Theology, in that wondrous literature, which always regarded the science of divine law as the noblest subject of thought and culture among literary men and statesmen. Consider how far in advance of these principles our age ought to have been ; how the Christian culture and statesmanship of a generation so far downwards in the lapse of time as nineteen centuries from the Christian era, ought to have taken up these first principles of the natural consciousness of man, and carried them onward from the doubtfulness and dim majesty of a rare vision, into the certainty and supremacy of a fixed principle of action, as unquestionable as the laws of nature, and no more to be disregarded than those.

This noble Grecian Woman teaches what American Christianity and statesmanship do not. "You command me not to interfere against this cruelty, because you say the cruelty is required and guaranteed by law, and I am bound to forbear from interfering to deliver the victim of it, and you threaten me with death if I do interfere. I tell you, I had rather die than *not* interfere. The law of justice, humanity, and Heaven *commands* me to interfere, and no terror of man or unjust human law shall persuade me to violate the divine law. You threaten me with death if I act humanely, but death in such a case would be no sorrow to me. But if I had not interfered in behalf of the victims of your cruelty, that indeed would have been to me a sorrow greater than death."

Which now is the purest theology? the Grecian or American? The Pagan or the so-called Christian? And which, applied to national duty and life, is most deserving to be called the fruit of the largest liberty, the product of the purest Christian faith?

Such were the principles of a vast multitude up to the breaking forth of the rebellion. The four millions held in slavery might have multiplied to ten, and so long as our Union was uninterrupted, not one check, or interference, or rebuke, or injunction against it should be administered. On the contrary, we agreed so to amend the Constitution as to render interference forever impossible. We were excused as a nation from ever interfering against slavery where it was, and that forbearance—leaving four millions in perpetual slavery—was proclaimed as a virtue of national fidelity to the guarantees of the Constitution,

so-called, and a virtue of which we might be proud, as being the product of the largest liberty and the purest Christian faith. The peculiar structure of our Government, compounded of a compromise between national and State sovereignties, put it out of our power to forbid four millions of our own citizens being held as slaves, and made it wrong in us to interfere, or attempt to rescue them.

Whenever there is feebleness and compulsion, there is some excuse; but for a nation with all but omnipotence boasted in its hands, there is none. For such a nation to inflict upon its ruler, as the condition of being chosen, a pledge that he would not interfere against slavery, was at once the greatest crime and intensest meanness, being wholly unnecessary; and for a ruler to accept that pledge, for the sake of power, with the intention afterwards of pleading it as a justification for not executing the Constitution and the laws in behalf of the oppressed, was in like manner the deliberate choice of a course forbidden by the Almighty. If governments are divinely constituted, it is that they may protect the injured and the innocent; and if rulers have any commission from God, it is that they interfere to deliver the injured and the innocent out of the hands of their enemies, and execute justice in their behalf.

NATURE OF THAT REPUBLICANISM AND CHRISTIANITY WHICH SUSTAINS SLAVERY AS A CONSTITUTIONAL INSTITUTION.

I have said that we have thus belied, in the presence of the watching nations, the institutions both of freedom and Christianity. The republicanism and the religion of this nation, that of all others on earth most earnestly boasted of the purity of both these provisions, have been caricatured, and made a scoffing and contempt, by our example. We have done our best to fill the world with political and religious infidelity and atheism. The indictment of God against the scandalizing Jews, who, by the same sins, had slandered His attributes, and defiled His sanctuary, and perverted His statutes among the heathen of old, ran thus: "Sodom, thy sister, hath not done, she nor her daughters, as thou hast done, thou, and thy daughters." And the statutes of the heathen were not so bad, so intense a system of the dy-

namics of unrighteousness, as the falsification of the divine statutes by the corrupt and wicked practices of those who boasted of them. And just so, the product of our republicanism and Christianity, with slavery as the fruit and representative of both, is more pernicious, immoral, oppressive, than that of any despotism in the world.

Institutions of civil society are justly judged by their results in a period of generations. The result of our republican institutions, after eighty years spontaneous trial, has been the enslavement of four million blacks and five million whites in a nation of thirty millions, and the thing maintained as Constitutional, and the people pledging themselves never to interfere against it, and electing their chief magistrate on such a pledge, and agreeing that the Constitution itself should be remodelled in favor of slavery, and being so altered, should, in that respect, be forever incapable of being amended in favor of liberty. That is the record which we have provided for history; that is the way in which, ever since we assumed constitutional independence as a republic, we have made history. Anything to the contrary, God has made, not we; for we have never set a single slave free of our own accord, nor as the operation of our institutions, nor by necessity of constitutional freedom and justice, nor by the nature of republicanism; but avowedly with reluctance, only on compulsion, entering our protest at every step against the accusation of ever having entertained the intention of treason against slavery. In all the freedom we have effected, we have put in the plea of necessity, as for a crime, as having unwillingly violated the law of slavery averred in the system of pretended guarantees in its behalf; which guarantees, and not those of justice and liberty, we seem to have regarded as the object of our oath of fidelity to the Constitution.

Meantime, in the practical working of our republic, we have made four millions of black slaves and five millions of whites in the short space of eighty years. There is not another nation on the face of the earth that has accomplished such a work as this. During that period, England, a monarchy, has freed eight hundred thousand slaves, by supremacy of governmental action, in a time of peace. Russia, an imperial despotism, has freed more in number than the population of our whole nation, by govern-

mental action in time of peace. There never was such a dictum advanced by any despotism as that government had no right to interfere against slavery in a time of peace, or that the peculiar structure of a despotism forbade it from so interfering. On the contrary, it has always been admitted that justice and freedom were the functions of government, and during this period of our probation as a republic, these European governments have, though late, fulfilled those functions, while we have been fulfilling the work of the slavery of four millions direct, and five other millions intermediate.

It is not to be disputed, that the five millions of what is called "poor white trash" at the South, the product of slavery, are in a more enslaved, degraded, and wretched condition, than any equal number of the laborers, or peasantry, or free classes of the people, under any Government in Europe. Yet they are the result of the workings of our republicanism, holding in its bosom, as a "Constitutional Institution," the system of slavery, and maintaining fidelity to that system, and non-interference against it, as the law of our liberty, and—the fruit of our religious and political faith. Four millions of black slaves, five millions of whites, produced in eighty years, out of a nation of thirty millions, under a republican form of government, with the right of representation as an elementary principle. We might have been satisfied with this.

But we now propose a new exhibition of the nature of republicanism in this line, by resolving that a population greater than that of our whole nation in the revolutionary war, shall not be permitted to enjoy the benefits of a republican form of government, which, nevertheless, we propose to guarantee to rebels in arms against us. But the whole coloured race of loyal citizens shall be excluded from these benefits, shall not be permitted to have any right of representation, or any representatives, but shall be taxed and tortured without representation, merely for the colour of their skin.

In 1774 we declared that "the end of government would be defeated by the British Parliament exercising a power over the liberty of American subjects who are not there represented;" and we affirmed that "the liberties of no less than three millions of people, with that of all their posterity, were staked on

this question." In 1864, we declare that the end of government for the whites is attained by this very tyranny, and that the liberty and rights of four millions of blacks are not be regarded as of the least importance, in comparison with the establishment of the union of twenty-five millions of whites. Such is the difference between our patriotism and that of our fathers.

In 1774, we declared that the subjection of the people to the payment of taxes imposed without the consent of their representatives was the reduction of them to slavery. In 1864, we reduce four millions to such slavery.

We perpetrate or propose all this injustice against this tortured race, along with incessant parade of our jealous watchfulness for liberty, and care for justice, not conscious of any inconsistency. It is a singularly depraved and odious development of character; a combination of cruelty and hypocrisy, always the result of the habitual violation of justice, and the justification of such violation on the ground of expediency. There were those in our Saviour's time who would rob father and mother on pretense of a scrupulous regard to their obligations to the Temple. It was *corban*, the property of the Temple, pre-engaged, if they were solicited for money, or natural justice. They could strain at this gnat and swallow that camel. And so can we.

The store of whiskey on hand cannot be taxed by us, because the rights of proprietors and distillers are sacred, and we are too just to introduce an unjust or unequal principle into legislation. But, in order to strike down the rights of the blacks, we violate the Constitution, and vitiate the streams of legislation, by a spring of injustice in its very central element.

We could not repeal the infamous fugitive-slave bill, but reenacted the slave law of 1793, because we respected "Southern rights." At the very same moment, we have prepared a bill of legislation for the Southern country, actually enshrining the principle by acting it out, that black men have no rights that white men are bound to respect. The rights of white skins are sacred with our legislators, but not the rights of man. We insult humanity itself, out of respect to the most unchristian of inhuman prejudices.

It has been publicly averred by Americans of distinction, not only at home but in Europe, that such is the peculiar structure of our government, that we are prevented from interfering against slavery where it is, and are compelled to guarantee its security, and to forbear from any attempt to deliver the enslaved: that is, it is inhibited by the law of its own nation from the possibility of performing the functions of a just government, and is a machinery for "shoving back mankind into barbarism."

Now, when we affirm that our constitution guarantees slavery, and that we are bound not to interfere against slavery, we affirm that the product of our Republic is slavery. And thus far we have done nothing to correct that impression; because, although compelled—by the Almighty checkmating us with this rebellion—to move against slavery, we have avowed, and still do avow, that this was only by necessity; that we could not have interfered against slavery by the civil power of the government; and that even our interference by the war power is subject to nullification in our Supreme Court of Justice. Such is our own representation of ourselves.

Other forms of government have produced freedom, other political climates, as well as ours; but ours has perfected slavery. It is not an incident, but a legitimate, inevitable result—the only peculiar result wherein we have the preëminence over all nations. For it is argued to all the world, argued before God, in justification for the existence of slavery among us to this day, that the connection of our State and General Governments is such, that the State Governments have supreme control over the institution, so called, of slavery, and over the victims of it, and the Federal Government cannot prevent it; slavery being thus set forth as an institution of the republicanism of this land. And it is argued that nothing but necessity—military and indispensable necessity—allows us to interfere with it, which we would not have done unless compelled against our will and Constitution. That is, our Republicanism bound us over to slavery, and if we renounced it, or whenever, or in whatever degree we renounced it, we did it not because justice or republicanism authorized or required it, but necessity against our republicanism.

Now, it is incontrovertible that we allow this charge; we

plead guilty to such an enormity as being the nature of our republicanism, unless, being given the opportunity, we emancipate the slaves, as an act of justice, and the requirement of the nature of our government. If we have to amend our Constitution, in order that we *may* emancipate, this is the admission that constitutional republicanism in this country includes slavery, and that we voluntarily maintained it, until compelled to interfere against it, rather than have our whole government and national existence destroyed by it.

Yet we taunt the governments of Europe, and the people, with an assumed contrast between their oppression and our freedom. We say that in England, for example, it is only the ruling classes that enjoy the highest freedom. In America there is nothing better. The ruling classes in America are free to make slaves of others. The subjected and inferior classes in America are enslaved, to the number of four millions, and, adding what is called the white trash, nine millions or ten—say one-third of the whole population of the country, under the boasted freedom of a republican government, in a condition more degraded than the same proportion of the population of any country in Europe.

And we propose to add to this the perpetual exclusion of all possibility of freedom, by taking from millions all the rights of representative government on account of the colour of the skin!

#### FOUR DISTINCT FORMS OF THIS INJUSTICE.

This impiety has now been perpetrated in four distinct particulars, by this Congress, in as many distinct abuses of their power: First, in legislation against coloured soldiers. Second, in legislation against coloured citizens in territories, as in the case of the Territory of Montana, condemning that territory to the perpetual crime of an article against colour, excluding the blacks from the privilege of representation. Third, in legislation against coloured citizens in the rebel States, proposing to give to the rebels themselves, on being conquered, a republican form of government, but to exclude the loyal citizens from the special benefits and rights belonging to them under such government, and to hold them down forever as an inferior, oppressed



race, to be forever oppressed, because of their colour. Fourth, in legislation for and over the District of Columbia and the city of Washington, excluding coloured citizens there, forever, on account of their colour, from the right of representation, the right of citizenship.

This last instance, is that in which the insult and the cruelty rise in some respects to the worst climax before God, because there all possible forms and degrees of authority and power are concentrated, by the Constitution, and the consent of all the States; and, there never has been a question that Congress could do what they pleased with the coloured race in this district, and might bless and benefit them indefinitely, without possibility of contradiction. And there, where our legislators might have set the example and the model of a kind, wise, paternal, just, and free government over this race, and developed a full experiment for their regeneration and elevation, social and civil; an example that would have been followed everywhere; they are setting the precedent of oppression and degradation, perpetual, in its normal and decisive element; connecting the ineradicable element of colour, with the inevitable execution of oppression by law on account of colour, and erecting into law, in regard to the coloured race, the essential ingredient of slavery; that element that provides the way for, and renders almost certain, every other form of slavery, and against which therefore, as to themselves, our fathers fought and rebelled; the denial and withholding of the right of representation, which is an oppression that makes a despotism everywhere, but, introduced under the form and pretense of a republic, for the injury of a particular class, makes that class doubly tortured and enslaved.

Under the name of a bill to preserve the purity of elections, you contrive a bill for the enslavement of the coloured race. If we take the definition of slavery from our fathers of the revolution, as being the denial of the right of representation, this bill is literally a bill for re-enslaving the coloured race; for it restricts the right of voting, that is the right of a representative government, to whites. This is done in the midst of the thunderbolts of God's judgments against us on account of our injustice to the coloured race. A bill for the purity of elections! Most conscientious legislators, whose dread of introducing an unjust

principle into legislation, prevents them from taxing whiskey on hand, and whose watchfulness for the purity of a republican government, constrains them to rob four millions of free persons of their liberties! It should be called a bill for rendering elections in Washington utterly and forever impure, and for setting the example and the rule of such impurity, to the nation, by excluding the coloured race from the rights and privileges of a representative government, as claimed by the whites!

CIRCUMSTANCES AND QUALITIES OF EXASPERATION IN THE CRIME.

Let us now look at some of the exasperating circumstances under which we have inflicted such injustice:

1. We have been employing this coloured race as laborers and soldiers, to help save ourselves and our country from that destruction, which is threatened on account of their oppression. While we are thus employing them, putting them in the front to receive the bullets of our enemies, we have refused to protect them, we have robbed them of their wages, and are now passing special laws providing for their eternal degradation, should we by their means, or any other way, gain the victory.

2. We have done this under the form of an oath or pledge to them that they should be free, and that their freedom (meaning, if there be any meaning in language, or honesty in an oath, the same freedom that ourselves enjoy) should be assured and protected for them by the whole power of the United States.

3. We have done this in connection with the offer of a republican form of government to all other citizens, especially the rebels now in arms, in the midst of which offer we have inserted the provision excluding the black portion of our citizens, on account of their colour.

4. In connection with the proclamation of amnesty to all the rebels who will return into the Union at any time, pledging to

them the restoration of all their rights, and among others the right of eternal despotism over the coloured objects of their tyranny. For they may exercise this despotism, as fully and satisfactorily, to all intents and purposes, by forever excluding the coloured race from the right of representation, the right of any will or voice in the manner in which, or the laws by which, they are to be governed, as by slavery itself.

5. We have inflicted this injustice, this penalty as for crime, against colour, in connection with the fact of the indefiniteness and uncertainty of the allegation of colour, and the impossibility of deciding, in multitudes of cases, who are persons of colour; thus enforcing, under pressure of the certainty and determinateness of law, the most intolerable injuries and penalties, on account of a supposed, but indeterminate quality of complexion, the bare assertion of which, even though not existing, nevertheless exposes the victims of this cruelty, *so charged*, to perpetual punishment; and even if existing, furnishes no gauge, how far, and no method of proof, except by resorting to the allegation of race, which is simply laying hold of one crime of oppression to support another.

To prove a person to be a person of colour, you have to prove him of the African race, and to prove him of the African race, you have to prove that he has black blood in him; and yet farther, you have to prove exactly how much of that blood constitutes him of that race, and how much American blood constitutes him of the American race. And to bring these things within the province of law, so as to constitute an indictment for your purpose, you must have and must show a statute providing that descent from the African race constitutes persons of colour, and not only so, but defining how many degrees of blood constitutes the charge of colour, otherwise you cannot convict, cannot exclude from the privileges of freedom, on the ground of colour, persons whom a court room of witnesses would be compelled to pronounce as white as the judges on the bench or the jurors on the jury.

The indefiniteness of this charge of the colour of the skin, by which alone you seek to deprive millions of your fellow beings of that privilege of representative freedom for which your fathers bled and died, and in dying for which you pronounce them the

fathers of your own freedom, is perhaps the most diabolical element of all in the concoction of this wickedness, the most insulting towards the majesty of God, the most fraudulent against the rights of man, especially taking into consideration the solemn declaration of your fathers, that the rights for which they contended unto the death, for themselves and their posterity, were the rights of human nature, not of the skin.

“Let it ever be remembered, finally,” said Madison, “that it has ever been the pride and boast of America, that the rights for which she contended, were THE RIGHTS OF HUMAN NATURE.” The truth of the fathers’ boast, is the bitterest sarcasm and reproach of their descendants. Our fathers’ patriotism was of the heart; ours is of the skin. If God should turn the skin of every man black, that has voted for such oppression of his brother, it would be but a fitting though very slight retribution for so great a crime.

6. This oppression has been resolved upon in connection with the fact that it establishes a bill of attainder, whereby a taint of blood, attended with dreadful penalties, is conveyed down from parents to children, directly in violation of express articles of the Constitution, forbidding such attainder, as well as in violation of the principles of justice, human and divine.

It was objected against the bill for the confiscation of rebel property that such confiscation was of the nature of a bill of attainder. It was answered that the word attainder was technical, and could not be applied to such confiscation, not having any reference thereto. It was answered back, that it applied in equity, and that it was attainder forbidden by the Constitution, if we deprived children of their property on account of the crimes of their parents. And the President accordingly refused his assent to such confiscation.

But what shall be said of the proposed confiscation of personal rights? If the confiscation of property on account of treason was affirmed to have been a violation of the Constitution, being asserted to be in equity, of the nature of a bill of attainder forbidden by the Constitution, then much more the confiscation of personal rights without any crime alleged or imagined; much more the deprivation of freedom, the taking away from innocent

persons of the dearest rights of freedom, on account of the colour of the parents descending to the children.

In the first place, the taking away of such rights from the parents on account of colour is a most daring, cruel and heaven-defying crime, if it stopped there. But the making of that punishment to descend to the children is a much worse and more malignant crime. It is a compound crime, increasing both in arithmetical ratio and geometrical progression. It is a national immorality at compound interest. It is as if our legislators had contrived a lightning rod of damnation, sending down through all generations both the gangrene of this iniquity, and the wrath of God, kindling a fire in his anger that will burn to the lowest hell, even as it makes a corruption in our sin, that will putrify the morals of our latest posterity.

Should we recover from this rebellion, the insertion of such a privilege of cruelty, such a license and fixture of crime, in our legislation, is the sowing of a whirlwind of revolt and desolation for a future generation. It is the inevitable provision of future wrath, strife, civil war, local riots, the upheaval and upbreking of governments and institutions. The men who voted for this will receive the just curses of an injured world. "With what execration should the statesman be loaded," said Jefferson, "who, permitting one-half of the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other."

Citizenship, under a republican form of government, carries with it the right of suffrage, irrespective of race or colour. If the right of suffrage be restricted, it must be on other grounds, and in regard to all persons equally. For example, no man ought to be allowed to vote who cannot read and write. There are thousands of blacks who can read and write, but are not allowed to vote because they are black, while there are thousands of whites who cannot read nor write, but are allowed to vote because they are white. Persons are brought by emigration from Europe, and carried to the polls by ship loads, who can neither read nor write, while intelligent and educated persons born in this country are forbidden the privilege of voting.

There ought to be a uniform suffrage law ; but to base it upon

colour is the extreme of injustice and wrong. In the bill providing a republican government no colour should have been mentioned. To mention it, in order to exclude the coloured race from the privilege of representation, is to make them slaves. It is to renew and perpetuate the slaveholding oligarchy and aristocracy that has so long governed the land. They will hold their power as of old by means of the millions thus put under subjection to them. They will come back into the Union with that power, as imperious and insolent as ever; and this is the *status* unchanged which our foreign diplomacy, at the opening of the rebellion, pledged for them.

The coloured race being excluded from representation, their old owners, the white race, will hold it for them, as an increased political power in the government of the country. These four millions of disfranchised persons will continue to give to the South, nevertheless, a preponderating representation, the slaveholding States having always been allowed, in the apportionment of representatives in Congress, sixty per cent. of the slave population who, though they had no vote for themselves, manufactured votes for their masters and ours. They will still do the same thing. A State containing three hundred thousand slaves has always held, on account of representatives on that basis, a superior power in the House of Representatives equal to the representation of 180,000 free citizens. Now, if the slaves being emancipated are yet allowed no representation for themselves, no voice in the government, the same State will still have, on their account, a preponderance of 300,000 votes; so that 600,000 citizens in New York or New England would have only the same strength in the House of Representatives as 300,000 in Georgia or South Carolina. This is one of the consequences of withholding the right of representation from the coloured race under our present Constitution.

But the present Congress are assuming the power of prescribing the conditions of suffrage, and are exercising the authority beforehand, to direct the legislation of the States, by exclusion of a certain class of citizens of the United States from the privilege of representation, *on the ground of colour*. They have assumed the power of determining who shall and who shall not exercise the right of suffrage, and they have resolved that whites

alone shall exercise it. They need not have legislated on the subject at all. There was no call for it.

It is a crusade against the coloured race, doubly and inexcusably wanton, because (in the instance of this outrage in Montana for example,) it is affirmed that God and nature have ordained already that no coloured persons shall ever live in the territory of Montana. Why, then, go out of the way to proscribe them beforehand? Why add this insult to the injuries heaped upon the race who, by hundreds of thousands are offering their life for the salvation of our country, and whose bones, in the resurrection, will bear witness not so much against the rebels that murdered them, as against the country that proscribed them?

The thing is so unnecessary and exasperating an impiety before God and against man, so superfluously ungrateful, and base and wicked, that it is a wonder that God lets us live long enough to complete the crime. It is amazing that God has not given a commission to the rebel armies to march upon Washington and put every one of these heaven-defying legislators to the sword. It is such studied insult and impiety! The Common Council of Gomorrah could hardly have contrived anything worse.

7. It is in violation of the official oath of the President and Congress, who, being provided by the Constitution with the power to establish a uniform rule of naturalization, so that they could make, as they are bound to make, all persons born within the United States citizens, without respect to person, and being sworn to provide for all a republican form of government, were bound to see to it that no citizens were deprived of their right of representation under such government. Citizenship carries with it all rights, except those by law prevented—law equal and just for all parties. Neither colour nor race were ever contemplated or named in the Constitution as among those disqualifying causes, and, therefore, we are bound to prevent any such oppression, by our oath to see that the Constitution and the laws be executed.

8. It is in violation of particular treaties, which are covenants and laws as sacred as the Constitution. The treaty with France, at the time when Louisiana was ceded to this country, bound

this nation to protect, in all the privileges of free citizens, under a representative government, the free subjects of the province thus ceded. Among these are many thousands of free coloured persons, at the present day, intelligent, patriotic, loyal, whom this iniquitous legislation deprives, on account of their colour, not only of a natural and guaranteed right under our government, but of a right sworn to them as a class by treaty, knowing them to have been thus coloured. While millions of the Irish race, ignorant, unable to read or write, have been admitted to the privilege of suffrage, these have been shut out, in violation of a treaty which the President is sworn to fulfill.

9. All this has been done in the midst of the storm of divine vengeance in behalf of the oppressed and against their oppressors, in the midst of the most terrible war and carnage on account of Slavery, and while we have concocted a bill purporting to be the provision of the blessings of a republican form of government for States now in rebellion against our Union. We have set in the midst of this bill for the protection of eight millions of whites in rebellion, a provision disfranchising and branding for perpetual disfranchisement and oppression, four millions of blacks, four millions not in rebellion, four millions of loyal persons, to whom we have guaranteed their freedom. By express provision in this bill we exclude all these on account of their colour from the privileges which we guarantee to the rebels on account of their rebellion. This is a compound of hypocrisy and oppression before God, unexampled in history.

10. In this degradation of the colored race by law we imitate the government of the rebel Confederacy, and adopt their foundation. Alexander Stevens, the Vice-President of the rebel Confederacy, laid down its fundamental principle thus: "Our new government rests upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and moral condition." This is the very law now chosen by our present Congress as one of the foundation stones of the new republican form of government proposed to be guaranteed for the Southern States. It is part of our new Declaration of Independence, that the negro is not equal to the white man, subordination to the superior race being



his natural and moral condition. The men that could put this into the power of legislation would be prepared to add slavery, if found necessary to carry out their plan of subordination. If the blacks cannot be kept subordinate as free, they will be made slaves by the same authority and people who resolved by law that they should be subordinate.

#### CONCLUSION AND CONSEQUENCES.

The continued robbery of the coloured race by law; the re-enslavement of thousands without any notice of the outrage taken by the President; the return of slaves to slavery in so many cases by Generals of the army, and never one punished, though known, every case a violation of law; the continuance and execution of the fugitive slave law, up to the fourth year of the rebellion; the re-enactment of the fugitive slave law in that year under pretense of a bill repealing it, the infamy of its re-enactment on the ground of a regard to Southern rights, the rights of rebels and traitors against the government to traffic in the flesh of the citizens of the government as their property; the attempt to expatriate the coloured race; the assumption of the right on our part to deal with them as we please, disregarding their rights, in fact acting on the principle that black men have no rights that white men are bound to respect; the reluctance with which we have granted them any degree of justice;—all this, in the midst of the divine judgments, on account of these very sins! We need not go far to find reasons for disaster and defeat.

Olustee, Red River, Fort Pillow, Plymouth, followed on the heels of our own iniquitous legislation. The defeat of Gen. Banks, all the disasters in Louisiana, may be traced directly to our own madness and impiety in re-establishing slavery, and playing into the hands of the slave-power.

The crime of oppression by law on account of colour is a renewal of the sin on account of which God [is judging and punishing the land. It is as bold and impudent as when the profane prince of Israel selected his Midianitish paramour, amidst the weepings of the nation, under chastisement for that crime, and marched with her into a tent of adultery in open

day. The plague is gone forth for such impiety. It is as if the leaders of the people had raked the embers still smoking with the half consumed carcasses of Achan and his fellow criminals, and moulded an idol out of the blackened wedge of gold. It is an attempted rebuilding of a leprous house with the very stones that God had ordered to be burned to powder.

A republican form of government is grounded on the right of representation without respect to persons. The right of representation includes and necessitates the right of suffrage. If that right be restrained, it can only be for reasons that change it from a right to a wrong, as lunacy, or crime, or ignorance, or on grounds that apply equally to the whole inhabitants of the country, as minorship. But no class or race can be defrauded of that right, by reason of race or colour, without an oppression that is next to slavery, and that our fathers called slavery, and justified revolution and war rather than themselves endure it.

The right of representation is universal. If colour prevents it, then, if all were black, there could be no right of representation, no republican government. Africa is consigned to perpetual despotism. If race prevents it, then certain races on the globe can never enjoy a republican government. But the fraud on the ground of colour is at once the most insolent and impious towards God, and inhuman against man that ever was undertaken. It is oppression of the bitterest, most scornful, most galling and degrading kind. It sets the heel of the nation on the soul. It prevents the possibility of educating and elevating the unfortunate race thus branded. It is caste, worse than Asiatic Hindoo, Heathen, because Christian. If the Christian church submits to it, it degrades and demoralises the Christian Church. It is an injury inflicted by a conquering people, under pretense of emancipation, perhaps more sinful than the actual slavery imposed under pretense of ownership. There is no reason for it; it is superfluous; there is no possible advantage to be gained from it; it is pure, diabolical prejudice, the choice of evil, when good was equally convenient.

This question, if you leave it unsettled, will continue to convulse the State, even if this rebellion should be crushed and our Union restored, which it is not likely God will permit, with these millions built as objects of torture into it.

Every year it will be more necessary to settle it, yet every year more difficult. Prejudice will be renewed and strengthened; the envy, jealousy, and hatred of class and caste that already have filled our cities with riot and bloodshed will grow. It will be a thousand fold more difficult to eliminate colour from your legislation than it would have been, to keep it out; to repeal the law granting a monopoly of representation to the whites, and setting apart the blacks as excluded from that right, than to amend or nullify those laws, once passed. There is this woe to them that decree unrighteousness, and that write grievousness which they have prescribed: they never can undo the evil they have done.

As to the consequences, it is sowing the wind to reap the whirlwind. You may trample upon this race fresh from slavery, while their limbs are stiff and cramped from the habit of their manacles, and while the intellect and heart are accustomed to the sentiment of degradation, but let the race grow from four millions to ten, and ten million trained intellects and athletic frames will be in rebellion against you.

It needs no prophetic intuition to foresee the result. You are laying the foundation of a second St. Domingo baptism in blood. You are providing the certainty of a future independent empire and government of blacks in the South of your own country. By the time they are ten millions, you may think that you will be fifty, and will have nothing to fear from them. You are now twenty millions, and have not yet conquered eight million whites in rebellion. Make your calculations accordingly. The ten million blacks will not be such as they are now. They will be educated to a certain degree, in spite of your exclusion of them from the right of representation; they will become a military power; they will be smarting under their own wrongs, will be consolidated by some Toussaint whom God will raise up, and you cannot conquer them. They will have a juster cause, a more righteous argument, than our fathers had in the revolution against Great Britain; and we a cause even worse, after all the issues and lessons of this rebellion and war, than that of the Confed-earte rebels now against ourselves.

Perhaps that is to be the result, through our fool-hardy, impiety and infatuation. And if it be so, God's will be done! The

whole universe will hail with hallelujahs the final triumphant independence on this continent of the race whom we so long held as slaves, and afterwards as serfs on account of their colour; and will shout over the defeat and shame of the proud oppressing white nation. The spread-eagleism of the Monroe doctrine of these haughty pale faces will come to a fit conclusion in the possession of the choicest portion of the United States as an independent kingdom by a coloured race! The attributes of God will be vindicated, as no respecter of persons. The dying kiss of the martyr of the coloured race imprinted on the babe, in his way to the gallows, will prove to have been the prophecy of regeneration and dominion, but our Sun will go down while it is yet noon.

The question is still, Barabbas or Christ? It has been in public judicature now these three years, whom will this nation—its people, government, president, legislators—put to death, and whom will they spare and justify? And still Pilate stands and washes his hands before all the people, and asks: Whom will ye that I shall deliver unto you—Barabbas or Christ? The question will soon be settled. And if the coloured race be not released and delivered; if in the majesty of righteousness and national justice we do *not* deliver them, then their continuance in bondage will be with that awful condition—His blood be upon us and upon our children!

May the God of all our mercies save us from such perdition! We must return to him, and to the fulfilment of that work of JUSTICE, AND RIGHTEOUSNESS, which is the only work for which God has ordained governments on earth. **HE THAT RULETH OVER MEN MUST BE JUST, RULING IN THE FEAR OF GOD.** May God bestow upon us such a man, who will “make up the hedge and stand in the gap before God for the land, that he may not destroy it.”

