

## CHAPTER 15

# "What Is Freedom?": Reconstruction, 1865–1877

### 92. "Colloquy with Colored Ministers" (1865)

*Source: Journal of Negro History, Vol. 16, January 1931, pp. 88–92.  
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American Life.*

On the evening of January 12, 1865, twenty leaders of the local black community met in Savannah with General William T. Sherman and Secretary of War Edwin M. Stanton. Less than a month had passed since Sherman's army had captured the city, at the end of the March to the Sea. The group chose as its spokesman Garrison Frazier, a Baptist minister who had purchased the freedom of himself and his wife in 1856.

One of the most remarkable interchanges of those momentous years, the "Colloquy" offered a rare insight into African-Americans' ideas and aspirations at the dawn of freedom. Four days after the meeting, Sherman issued Special Field Order 15, which set aside the Sea Islands and a large area along the South Carolina and Georgia coasts for the settlement of black families on forty-acre plots of land. He also offered them broken-down mules that the army could no longer use. In Sherman's order lay the origins of the phrase, "forty acres and a mule," that would reverberate across the South in the next few years.

ON THE EVENING of Thursday, the 12th day of January, 1865, the following persons of African descent met, by appointment, to hold an interview with EDWIN M. STANTON, Secretary of War, and Major-General SHERMAN, to have a conference upon matters relating to the freedmen of the State of Georgia....

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*Garrison Frazier* being chosen by the persons present to express their common sentiments upon the matters of inquiry, makes answers to inquiries as follows:

1. State what your understanding is in regard to the acts of Congress, and President Lincoln's proclamation, touching the condition of the colored people in the rebel States.

*Answer.* So far as I understand President Lincoln's proclamation to the rebellious States, it is, that if they would lay down their arms and submit to the laws of the United States before the 1st of January, 1863, all should be well; but if they did not, then all the slaves in the rebel States should be free, henceforth and forever; that is what I understand.

2. State what you understand by slavery, and the freedom that was to be given by the President's Proclamation.

*Answer.* Slavery is receiving by irresistible power the work of another man, and not by his consent. The freedom, as I understand it, promised by the proclamation, is taking us from under the yoke of bondage and placing us where we could reap the fruit of our own labor, and take care of ourselves, and assist the Government in maintaining our freedom.

3. State in what manner you think you can take care of yourselves, and how can you best assist the Government in maintaining your freedom.

*Answer.* The way we can best take care of ourselves is to have land, and turn in and till it by our labor—that is, by the labor of the women, and children, and old men—and we can soon maintain ourselves and have something to spare; and to assist the Government, the young men should enlist in the service of the Government, and serve in

such manner as they may be wanted (the rebels told us that they piled them up and made batteries of them, and sold them to Cuba, but we don't believe that). We want to be placed on land until we are able to buy it and make it our own.

4. State in what manner you would rather live, whether scattered among the whites, or in colonies by yourselves.

*Answer.* I would prefer to live by ourselves, for there is a prejudice against us in the South that will take years to get over; but I do not know that I can answer for my brethren.

[*Mr. [James] Lynch* says he thinks they should not be separated, but live together. All the other persons present being questioned, one by one, answer that they agree with "brother *Frazier*."] ]

5. Do you think that there is intelligence enough among the slaves of the South to maintain themselves under the Government of the United States, and the equal protection of its laws, and maintain good and peaceable relations among yourselves and with your neighbors?

*Answer.* I think there is sufficient intelligence among us to do so.

6. State what is the feeling of the black population of the South toward the Government of the United States; what is the understanding in respect to the present war, its causes and object, and their disposition to aid either side; state fully your views.

*Answer.* I think you will find there is thousands that are willing to make any sacrifice to assist the Government of the United States, while there is also many that are not willing to take up arms. I do not suppose there is a dozen men that is opposed to the Government. I understand as to the war that the South is the aggressor. President Lincoln was elected President by a majority of the United States, which guaranteed him the right of holding the office and exercising that right over the whole United States. The South, without knowing what he would do, rebelled. The war was commenced by the rebels before he came into the office. The object of the war was not, at first, to give the slaves their freedom, but the sole object of the war was, at first to bring the rebellious States back into the Union, and their

loyalty to the laws of the United States. Afterwards, knowing the value that was set on the slaves by the rebels, the President thought that his proclamation would stimulate them to lay down their arms, reduce them to obedience, and help to bring back the rebel States; and their not doing so has now made the freedom of the slaves a part of the war. It is my opinion that there is not a man in this city that could be started to help the rebels one inch, for that would be suicide. There was two black men left with the rebels, because they had taken an active part for the rebels, and thought something might befall them if they staid behind, but there is not another man. If the prayers that have gone up for the Union army could be read out, you would not get through them these two weeks.

### Questions

1. Why do the black leaders believe that owning land is essential to freedom?
2. How do blacks understand their relationship to the national government as the Civil War draws to a close?

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### 93. Petition of Committee on Behalf of the Freedmen to Andrew Johnson (1865)

*Source: Henry Bram et al. to the President of the United States, October 28, 1865, P-27, 1865, Letters Received (series 15), Washington Headquarters, Freedmen's Bureau Papers, National Archives.*

By June 1865, some 40,000 freedpeople had been settled on "Sherman land" in South Carolina and Georgia, in accordance with Special Field Order 15. That summer, however, President Andrew Johnson, who had succeeded Lincoln, ordered nearly all land in federal hands returned to its former owners. In October, O. O. Howard, head of the Freedmen's Bureau, traveled to the Sea Islands to inform blacks of the new policy.

Howard was greeted with disbelief and protest. A committee drew up petitions to Howard and President Johnson. Their petition to the president pointed out that the government had encouraged them to occupy the land and affirmed that they were ready to purchase it if given the opportunity. Johnson rejected the former slaves' plea. And, throughout the South, because no land distribution took place, the vast majority of rural freedpeople remained poor and without property during Reconstruction.

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EDISTO ISLAND S.C. Oct 28th, 1865.

To the President of these United States. We the freedmen of Edisto Island South Carolina have learned From you through Major General O O Howard commissioner of the Freedmans Bureau. with deep sorrow and Painful hearts of the possibility of government restoring These lands to the former owners. We are well aware Of the many perplexing and trying questions that burden Your mind. and do therefore pray to god (the preserver of all and who has through our Late and beloved President (Lincoln) proclamation and the war made Us A free people) that he may guide you in making Your decisions. and give you that wisdom that Cometh from above to settle these great and Important Questions for the best interests of the country and the Colored race: Here is where secession was born and Nurtured Here is were we have toiled nearly all Our lives as slaves and were treated like dumb Driven cattle, This is our home, we have made These lands what they are. we were the only true and Loyal people that were found in posession of these Lands. we have been always ready to strike for Liberty and humanity yea to fight if needs be To preserve this glorious union. Shall not we who Are freedman and have been always true to this Union have the same rights as are enjoyed by Others? Have we broken any Law of these United States? Have we forfeited our rights of property In Land?—If not then! are not our rights as A free people and good citizens of these United States To be considered before the rights of those who were Found in rebellion against this good and just Government (and now being conquered)

come (as they Seem) with penitent hearts and beg forgiveness For past offences and also ask if their lands Cannot be restored to them are these rebellious Spirits to be reinstated in their *possessions* And we who have been abused and oppressed For many long years not to be allowed the Privilege of purchasing land But be subject To the will of these large Land owners? God forbid, Land monopoly is injurious to the advancement of the course of freedom, and if Government Does not make some provision by which we as Freedmen can obtain A Homestead, we have Not bettered our condition.

We have been encouraged by Government to take Up these lands in small tracts, receiving Certificates of the same—we have thus far Taken Sixteen thousand (16000) acres of Land here on This Island. We are ready to pay for this land When Government calls for it, and now after What has been done will the good and just government take from us all this right and make us Subject to the will of those who have cheated and Oppressed us for many years God Forbid!

We the freedmen of this Island and of the State of South Carolina—Do therefore petition to you as the President of these United States, that some provisions be made by which Every colored man can purchase land, and Hold it as his own. We wish to have A home if It be but A few acres, without some provision is Made our future is sad to look upon, yess our Situation is dangerous, we therefore look to you In this trying hour as A true friend of the poor and Neglected race, for protection and Equal Rights, with the privilege of purchasing A Homestead—A Homestead right here in the Heart of South Carolina.

We pray that God will direct your heart in Making such provision for us as freedmen which Will tend to united these states together stronger Than ever before—May God bless you in the Administration of your duties as the President Of these United States is the humble prayer Of us all.—

In behalf of the Freedmen

Henry Bram

Committee Ishmael Moultrie,

yates. Sampson

## Questions

1. How important is it for the petitioners to obtain land on Edisto Island, as opposed to elsewhere in the country?
2. What do they think is the relationship between owning land and freedom?

### 94. The Mississippi Black Code (1865)

*Source: Walter L. Fleming, ed., Documentary History of Reconstruction (Cleveland, 1906-1907), Vol. 1, pp. 281-90.*

During 1865, Andrew Johnson put into effect his own plan of Reconstruction, establishing procedures whereby new governments, elected by white voters only, would be created in the South. Among the first laws passed by the new governments were the Black Codes, which attempted to regulate the lives of the former slaves. These laws granted the freedpeople certain rights, such as legalized marriage, ownership of property, and limited access to the courts. But they denied them the right to testify in court in cases that only involved whites, serve on juries or in state militias, or to vote. And in response to planters' demands that the freedpeople be required to work on the plantations, the Black Codes declared that those who failed to sign yearly labor contracts could be arrested and hired out to white landowners. The Black Codes indicated how the white South would regulate black freedom if given a free hand by the federal government. But they so completely violated free labor principles that they discredited Johnson's Reconstruction policy among northern Republicans.

#### VAGRANT LAW

Sec. 2. . . . All freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January,

1866, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time, and all white persons so assembling themselves with freedmen, free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, free negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro, or mulatto, fifty dollars, and a white man two hundred dollars, and imprisoned at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months. . . .

Sec. 7. . . . If any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent tax-payer to any one who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

#### CIVIL RIGHTS OF FREEDMEN

Sec. 1. . . . That all freedmen, free negroes, and mulattoes may sue and be sued, implead and be impleaded, in all the courts of law and equity of this State, and may acquire personal property, and choses in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may: *Provided*, That the provisions of this section shall not be so construed as to allow any freedman, free negro, or mulatto to rent or lease any lands or tenements except in incorporated cities or towns. . . .

Sec. 2. . . . All freedmen, free negroes, and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons: *Provided*, That the clerk of probate shall keep separate records of the same.

Sec. 3. . . . All freedmen, free negroes, or mulattoes who do now and have herebefore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes; that it shall not be lawful for any freedman, free negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free negro, or mulatto; and any person who shall so intermarry, shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life; and those shall be deemed freedmen, free negroes, and mulattoes who are of pure negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor in each generation may have been a white person.

Sec. 4. . . . In addition to cases in which freedmen, free negroes, and mulattoes are now by law competent witnesses, freedmen, free negroes, or mulattoes shall be competent in civil cases, when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants; also in cases where freedmen, free negroes, and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants, and a white person or white persons, is or are the opposing party or parties, plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free negro, or mulatto: *Provided*, that in all cases said witnesses shall be examined in open court, on the stand; except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

Sec. 5. . . . Every freedman, free negro, and mulatto shall, on the second Monday of January, one thousand eight hundred and sixty-six and annually thereafter, have a lawful home or employment, and shall have written evidence thereof. . . .

Sec. 6. . . . All contracts for labor made with freedmen, free negroes, and mulattoes for a longer period than one month shall be in writing,

and in duplicate, attested and read to said freedman, free negro, or mulatto by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one; and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before the expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting.

Sec. 7. . . . Every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause. . . . *Provided*, that said arrested party, after being so returned, may appeal to the justice of the peace or member of the board of police of the county, who, on notice to the alleged employer, shall try summarily whether said appellant is legally employed by the alleged employer, and has good cause to quit said employer; either party shall have the right of appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of, as shall be right and just; and the decision of the county court shall be final.

#### CERTAIN OFFENSES OF FREEDMEN

Sec. 1. . . . That no freedman, free negro or mulatto, not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, shall keep or carry firearms of any kind, or any ammunition, dirk or bowie knife, and on conviction thereof in the county court shall be punished by fine, not exceeding ten dollars, and pay the costs of such proceedings, and all such arms or ammunition shall be forfeited to the informer. . . .

Sec. 2. . . . Any freedman, free negro, or mulatto committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment to animals, seditious speeches, insulting gestures, language, or acts, or assaults on any person, disturbance of the peace, exercising the func-

tion of a minister of the Gospel without a license from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor, the punishment of which is not specifically provided for by law, shall, upon conviction thereof in the county court, be fined not less than ten dollars, and not more than one hundred dollars, and may be imprisoned at the discretion of the court, not exceeding thirty days.

Sec. 3. . . . If any white person shall sell, lend, or give to any freedman, free negro, or mulatto any fire-arms, dirk or bowie knife, or ammunition, or any spirituous or intoxicating liquors, such person or persons so offending, upon conviction thereof in the county court of his or her county, shall be fined not exceeding fifty dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days. . . .

Sec. 5. . . . If any freedman, free negro, or mulatto, convicted of any of the misdemeanors provided against in this act, shall fail or refuse for the space of five days, after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry, to any white person who will pay said fine and all costs, and take said convict for the shortest time.

#### Questions

1. Why do you think the state of Mississippi required all black persons to sign yearly labor contracts but not white citizens?
2. What basic rights are granted to the former slaves and which are denied to them by the Black Code?

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#### 95. A Sharecropping Contract (1866)

*Source: Records of the Assistant Commissioner for the State of Tennessee, Bureau of Refugees, Freedmen, and Abandoned Lands, National Archives.*

Despite the widespread desire for land, few former slaves were able to acquire farms of their own in the post-Civil War South. Most ended up as sharecroppers, working on white-owned land for a share of the crop at the end of the growing season. Sharecropping was a kind of compromise between blacks' desire for independence from white control, and planters' desire for a disciplined labor force. This contract, representative of thousands, originated in Shelby County, Tennessee. The laborers sign with an X, as they are illiterate. Typical of early postwar contracts, it gave the planter the right to supervise the labor of his employees. Later sharecropping contracts afforded former slaves greater autonomy. Families would rent parcels of land, work it under their own direction, and divide the crop with the owner at the end of the year. But as the price of cotton fell after the Civil War, workers found it difficult to profit from the sharecropping system.

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THOMAS J. ROSS agrees to employ the Freedmen to plant and raise a crop on his Rosstown Plantation . . . On the following Rules, Regulations and Remunerations.

The said Ross agrees to furnish the land to cultivate, and a sufficient number of mules & horses and feed them to make and house said crop and all necessary farming utensils to carry on the same and to give unto said Freedmen whose names appear below one half of all the cotton, corn and wheat that is raised on said place for the year 1866 after all the necessary expenses are deducted out that accrues on said crop. Outside of the Freedmen's labor in harvesting, carrying to market and selling the same and the said Freedmen whose names appear below covenant and agrees to and with said Thomas J. Ross that for and in consideration of one half of the crop before mentioned that they will plant, cultivate, and raise under the management control and Superintendence of said Ross, in good faith, a cotton, corn and oat crop under his management for the year 1866. And we the said Freedmen agrees to furnish ourselves & families in provisions, clothing, medicine and medical bills and all, and every kind of other expenses that we may incur on said plantation for the year 1866 free of charge to said Ross. Should the said Ross fur-

nish us any of the above supplies or any other kind of expenses, during said year, are to settle and pay him out of the net proceeds of our part of the crop the retail price of the county at time of sale or any price we may agree upon. The said Ross shall keep a regular book account, against each and every one or the head of every family to be adjusted and settled at the end of the year.

We furthermore bind ourselves to and with said Ross that we will do good work and labor ten hours a day on an average, winter and summer. The time to run from the time we commence to the time we quit. . . . We further agree that we will lose all lost time, or pay at the rate of one dollar per day, rainy days excepted. In sickness and women lying in childbed are to lose the time and account for it to the other hands out of his or her part of the crop at the same rates that she or they may receive per annum.

We furthermore bind ourselves that we will obey the orders of said Ross in all things in carrying out and managing said crop for said year and be docked for disobedience. All is responsible for all farming utensils that is on hand or may be placed in care of said Freedmen for the year 1866 to said Ross and are also responsible to said Ross if we carelessly, maliciously maltreat any of his stock for said year to said Ross for damages to be assessed out of our wages for said year.

Samuel (X) Johnson, Thomas (X) Richard, Tinny (X) Fitch, Jessie (X) Simmons, Sophe (X) Pruden, Henry (X) Pruden, Frances (X) Pruden, Elijah (X) Smith

### Questions

1. How does the contract limit the freedom of the laborers?
  2. What kinds of benefits and risks for the freedpeople are associated with a sharecropping arrangement?
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**96. Elizabeth Cady Stanton, "Home Life"**  
(ca. 1875)

*Source: "Home Life," manuscript, ca. 1875, Elizabeth Cady Stanton Papers, Library of Congress.*

Women activists saw Reconstruction as the moment for women to claim their own emancipation. With blacks guaranteed equality before the law by the Fourteenth Amendment and black men given the right to vote by the Fifteenth, women demanded that the boundaries of American democracy be expanded to include them as well. Other feminists debated how to achieve "liberty for married women." In 1875, Elizabeth Cady Stanton drafted an essay demanding that the idea of equality, which had "revolutionized" American politics, be extended into private life. Genuine liberty for women, she insisted, required an overhaul of divorce laws (which generally required evidence of adultery, desertion, or extreme abuse to terminate a marriage) and an end to the authority men exercised over their wives.

Women's demand for the right to vote found few sympathetic male listeners. Even fewer supported liberalized divorce laws. But Stanton's extension of the idea of "liberty for women" into the most intimate areas of private life identified a question that would become a central concern of later generations of feminists.

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WE ARE IN the midst of a social revolution, greater than any political or religious revolution, that the world has ever seen, because it goes deep down to the very foundations of society. . . . A question of magnitude presses on our consideration, whether man and woman are equal, joint heirs to all the richness and joy of earth and Heaven, or whether they were eternally ordained, one to be sovereign, the other slave. . . . Here is a question with half the human family, and that the stronger half, on one side, who are in possession of the citadel, hold the key to the treasury and make the laws and public sentiment to suit their own purposes. Can all this be made to change base without prolonged discussion, upheavings, heartburnings, violence

and war? Will man yield what he considers to be his legitimate authority over woman with less struggle than have Popes and Kings their supposed rights over their subjects, or slaveholders over their slaves? No, no. John Stuart Mill says the generality of the male sex cannot yet tolerate the idea of living with an equal at the fireside; and here is the secret of the opposition to woman's equality in the state and the church—men are not ready to recognize it in the home. This is the real danger apprehended in giving woman the ballot, for as long as man makes, interprets, and executes the laws for himself, he holds the power under any system. Hence when he expresses the fear that liberty for woman would upset the family relation, he acknowledges that her present condition of subjection is not of her own choosing, and that if she had the power the whole relation would be essentially changed. And this is just what is coming to pass, the kernel of the struggle we witness to day.

This is woman's transition period from slavery to freedom and all these social upheavings, before which the wisest and bravest stand appalled, are but necessary incidents in her progress to equality. Conservatism cries out we are going to destroy the family. Timid reformers answer, the political equality of woman will not change it. They are both wrong. It will entirely revolutionize it. When woman is man's equal the marriage relation cannot stand on the basis it is to day. But this change will not destroy it; as state constitutions and statute laws did not create conjugal and maternal love, they cannot annual them. . . . We shall have the family, that great conservator of national strength and morals, after the present idea of man's headship is repudiated and woman set free. To establish a republican form of government [and] the right of individual judgment in the family must of necessity involve discussion, dissension, division, but the purer, higher, holier marriage will be evolved by the very evils we now see and deplore. This same law of equality that has revolutionized the state and the church is now knocking at the door of our homes and sooner or later there too it must do its work. Let us one and all wisely bring ourselves into line with this great law for man



will gain as much as woman by an equal companionship in the nearest and holiest relations of life. . . . So long as people marry from considerations of policy, from every possible motive but the true one, discord and division must be the result. So long as the State provides no education for youth on the questions and throws no safeguards around the formation of marriage ties, it is in honor bound to open wide the door of escape. From a woman's standpoint, I see that marriage as an indissoluble tie is slavery for woman, because law, religion and public sentiment all combine under this idea to hold her true to this relation, whatever it may be and there is no other human slavery that knows such depths of degradations as a wife chained to a man whom she neither loves nor respects, no other slavery so disastrous in its consequences on the race, or to individual respect, growth and development. . . .

. . .

By the laws of several states in this republic made by Christian representatives of the people divorces are granted to day for . . . seventeen reasons. . . . By this kind of legislation in the several states we have practically decided two important points: 1st That marriage is a dissoluble tie that may be sundered by a decree of the courts. 2nd That it is a civil contract and not a sacrament of the church, and the one involves the other. . . .

A legal contract for a section of land requires that the parties be of age, of sound mind, [and] that there be no flaw in the title. . . . But a legal marriage in many states in the Union may be contracted between a boy of fourteen and a girl of twelve without the consent of parents or guardians, without publication of banns. . . . Now what person of common sense, or conscience, can endorse laws as wise or prudent that sanction acts such as these. Let the state be logical: if marriage is a civil contract, it should be subject to the laws of all other contracts, carefully made, the parties of age, and all agreements faithfully observed. . . .

Let us now glance at a few of the popular objections to liberal divorce laws. It is said that to make divorce respectable by law, gospel and public sentiment is to break up all family relations. Which

is to say that human affections are the result and not the foundation of the canons of the church and statutes of the state. . . . To open the doors of escape to those who dwell in continual antagonism, to the unhappy wives of drunkards, libertines, knaves, lunatics and tyrants, need not necessarily embitter the relations of those who *are* contented and happy, but on the contrary the very fact of freedom strengthens and purifies the bond of union. When husbands and wives do not own each other as property, but are bound together only by affection, marriage will be a life long friendship and not a heavy yoke, from which both may sometimes long for deliverance. The freer the relations are between human beings, the happier. . . .

. . .

Home life to the best of us has its shadows and sorrows, and because of our ignorance this must needs be. . . . The day is breaking. It is something to know that life's ills are not showered upon us by the Good Father from a kind of Pandora's box, but are the results of causes that we have the power to control. By a knowledge and observance of law the road to health and happiness opens before [us]: a joy and peace that passeth all understanding shall yet be ours and Paradise regained on earth. When marriage results from a true union of intellect and spirit and when Mothers and Fathers give to their holy offices even that preparation of soul and body that the artist gives to the conception of his poem, statue or landscape, then will marriage, maternity and paternity acquire a new sacredness and dignity and a nobler type of manhood and womanhood will glorify the race!

## Questions

1. How does Stanton define the "social revolution" the United States underwent after the Civil War?
2. How does Stanton believe that individual freedom within the family can be established?

## 97. Frederick Douglass, "The Composite Nation" (1869)

Source: Philip S. Foner and Daniel Rosenberg, eds., *Racism, Dissent, and Asian Americans from 1850 to the Present* (Westport, Conn., 1993), pp. 217-30.

Another group that did not share fully in the expansion of rights inspired by the Civil War and Reconstruction was Asian-Americans. Prejudice against Asians was deeply entrenched, especially on the West Coast, where most immigrants from Asia lived. When the radical Republican Charles Sumner, senator from Massachusetts, moved to allow Asians to become naturalized citizens (a right that had been barred to them since 1790), senators from California and Oregon objected vociferously, and the proposal was defeated.

Another advocate of equal rights for Asian-Americans was Frederick Douglass. In his remarkable "Composite Nation" speech, delivered in Boston in 1869, Douglass condemned anti-Asian discrimination and called for giving them all the rights of other Americans, including the right to vote. Douglass's comprehensive vision of a country made up of people of all races and national origins and enjoying equal rights was too radical for the time, but it would win greater and greater acceptance during the twentieth century.

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THERE WAS A time when even brave men might look fearfully at the destiny of the Republic. When our country was involved in a tangled network of contradictions; when vast and irreconcilable social forces fiercely disputed for ascendancy and control; when a heavy curse rested upon our very soil, defying alike the wisdom and the virtue of the people to remove it; when our professions were loudly mocked by our practice and our name was a reproach and a by word to a mocking earth; when our good ship of state, freighted with the best hopes of the oppressed of all nations, was furiously hurled against the hard and flinty rocks of derision, and every cord, bolt, beam and bend in her body quivered beneath the shock, there was

some apology for doubt and despair. But that day has happily passed away. The storm has been weathered, and the portents are nearly all in our favor.

There are clouds, wind, smoke and dust and noise, over head and around, and there will always be; but no genuine thunder, with destructive bolt, menaces from any quarter of the sky.

The real trouble with us was never our system or form of Government, or the principles under lying it; but the peculiar composition of our people; the relations existing between them and the compromising spirit which controlled the ruling power of the country.

We have for a long time hesitated to adopt and may yet refuse to adopt, and carry out, the only principle which can solve that difficulty and give peace, strength and security to the Republic, *and that is the principle of absolute equality.*

We are a country of all extremes, ends and opposites; the most conspicuous example of composite nationality in the world. Our people defy all the ethnological and logical classifications. In races we range all the way from black to white, with intermediate shades which, as in the apocalyptic vision, no man can name a number.

In regard to creeds and faiths, the condition is no better, and no worse. Differences both as to race and to religion are evidently more likely to increase than to diminish.

We stand between the populous shores of two great oceans. Our land is capable of supporting one fifth of all the globe. Here, labor is abundant and here labor is better remunerated than any where else. All moral, social and geographical causes, conspire to bring to us the peoples of all other over populated countries.

Europe and Africa are already here, and the Indian was here before either. He stands to-day between the two extremes of black and white, too proud to claim fraternity with either, and yet too weak to withstand the power of either. Heretofore the policy of our government has been governed by race pride, rather than by wisdom. Until recently, neither the Indian nor the negro has been treated as a part of the body politic. No attempt has been made to inspire either with

a sentiment of patriotism, but the hearts of both races have been diligently sown with the dangerous seeds of discontent and hatred.

The policy of keeping the Indians to themselves, has kept the tomahawk and scalping knife busy upon our borders, and has cost us largely in blood and treasure. Our treatment of the negro has slacked humanity, and filled the country with agitation and ill-feeling and brought the nation to the verge of ruin.

Before the relations of these two races are satisfactorily settled, and in spite of all opposition, a new race is making its appearance within our borders, and claiming attention. It is estimated that not less than one-hundred thousand Chinamen are now within the limits of the United States. Several years ago every vessel, large or small, of steam or sail, bound to our Pacific coast and hailing from the Flowery kingdom, added to the number and strength of this element of our population.

Men differ widely as to the magnitude of this potential Chinese immigration. The fact that by the late treaty with China, we bind ourselves to receive immigrants from that country only as the subjects of the Emperor, and by the construction, at least, are bound not to naturalize them, and the further fact that Chinamen themselves have a superstitious devotion to their country and an aversion to permanent location in any other, contracting even to have their bones carried back should they die abroad, and from the fact that many have returned to China, and the still more stubborn that resistance to their coming has increased rather than diminished, it is inferred that we shall never have a large Chinese population in America. This however is not my opinion.

It may be admitted that these reasons, and others, may check and moderate the tide of immigration; but it is absurd to think that they will do more than this. Counting their number now, by the thousands, the time is not remote when they will count them by the millions. The Emperor's hold upon the Chinaman may be strong, but the Chinaman's hold upon himself is stronger.

Treaties against naturalization, like all other treaties, are limited by circumstances. As to the superstitious attachment of the Chinese

to China, that, like all other superstitions, will dissolve in the light and heat of truth and experience. The Chinaman may be a bigot, but it does not follow that he will continue to be one, tomorrow. He is a man, and will be very likely to act like a man. He will not be long in finding out that a country which is good enough to live in, is good enough to die in; and that a soil that was good enough to hold his body while alive, will be good enough to hold his bones when he is dead.

Those who doubt a large immigration, should remember that the past furnishes no criterion as a basis of calculation. We live under new and improved conditions of migration, and these conditions are constantly improving. America is no longer an obscure and inaccessible country. Our ships are in every sea, our commerce in every port, our language is heard all around the globe, steam and lightning have revolutionized the whole domain of human thought, changed all geographical relations, make a day of the present seem equal to a thousand years of the past, and the continent that Columbus only conjectured four centuries ago is now the center of the world.

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I have said that the Chinese will come, and have given some reasons why we may expect them in very large numbers in no very distant future. Do you ask, if I favor such immigration, I answer *I would*. Would you have them naturalized, and have them invested with all the rights of American citizenship? *I would*. Would you allow them to vote? *I would*. Would you allow them to hold office? *I would*.

But are there not reasons against all this? Is there not such a law or principle as that of self preservation? Does not every race owe something to itself? Should it not attend to the dictates of common sense? Should not a superior race protect itself from contact with inferior ones? Are not the white people the owners of this continent? Have they not the right to say what kind of people shall be allowed to come here and settle? Is there not such a thing as being more generous than wise? In the effort to promote civilization may we not corrupt and destroy what we have? Is it best to take on board more passengers than the ship will carry?

To all this and more I have one among many answers, altogether satisfactory to me, though I cannot promise that it will be so to you.

I submit that this question of Chinese immigration should be settled upon higher principles than those of a cold and selfish expediency. There are such things in the world as human rights. They rest upon no conventional foundation, but are external, universal, and indestructible. Among these, is the right of locomotion; the right of migration; the right which belongs to no particular race, but belongs alike to all and to all alike. It is the right you assert by staying here, and your fathers asserted by coming here. It is this great right that I assert for the Chinese and the Japanese, and for all other varieties of men equally with yourselves, now and forever. I know of no rights of race superior to the rights of humanity, and when there is a supposed conflict between human and national rights, it is safe to go to the side of humanity. I have great respect for the blue eyes and light haired races of America. They are a mighty people. In any struggle for the good things of this world they need have no fear. They have no need to doubt that they will get their full share.

But I reject the arrogant and scornful theory by which they would limit migratory rights, or any other essential human rights to themselves, and which would make them the owners of this great continent to the exclusion of all other races of men.

I want a home here not only for the negro, the mulatto and the Latin races; but I want the Asiatic to find a home here in the United States, and feel at home here, both for his sake and for ours. Right wrongs no man. If respect is had to majorities, the fact that only one fifth of the population of the globe is white, the other four fifths are colored, ought to have some weight and influence in disposing of this and similar questions. It would be a sad reflection upon the laws of nature and upon the idea of justice, to say nothing of a common Creator, if four-fifths of mankind were deprived of the rights of migration to make room for the one fifth. If the white race may exclude all other races from this continent, it may rightfully do the same in respect to all other lands, islands, capes and continents, and

thus have all the world to itself. Thus what would seem to belong to the whole, would become the property only of a part. So much for what is right, now let us see what is wise.

And here I hold that a liberal and brotherly welcome to all who are likely to come to the United States is the only wise policy which this nation can adopt.

...

I close these remarks as I began. If our action shall be in accordance with the principles of justice, liberty, and perfect human equality, no eloquence can adequately portray the greatness and grandeur of the future of the Republic.

We shall spread the network of our science and civilization over all who seek their shelter whether from Asia, Africa, or the Isles of the sea. We shall mold them all, each after his kind, into Americans; Indian and Celt, negro and Saxon, Latin and Teuton, Mongolian and Caucasian, Jew and Gentile, all shall here bow to the same law, speak the same language, support the same government, enjoy the same liberty, vibrate with the same national enthusiasm, and seek the same national ends.

## Questions

1. What does Douglass mean by the term "composite nation"?
2. Why does he believe that people should be allowed to move freely from one country to another?

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## 98. Robert B. Elliott on Civil Rights (1874)

*Source: Civil Rights. Speech of Hon. Robert B. Elliott, of South Carolina, in the House of Representatives, January 6, 1874 (Washington, D.C., 1874), pp. 1-8.*

One of the South's most prominent black politicians during Reconstruction, Robert B. Elliott appears to have been born in England and arrived in Boston shortly before the Civil War. He came to South Carolina in 1867, where he established a law office and was elected as a delegate to the state's constitutional convention of 1868. During the 1870s, he served in the legislature and was twice elected to the United States House of Representatives.

In January 1874, Elliott delivered a celebrated speech in Congress in support of the bill that became the Civil Rights Act of 1875. The measure outlawed racial discrimination in transportation and places of public accommodation like theaters and hotels. Thanks to the Civil War and Reconstruction, Elliott proclaimed, "equality before the law" regardless of race had been written into the laws and Constitution and had become an essential element of American freedom. Reconstruction, he announced, had "settled forever the political status of my race."

Elliott proved to be wrong. By the turn of the century, many of the rights blacks had gained after the Civil War had been taken away. It would be left to future generations to breathe new life into Elliott's dream of "equal, impartial, and universal liberty."

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SIR, IT IS scarcely twelve years since that gentleman [Alexander H. Stephens] shocked the civilized world by announcing the birth of a government which rested on human slavery as its corner-stone. The progress of events has swept away that *pseudo-government* which rested on greed, pride, and tyranny; and the race whom he then ruthlessly spurned and trampled on are here to meet him in debate, and to demand that the rights which are enjoyed by their former oppressors—who vainly sought to overthrow a Government which they could not prostitute to the base uses of slavery—shall be accorded to those who even in the darkness of slavery kept their allegiance true to freedom and the Union. Sir, the gentleman from Georgia has learned much since 1861; but he is still a laggard. Let him put away entirely the false and fatal theories which have so greatly marred an otherwise enviable record. Let him accept, in its fullness and beneficence, the great doctrine that American citizen-

ship carries with it every civil and political right which manhood can confer. Let him lend his influence, with all his masterly ability, to complete the proud structure of legislation which makes this nation worthy of the great declaration which heralded its birth, and he will have done that which will most nearly redeem his reputation in the eyes of the world, and best vindicate the wisdom of that policy which has permitted him to regain his seat upon this floor. . . .

. . .

Sir, equality before the law is now the broad, universal, glorious rule and mandate of the Republic. No State can violate that. Kentucky and Georgia may crowd their statute-books with retrograde and barbarous legislation; they may rejoice in the odious eminence of their consistent hostility to all the great steps of human progress which have marked our national history since slavery tore down the stars and stripes on Fort Sumter; but, if Congress shall do its duty, if Congress shall enforce the great guarantees which the Supreme Court has declared to be the one pervading purpose of all the recent amendments, then their unwise and unenlightened conduct will fall with the same weight upon the gentlemen from those States who now lend their influence to defeat this bill, as upon the poorest slave who once had no rights which the honorable gentlemen were bound to respect. . . .

No language could convey a more complete assertion of the power of Congress over the subject embraced in the present bill than is expressed [in the Fourteenth Amendment]. If the States do not conform to the requirements of this clause, if they continue to deny to any person within their jurisdiction the equal protection of the laws, or as the Supreme Court had said, "deny equal justice in its courts," then Congress is here said to have power to enforce the constitutional guarantee by appropriate legislation. That is the power which this bill now seeks to put in exercise. It proposes to enforce the constitutional guarantee against inequality and discrimination by appropriate legislation. It does not seek to confer new rights, nor to place rights conferred by State citizenship under the protection

of the United States, but simply to prevent and forbid inequality and discrimination on account of race, color, or previous condition of servitude. Never was there a bill more completely within the constitutional power of Congress. Never was there a bill which appealed for support more strongly to that sense of justice and fair-play which has been said, and in the main with justice, to be a characteristic of the Anglo-Saxon race. The Constitution warrants it; the Supreme Court sanctions it; justice demands it.

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

incline you to respect and guarantee their rights and privileges as citizens of our common Republic. But I remember that valor, devotion, and loyalty are not always rewarded according to their just deserts, and that after the battle some who have borne the brunt of the fray may, through neglect or contempt, be assigned to a subordinate place, while the enemies in war may be preferred to the sufferers.

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

### Questions

1. How does Elliott defend the constitutionality of the Civil Rights Bill?
2. Why does Elliott refer to the "cornerstone speech" of Alexander H. Stephens in making his argument?