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THE STATE OF GEORGIA ¹

March 16, 1870

(In the Senate)

"THE ISSUES . . . ARE MOMENTOUS"

Mr. President, I rise at this particular juncture in the discussion of the Georgia bill with feelings which perhaps never before entered into the experience of any member of this body. I rise, too, with misgivings as to the propriety of lifting my voice at this early period after my admission into the Senate. Perhaps it were wiser for me, so inexperienced in the details of senatorial duties, to have remained a passive listener in the progress of this debate; but when I remember that my term is short, and that the issues with which this bill is fraught are momentous in their present and future influence upon the well-being of my race, I would seem indifferent to the importance of the hour and recreant to the high trust imposed upon me if I hesitated to lend my voice on behalf of the loyal people of the South. I therefore waive all thoughts as to the propriety of taking a part in this discussion. When questions arise which bear upon the safety and protection of the loyal white and colored population of those states lately in rebellion I cannot allow any thought as to mere propriety to enter into my consideration of duty. The responsibilities of being the exponent of such a constituency as I have the honor to represent are fully appreciated by me. I bear about me daily the keenest sense of their weight, and that feeling prompts me now to lift my voice for the first time in this council chamber of the nation; and, sir, I stand today on this floor to appeal for protection from the strong arm of the government for her loyal

children, irrespective of color and race, who are citizens of the southern states, and particularly of the state of Georgia.

I am well aware, sir, that the idea is abroad that an antagonism exists between the whites and blacks, that that race which the nation raised from the degradation of slavery, and endowed with the full and unqualified rights and privileges of citizenship, are intent upon power, at whatever price it can be gained. It has been the well-considered purpose and aim of a class not confined to the South to spread this charge over the land, and their efforts are as vigorous to-day to educate the people of this nation into that belief as they were at the close of the war. It was not uncommon to find this same class, even during the rebellion, prognosticating a servile war. It may have been that "the wish was father to the thought." And, sir, as the recognized representative of my downtrodden people, I deny the charge, and hurl it back into the teeth of those who make it, and who, I believe, have not a true and conscientious desire to further the interests of the whole South. Certainly no one possessing any personal knowledge of the colored population of my own or other states need be reminded of the noble conduct of that people under the most trying circumstances in the history of the late war, when they were beyond the protection of the federal forces. While the confederate army pressed into its ranks every white male capable of bearing arms, the mothers, wives, daughters, and sisters of the southern soldiers were left defenseless and in the power of the blacks, upon whom the chains of slavery were still riveted; and to bind those chains the closer was

¹ U.S., Congress, Senate, *Congressional Globe*, 41st Cong., 2d sess., pp. 1986-88.

the real issue for which so much life and property was sacrificed.

"HOW DID THAT RACE ACT?"

And now, sir, I ask, how did that race act? Did they in those days of confederate weakness and impotence evince the malignity of which we hear so much? Granting, for the sake of argument, that they were ignorant and besotted, which I do not believe, yet with all their supposed ignorance and credulity they in their way understood as fully as you or I the awful import of the contest. They knew if the gallant corps of national soldiers were beaten back and their flag trailed in the dust that it was the presage of still heavier bondage. They longed, too, as their fathers did before them, for the advent of that epoch over which was shed the hallowed light of inspiration itself. They desired, too, with their fathers, to welcome the feet of the stranger shod with the peaceful preparation of good news. Weary years of bondage had told their tale of sorrow to the court of Heaven. In the councils of the great Father of all they knew the adjudication of their case, albeit delayed for years, in which patient suffering had nearly exhausted itself, would in the end bring to them the boon for which they sighed—God's most blessed gift to His creatures—the inestimable boon of liberty. They waited, and they waited patiently. In the absence of their masters they protected the virtue and chastity of defenseless women. Think, sir, for a moment, what the condition of this land would be today if the slave population had risen in servile insurrection against those who month by month were fighting to perpetuate that institution which brought to them all the evils of which they complained. Where would have been the security for property, female chastity, and childhood's innocence? The bloody counterpart of such a story of cruelty and wrong would have been paralleled only in those chapters of Jewish history as recorded by Josephus, or in the still later atrocities of that reign of terror which sent the unfortunate Louis XVI and Marie Antoinette to the scaffold. Nay, the deeds in that drama of

cold-blooded butchery would have out-Heroded the most diabolical acts of Herod himself.

"THEY ASK BUT THE RIGHTS WHICH ARE THEIRS"

Mr. President, I maintain that the past record of my race is a true index of the feelings which today animate them. They bear toward their former masters no revengeful thoughts, no hatreds, no animosities. They aim not to elevate themselves by sacrificing one single interest of their white fellow-citizens. They ask but the rights which are theirs by God's universal law, and which are the natural outgrowth, the logical sequence of the condition in which the legislative enactments of this nation have placed them. They appeal to you and to me to see that they receive that protection which alone will enable them to pursue their daily avocations with success and enjoy the liberties of citizenship on the same footing with their white neighbors and friends. I do not desire simply to defend my own race from unjust and unmerited charges, but I also desire to place upon record an expression of my full and entire confidence in the integrity of purpose with which I believe the president, Congress, and the Republican party will meet these questions so prolific of weal or woe, not only to my own people, but to the whole South. They have been, so far as I can read the history of the times, influenced by no spirit of petty tyranny. The poet has well said that—

It is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant.

And how have they used that power lodged in them by the people? In acts of cruelty and oppression toward those who sought to rend in twain this goodly fabric of our fathers, the priceless heritage of so much hardship and endurance in revolutionary times? Let the reconstruction enactments answer the interrogation. No poor words of mine are needed to defend the wise and beneficent legislation which has been extended alike to white and colored citizens. The Republican party is not inflamed, as some would fain have the country believe, against the white population of the South. Its borders are wide enough for all truly loyal men

to find within them peace and repose from the din and discord of angry faction. And be that loyal man white or black, that great party of our Republic will, if consistent with the record it has already made for posterity, throw around him the same impartial security in his pursuit of liberty and happiness. If a certain class at the South had accepted in good faith the benevolent overtures which were offered to them with no niggard hand today would not find our land still harassed with feuds and contentions.

THE NORTH OWES THE COLORED RACE A DEEP OBLIGATION

I remarked, Mr. President, that I rose to plead for protection for the defenseless race who now send their delegation to the seat of government to sue for that which this Congress alone can secure to them. And here let me say further, that the people of the North owe to the colored race a deep obligation which it is no easy matter to fulfill. When the federal armies were thinned by death and disaster, and somber clouds overhung the length and breadth of the Republic, and the very air was pregnant with the rumors of foreign interference—in those dark days of defeat, whose memories even yet haunt us as an ugly dream, from what source did our nation in its seeming death throes gain additional and new-found power? It was the sable sons of the South that valiantly rushed to the rescue, and but for their intrepidity and ardent daring many a northern fireside would miss today paternal counsels or a brother's love.

Sir, I repeat the fact that the colored race saved to the noble women of New England and the middle states men on whom they lean today for security and safety. Many of my race, the representatives of these men on the field of battle, sleep in the countless graves of the South. If those quiet resting-places of our honored dead could speak today what a mighty voice, like to the rushing of a mighty wind, would come up from those sepulchral homes! Could we resist the eloquent pleadings of their appeal? Ah, sir, I think that this question of immediate and ample protection for the loyal people of Georgia would lose its legal technicalities, and we would cease to hesitate in our provisions for their instant relief. Again, I regret

this delay on other grounds. The taunt is frequently flung at us that a Nemesis more terrible than the Greek personation of the anger of the gods awaits her hour of direful retribution. We are told that at no distant day a great uprising of the American people will demand that the Reconstruction acts of Congress be undone and blotted forever from the annals of legislative enactment. I inquire, sir, if this delay in affording protection to the loyalists of the state of Georgia does not lend an uncomfortable significance to this boasting sneer with which we so often meet? Delay is perilous at best; for it is as true in legislation as in physic, that the longer we procrastinate to apply the proper remedies the more chronic becomes the malady that we seek to heal.

The land wants such
As dare with rigor execute the laws.
Her festered members must be lanced and tented.
He's a bad surgeon that for pity spares
The part corrupted till the gangrene spread
And all the body perish. He that's merciful
Unto the bad is cruel to the good.

THE CIRCUMSTANCES IN GEORGIA

Mr. President, I favor the motion to strike out so much of the bill under debate as tends to abridge the term of the existing legislature of Georgia. Let me, then, as briefly as possible, review the history of the case which so urgently claims our prompt action. In the month of November 1867, an election was held by the authority of the reconstruction policy of this Congress in the state of Georgia. Its object was to settle by the ballot of her whole people, white and colored, whether it was expedient to summon a convention which should frame a constitution for civil government in that state. A certain class of the population declined to take any part in the election. The vote cast at that election represented thirty thousand white and eighty thousand colored citizens of the state. It was a majority, too, of the registered vote, and in consequence a convention was called. A number of the delegates who formed that convention were colored. By its authority a constitution was framed just and equitable in all its provisions. Race, color, or former condi-

tion of servitude found no barrier in any of its ample enactments, and it extended to those lately in armed rebellion all the privileges of its impartial requirements. This constitution was submitted to the people of the state for ratification. Every effort which human ingenuity could call into requisition to defeat its adoption was resorted to. The loyal population of the state was victorious; and notwithstanding the determination of some to defeat the constitution that same class sought under its provisions to procure the nomination for all the offices within the gift of the people. A number were declared elected as county officers and members of the general assembly.

Under the authority given by the act of Congress of June 25, 1868, the legislature thus elected convened on the Fourth of July of the same year in Atlanta. The act of Congress to which I refer reaffirmed certain qualifications which were demanded from all persons who were to hold office in the reconstructed states. After some delay a resolution was adopted by the legislature of Georgia declaring that that body was duly qualified, and thus began the civil government in the state. Peace and harmony seemed at last to have met together, truth and justice to have kissed each other. But their reign was of short duration. By and by the Reconstruction acts of Congress began to be questioned, and it was alleged that they were unconstitutional; and the legislature which was elected under the constitution framed and supported by colored men declared that a man having more than an eighth of African blood in his veins was ineligible to office or a seat in the legislature of the state of Georgia. These very men, to whom the Republican party extended all the rights and privileges of citizenship, whom they were empowered, if deemed expedient, to cut off forever from such beneficent grants, were the men to deny political equality to a large majority of their fellow-citizens. In the month of September 1868, twenty-eight members of the legislature were expelled from that body, and upon the assumption of the strange and startling hypothesis just mentioned they continued to legislate in open violation of the constitution. That constitution required by its provisions the establishment of a system of

free schools. Such provisions were wholly abortive, indeed a dead letter, for none were established. The courts of law, at least so far as colored men were regarded, were a shameless mockery of justice. And here an illustration, perhaps, will the better give point to my last remark. A case in which was involved the question whether or not a colored man was eligible to one of the county offices was taken before the superior court, and the judge upon the bench rendered as his judicial opinion that a man of color was not entitled to hold office. I am told, sir, that the colored man in question is a graduate of Oberlin, Ohio, and served with honor as a commissioned officer in the Union army during the late war. Is any comment needed in this body upon such a condition of affairs in the state of Georgia? Sir, I trust not.

Then, again, these facts were presented for the calm consideration of Congress in the following December, and the results of their deliberation may be seen in the report of the Committee on the Judiciary toward the close of January of last year. Congress took no action to remedy this state of affairs and aid the people of Georgia in obtaining the rights clearly guaranteed to them by the provisions of their state constitution.

"I PROTEST IN THE NAME OF TRUTH AND HUMAN RIGHTS"

In December last, at the earnest recommendation of the president, the act of the 22d of that month was adopted. It provided for the reassembling of the parties declared to have been elected by the general commanding that district, the restoration of the expelled persons of the legislature, and the rejection of disqualified persons by that body. The present legislature of Georgia has adopted the Fourteenth and Fifteenth Amendments to the Constitution of the United States and the fundamental conditions required by the act of June 25, 1868. The reconstructed state of Georgia now offers herself, through the constitutionally elected senators, as meet and fit for the recognition and admission by this Congress.

I have thus rapidly gone over the history of the events which have transpired in the state of Georgia till I have come to the legislation of the

present time. The Committee on Reconstruction in the other house prepared and presented a bill providing for the admission of the state on similar grounds to those on which my own state and Virginia were allowed to take their places in the Union. An amendment, however, was proposed in the House and adopted, the aim and purport of which is to legalize the organization of 1868, and declare that the terms of the members of the legislature, who have so recently qualified for a fair and just recognition by Congress, shall expire before they have completed their full term of two years under the constitution. Again, this amendment seeks to retain in office, whether approved by the legislature of the state or not, the judges who have declared, in opposition to the constitution and the law, that in the state of Georgia at least there exists a distinction as to race and color, so far as civil and political rights are concerned. If there be any meaning in the words of the constitution of that state no such class distinction as this exists; and, sir, I am at a loss to determine upon what grounds we are called upon to hedge in by congressional enactment any public servant who may still give utterance to such doctrines, which are part and parcel of the effete civilization of our Republic. If the legislature of Georgia thinks it right and proper to place in positions of trust and responsibility men of this school of political thought, certainly I shall not offer one objection. But let that

legislature assume the risk, as it is its true province, and let it also bear the consequences.

I do not believe that it can be proved that the state of Georgia has ever been beyond the control of Congress, nor that she has ever become fully admitted into the Union or entitled to representation since her impotent efforts to promote rebellion; and that therefore, when the act now under consideration and properly amended shall have been adopted, the government of that state and the legislature of that state will enter upon the terms of office, will assume the powers for good and right and justice which are prescribed in the constitution of that state, and that under the circumstances the Senate will not deny to the loyal men of Georgia the recognition of their recent victory.

And now, sir, I protest in the name of truth and human rights against any and every attempt to fetter the hands of one hundred thousand white and colored citizens of the state of Georgia. Sir, I now leave this question to the consideration of this body, and I wish my last words upon the great issues involved in the bill before us to be my solemn and earnest demand for full and prompt protection for the helpless loyal people of Georgia.

I appeal to the legislative enactments of this Congress, and ask if now, in the hour when a reconstructed state most needs support, this Senate, which hitherto has done so nobly, will not give it such legislation as it needs.