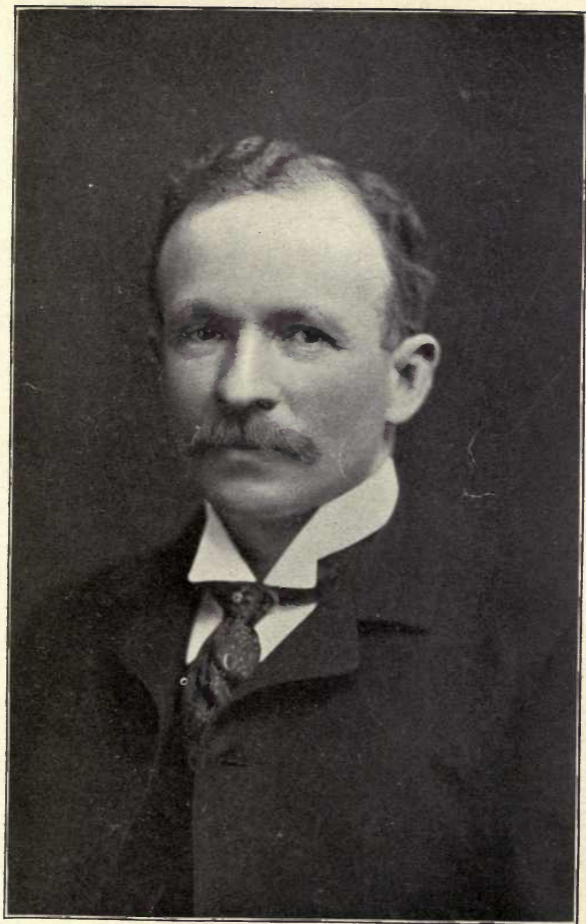


The Disfranchisement of the Negro

By CHARLES W. CHESNUTT

In this paper the author presents a straightforward statement of facts concerning the disfranchisement of the Negro in the Southern States. Mr. Chesnutt, who is too well known as a writer to need any introduction to an American audience, puts the case for the Negro to the American people very plainly, and spares neither the North nor the South.



CHARLES W. CHESNUTT.



THE DISFRANCHISEMENT OF THE NEGRO

The right of American citizens of African descent, commonly called Negroes, to vote upon the same terms as other citizens of the United States, is plainly declared and firmly fixed by the Constitution. No such person is called upon to present reasons why he should possess this right: that question is foreclosed by the Constitution. The object of the elective franchise is to give representation. So long as the Constitution retains its present form, any State Constitution, or statute, which seeks, by juggling the ballot, to deny the colored race fair representation, is a clear violation of the fundamental law of the land, and a corresponding injustice to those thus deprived of this right.

For thirty-five years this has been the law. As long as it was measurably respected, the col-

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ored people made rapid strides in education, wealth, character and self-respect. This the census proves, all statements to the contrary notwithstanding.) A generation has grown to manhood and womanhood under the great, inspiring freedom conferred by the Constitution and protected by the right of suffrage—protected in large degree by the mere naked right, even when its exercise was hindered or denied by unlawful means. They have developed, in every Southern community, good citizens, who, if sustained and encouraged by just laws and liberal institutions, would greatly augment their number with the passing years, and soon wipe out the reproach of ignorance, unthrift, low morals and social inefficiency, thrown at them indiscriminately and therefore unjustly, and made the excuse for the equally indiscriminating contempt of their persons and their rights. They have reduced their illiteracy nearly 50 per cent. Excluded from the institutions of higher learning in their own States, their young men hold their own, and occasion-

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ally carry away honors, in the universities of the North. They have accumulated three hundred million dollars worth of real and personal property. Individuals among them have acquired substantial wealth, and several have attained to something like national distinction in art, letters and educational leadership. They are numerous represented in the learned professions. Heavily handicapped, they have made such rapid progress that the suspicion is justified that their advancement, rather than any stagnation or retrogression, is the true secret of the virulent Southern hostility to their rights, which has so influenced Northern opinion that it stands mute, and leaves the colored people, upon whom the North conferred liberty, to the tender mercies of those who have always denied their fitness for it.

It may be said, in passing, that the word "Negro," where used in this paper, is used solely for convenience. By the census of 1890 there were 1,000,000 colored people in the country who were half, or more than half, white,

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and logically there must be, as in fact there are, so many who share the white blood in some degree, as to justify the assertion that the race problem in the United States concerns the welfare and the status of a mixed race. Their rights are not one whit the more sacred because of this fact; but in an argument where injustice is sought to be excused because of fundamental differences of race, it is well enough to bear in mind that the race whose rights and liberties are endangered all over this country by disfranchisement at the South, are the colored people who live in the United States to-day, and not the low-browed, man-eating savage whom the Southern white likes to set upon a block and contrast with Shakespeare and Newton and Washington and Lincoln.]

Despite and in defiance of the Federal Constitution, to-day in the six Southern States of Mississippi, Louisiana, Alabama, North Carolina, South Carolina and Virginia, containing an aggregate colored population of about 6,000,000, these have been, to all intents and pur-

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poses, denied, so far as the States can effect it, the right to vote. This disfranchisement is accomplished by various methods, devised with much transparent ingenuity, the effort being in each instance to violate the spirit of the Federal Constitution by disfranchising the Negro, while seeming to respect its letter by avoiding the mention of race or color.

These restrictions fall into three groups. The first comprises a property qualification—the ownership of \$300 worth or more of real or personal property (Alabama, Louisiana, Virginia and South Carolina); the payment of a poll tax (Mississippi, North Carolina, Virginia); an educational qualification—the ability to read and write (Alabama, Louisiana, North Carolina). Thus far, those who believe in a restricted suffrage everywhere, could perhaps find no reasonable fault with any one of these qualifications, applied either separately or together.

But the Negro has made such progress that these restrictions alone would perhaps not de-

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prive him of effective representation. Hence the second group. This comprises an "understanding" clause—the applicant must be able "to read, or understand when read to him, any clause in the Constitution" (Mississippi), or to read and explain, or to understand and explain when read to him, any section of the Constitution (Virginia); an employment qualification—the voter must be regularly employed in some lawful occupation (Alabama); a character qualification—the voter must be a person of good character and who "understands the duties and obligations of citizens under a republican (!) form of government" (Alabama). The qualifications under the first group it will be seen, are capable of exact demonstration; those under the second group are left to the discretion and judgment of the registering officer—for in most instances these are all requirements for registration, which must precede voting.

But the first group, by its own force, and the second group, under imaginable conditions,

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might exclude not only the Negro vote, but a large part of the white vote. Hence, the third group, which comprises: a military service qualification—any man who went to war, willingly or unwillingly, in a good cause or a bad, is entitled to register (Ala., Va.); a prescriptive qualification, under which are included all male persons who were entitled to vote on January 1, 1867, at which date the Negro had not yet been given the right to vote; a hereditary qualification, (the so-called “grandfather” clause), whereby any son (Va.), or descendant (Ala.), of a soldier, and (N. C.) the descendant of any person who had the right to vote on January 1, 1867, inherits that right. If the voter wish to take advantage of these last provisions, which are in the nature of exceptions to a general rule, he must register within a stated time, whereupon he becomes a member of a privileged class of permanently enrolled voters not subject to any of the other restrictions.

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It will be seen that these restrictions are variously combined in the different States, and it is apparent that if combined to their declared end, practically every Negro may, under color of law, be denied the right to vote, and practically every white man accorded that right. The effectiveness of these provisions to exclude the Negro vote is proved by the Alabama registration under the new State Constitution. Out of a total, by the census of 1900, of 181,471 Negro "males of voting age," less than 3,000 are registered; in Montgomery county alone, the seat of the State capital, where there are 7,000 Negro males of voting age, only 47 have been allowed to register, while in several counties not one single Negro is permitted to exercise the franchise.

These methods of disfranchisement have stood such tests as the United States Courts, including the Supreme Court, have thus far seen fit to apply, in such cases as have been before them for adjudication. These include a case based upon the "understanding" clause of

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the Mississippi Constitution, in which the Supreme Court held, in effect, that since there was no ambiguity in the language employed and the Negro was not directly named, the Court would not go behind the wording of the Constitution to find a meaning which discriminated against the colored voter; and the recent case of Jackson vs. Giles, brought by a colored citizen of Montgomery, Alabama, in which the Supreme Court confesses itself impotent to provide a remedy for what, by inference, it acknowledges *may* be a "great political wrong," carefully avoiding, however, to state that it is a wrong, although the vital prayer of the petition was for a decision upon this very point.

Now, what is the effect of this wholesale disfranchisement of colored men, upon their citizenship. The value of food to the human organism is not measured by the pains of an occasional surfeit, but by the effect of its entire deprivation. Whether a class of citizens should vote, even if not always wisely—what class does?—may best be determined by considering

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their condition when they are without the right to vote.

The colored people are left, in the States where they have been disfranchised, absolutely without representation, direct or indirect, in any law-making body, in any court of justice, in any branch of government—for the feeble remnant of voters left by law is so inconsiderable as to be without a shadow of power. Constituting one-eighth of the population of the whole country, two-fifths of the whole Southern people, and a majority in several States, they are not able, because disfranchised where most numerous, to send one representative to the Congress, which, by the decision in the Alabama case, is held by the Supreme Court to be the only body, outside of the State itself, competent to give relief from a great political wrong. By former decisions of the same tribunal, even Congress is impotent to protect their civil rights, the Fourteenth Amendment having long since, by the consent of the same Court, been in many respects as completely nul-

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lified as the Fifteenth Amendment is now sought to be. They have no direct representation in any Southern legislature, and no voice in determining the choice of white men who might be friendly to their rights. Nor are they able to influence the election of judges or other public officials, to whom are entrusted the protection of their lives, their liberties and their property. No judge is rendered careful, no sheriff diligent, for fear that he may offend a black constituency; the contrary is most lamentably true; day after day the catalogue of lynchings and anti-Negro riots upon every imaginable pretext, grows longer and more appalling. The country stands face to face with the revival of slavery; at the moment of this writing a federal grand jury in Alabama is uncovering a system of peonage established under cover of law.

Under the Southern program it is sought to exclude colored men from every grade of the public service; not only from the higher administrative functions, to which few of them would

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in any event, for a long time aspire, but from the lowest as well. A Negro may not be a constable or a policeman. He is subjected by law to many degrading discriminations. He is required to be separated from white people on railroads and street cars, and, by custom, debarred from inns and places of public entertainment. His equal right to a free public education is constantly threatened and is nowhere equitably recognized. In Georgia, as has been shown by Dr. DuBois, where the law provides for a pro rata distribution of the public school fund between the races, and where the colored school population is 48 per cent. of the total, the amount of the fund devoted to their schools is only 20 per cent. In New Orleans, with an immense colored population, many of whom are persons of means and culture, all colored public schools above the fifth grade have been abolished.

The Negro is subjected to taxation without representation, which the forefathers of this Republic made the basis of a bloody revolution.

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Flushed with their local success, and encouraged by the timidity of the Courts and the indifference of public opinion, the Southern whites have carried their campaign into the national government, with an ominous degree of success. If they shall have their way, no Negro can fill any federal office, or occupy, in the public service, any position that is not menial. This is not an inference, but the openly, passionately avowed sentiment of the white South. The right to employment in the public service is an exceedingly valuable one, for which white men have struggled and fought. A vast army of men are employed in the administration of public affairs. Many avenues of employment are closed to colored men by popular prejudice. If their right to public employment is recognized, and the way to it open through the civil service, or the appointing power, or the suffrages of the people, it will prove, as it has already, a strong incentive to effort and a powerful lever for advancement. Its value to the Negro, like that of the right to vote, may be

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judged by the eagerness of the whites to deprive him of it.

Not only is the Negro taxed without representation in the States referred to, but he pays, through the tariff and internal revenue, a tax to a National government whose supreme judicial tribunal declares that it cannot, through the executive arm, enforce its own decrees, and, therefore, refuses to pass upon a question, squarely before it, involving a basic right of citizenship. For the decision of the Supreme Court in the Giles case, if it foreshadows the attitude which the Court will take upon other cases to the same general end which will soon come before it, is scarcely less than a reaffirmation of the Dred Scott decision; it certainly amounts to this—that in spite of the Fifteenth Amendment, colored men in the United States have no political rights which the States are bound to respect. To say this much is to say that all privileges and immunities which Negroes henceforth enjoy, must be by favor of the whites; they are not *rights*. The whites

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have so declared; they proclaim that the country is theirs, that the Negro should be thankful that he has so much, when so much more might be withheld from him. He stands upon a lower footing than any alien; he has no government to which he may look for protection.

Moreover, the white South sends to Congress, on a basis including the Negro population, a delegation nearly twice as large as it is justly entitled to, and one which may always safely be relied upon to oppose in Congress every measure which seeks to protect the equality, or to enlarge the rights of colored citizens. The grossness of this injustice is all the more apparent since the Supreme Court, in the Alabama case referred to, has declared the legislative and political department of the government to be the only power which can right a political wrong. Under this decision still further attacks upon the liberties of the citizen may be confidently expected. Armed with the Negro's sole weapon of defense, the white South stands ready to smite down his rights.

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The ballot was first given to the Negro to defend him against this very thing. He needs it now far more than then, and for even stronger reasons. The 9,000,000 free colored people of to-day have vastly more to defend than the 3,000,000 hapless blacks who had just emerged from slavery. If there be those who maintain that it was a mistake to give the Negro the ballot at the time and in the manner in which it was given, let them take to heart this reflection: that to deprive him of it to-day, or to so restrict it as to leave him utterly defenseless against the present relentless attitude of the South toward his rights, will prove to be a mistake so much greater than the first, as to be no less than a crime, from which not alone the Southern Negro must suffer, but for which the nation will as surely pay the penalty as it paid for the crime of slavery. Contempt for law is death to a republic, and this one has developed alarming symptoms of the disease.

And now, having thus robbed the Negro of every political and civil *right*, the white South,

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in palliation of its course, makes a great show of magnanimity in leaving him, as the sole remnant of what he acquired through the Civil War, a very inadequate public school education, which, by the present program, is to be directed mainly towards making him a better agricultural laborer. Even this is put forward as a favor, although the Negro's property is taxed to pay for it, and his labor as well. For it is a well settled principle of political economy, that land and machinery of themselves produce nothing, and that labor indirectly pays its fair proportion of the tax upon the public's wealth. The white South seems to stand to the Negro at present as one, who, having been reluctantly compelled to release another from bondage, sees him stumbling forward and upward, neglected by his friends and scarcely yet conscious of his own strength; seizes him, binds him, and having bereft him of speech, of sight and of manhood, "yokes him with the mule" and exclaims, with a show of virtue which ought to deceive no one: "Behold how good a friend I

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am of yours! Have I not left you a stomach and a pair of arms, and will I not generously permit you to work for me with the one, that you may thereby gain enough to fill the other? A brain you do not need. We will relieve you of any responsibility that might seem to demand such an organ."

The argument of peace-loving Northern white men and Negro opportunists that the political power of the Negro having long ago been suppressed by unlawful means, his right to vote is a mere paper right, of no real value, and therefore to be lightly yielded for the sake of a hypothetical harmony, is fatally short-sighted. It is precisely the attitude and essentially the argument which would have surrendered to the South in the sixties, and would have left this country to rot in slavery for another generation. White men do not thus argue concerning their own rights. They know too well the value of ideals. Southern white men see too clearly the latent power of these unexercised rights. If the political pow-

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er of the Negro was a nullity because of his ignorance and lack of leadership, why were they not content to leave it so, with the pleasing assurance that if it ever became effective, it would be because the Negroes had grown fit for its exercise? On the contrary, they have not rested until the possibility of its revival was apparently headed off by new State Constitutions. Nor are they satisfied with this. There is no doubt that an effort will be made to secure the repeal of the Fifteenth Amendment, and thus forestall the development of the wealthy and educated Negro, whom the South seems to anticipate as a greater menace than the ignorant ex-slave. However improbable this repeal may seem, it is not a subject to be lightly dismissed; for it is within the power of the white people of the nation to do whatever they wish in the premises—they did it once; they can do it again. The Negro and his friends should see to it that the white majority shall never wish to do anything to his hurt. There still stands, before the Negro-hating whites of the South,

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the specter of a Supreme Court which will interpret the Constitution to mean what it says, and what those who enacted it meant, and what the nation, which ratified it, understood, and which will find power, in a nation which goes beyond seas to administer the affairs of distant peoples, to enforce its own fundamental laws; the specter, too, of an aroused public opinion which will compel Congress and the Courts to preserve the liberties of the Republic, which are the liberties of the people. To wilfully neglect the suffrage, to hold it lightly, is to tamper with a sacred right; to yield it for anything else whatever is simply suicidal. Dropping the element of race, disfranchisement is no more than to say to the poor and poorly taught, that they must relinquish the right to defend themselves against oppression until they shall have become rich and learned, in competition with those already thus favored and possessing the ballot in addition. This is not the philosophy of history. The growth of liberty has been the constant struggle of the

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poor against the privileged classes ; and the goal of that struggle has ever been the equality of all men before the law. The Negro who would yield this right, deserves to be a slave; he has the servile spirit. The rich and the educated can, by virtue of their influence, command many votes; can find other means of protection; the poor man has but one, he should guard it as a sacred treasure. Long ago, by fair treatment, the white leaders of the South might have bound the Negro to themselves with hoops of steel. They have not chosen to take this course, but by assuming from the beginning an attitude hostile to his rights, have never gained his confidence, and now seek by foul means to destroy where they have never sought by fair means to control.

I have spoken of the effect of disfranchisement upon the colored race; it is to the race as a whole, that the argument of the problem is generally directed. But the unit of society in a republic is the individual, and not the

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race, the failure to recognize this fact being the fundamental error which has beclouded the whole discussion. The effect of disfranchisement upon the individual is scarcely less disastrous. I do not speak of the moral effect of injustice upon those who suffer from it; I refer rather to the practical consequences which may be appreciated by any mind. No country is free in which the way upward is not open for every man to try, and for every properly qualified man to attain whatever of good the community life may offer. Such a condition does not exist, at the South, even in theory, for any man of color. In no career can such a man compete with white men upon equal terms. He must not only meet the prejudice of the individual, not only the united prejudice of the white community; but lest some one should wish to treat him fairly, he is met at every turn with some legal prohibition which says, "Thou shalt not," or "Thus far shalt thou go and no farther." But the Negro race is viable; it adapts itself readily to circumstances; and be-

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ing thus adaptable, there is always the temptation to

“Crook the pregnant hinges of the knee,
Where thrift may follow fawning.”

He who can most skilfully balance himself upon the advancing or receding wave of white opinion concerning his race, is surest of such measure of prosperity as is permitted to men of dark skins. There are Negro teachers in the South—the privilege of teaching in their own schools is the one respectable branch of the public service still left open to them—who, for a grudging appropriation from a Southern legislature, will decry their own race, approve their own degradation, and laud their oppressors. Deprived of the right to vote, and, therefore, of any power to demand what is their due, they feel impelled to buy the tolerance of the whites at any sacrifice. If to live is the first duty of man, as perhaps it is the first instinct, then those who thus stoop to conquer may be right. But is it needful to stoop so low, and

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if so, where lies the ultimate responsibility for this abasement?

I shall say nothing about the moral effect of disfranchisement upon the white people, or upon the State itself. What slavery made of the Southern whites is a matter of history. The abolition of slavery gave the South an opportunity to emerge from barbarism. Present conditions indicate that the spirit which dominated slavery still curses the fair section over which that institution spread its blight.

And now, is the situation remediless? If not so, where lies the remedy? First let us take up those remedies suggested by the men who approve of disfranchisement, though they may sometimes deplore the method, or regret the necessity.

Time, we are told, heals all diseases, rights all wrongs, and is the only cure for this one. It is a cowardly argument. These people are entitled to their rights to-day, while they are yet alive to enjoy them; and it is poor statesmanship and worse morals to nurse a

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present evil and thrust it forward upon a future generation for correction. The nation can no more honestly do this than it could thrust back upon a past generation the responsibility for slavery. It had to meet that responsibility; it ought to meet this one.

Education has been put forward as the great corrective—preferably industrial education. The intellect of the whites is to be educated to the point where they will so appreciate the blessings of liberty and equality, as of their own motion to enlarge and defend the Negro's rights. The Negroes, on the other hand, are to be so trained as to make them, not equal with the whites in any way—God save the mark! this would be unthinkable!—but so useful to the community that the whites will protect them rather than to lose their valuable services. Some few enthusiasts go so far as to maintain that by virtue of education the Negro will, in time, become strong enough to protect himself against any aggression of the whites; this, it may be said, is a strictly Northern view.

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It is not quite clearly apparent how education alone, in the ordinary meaning of the word, is to solve, in any appreciable time, the problem of the relations of Southern white and black people. The need of education of all kinds for both races is wofully apparent. But men and nations have been free without being learned, and there have been educated slaves. Liberty has been known to languish where culture had reached a very high development. Nations do not first become rich and learned and then free, but the lesson of history has been that they first become free and then rich and learned, and oftentimes fall back into slavery again because of too great wealth, and the resulting luxury and carelessness of civic virtues. The process of education has been going on rapidly in the Southern States since the Civil War, and yet, if we take superficial indications, the rights of the Negroes are at a lower ebb than at any time during the thirty-five years of their freedom, and the race prejudice more intense and uncompromising. It is

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not apparent that educated Southerners are less rancorous than others in their speech concerning the Negro, or less hostile in their attitude toward his rights. It is their voice alone that we have heard in this discussion; and if, as they state, they are liberal in their views as compared with the more ignorant whites, then God save the Negro!

I was told, in so many words, two years ago, by the Superintendent of Public Schools of a Southern city that "there was no place in the modern world for the Negro, except under the ground." If gentlemen holding such opinions are to instruct the white youth of the South, would it be at all surprising if these, later on, should devote a portion of their leisure to the improvement of civilization by putting under the ground as many of this superfluous race as possible?

The sole excuse made in the South for the prevalent injustice to the Negro is the difference in race, and the inequalities and antipathies resulting therefrom. It has nowhere

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been declared as a part of the Southern program that the Negro, when educated, is to be given a fair representation in government or an equal opportunity in life; the contrary has been strenuously asserted; education can never make of him anything but a Negro, and, therefore, essentially inferior, and not to be safely trusted with any degree of power. A system of education which would tend to soften the asperities and lessen the inequalities between the races would be of inestimable value. An education which by a rigid separation of the races from the kindergarten to the university, fosters this racial antipathy, and is directed toward emphasizing the superiority of one class and the inferiority of another, might easily have disastrous, rather than beneficial results. It would render the oppressing class more powerful to injure, the oppressed quicker to perceive and keener to resent the injury, without proportionate power of defense. The same assimilative education which is given at the North to all children alike,

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whereby native and foreign, black and white, are taught side by side in every grade of instruction, and are compelled by the exigencies of discipline to keep their prejudices in abeyance, and are given the opportunity to learn and appreciate one another's good qualities, and to establish friendly relations which may exist throughout life, is absent from the Southern system of education, both of the past and as proposed for the future. Education is in a broad sense a remedy for all social ills; but the disease we have to deal with now is not only constitutional but acute. A wise physician does not simply give a tonic for a diseased limb, or a high fever; the patient might be dead before the constitutional remedy could become effective. The evils of slavery, its injury to whites and blacks, and to the body politic, was clearly perceived and acknowledged by the educated leaders of the South as far back as the Revolutionary War and the Constitutional Convention, and yet they made no effort to abolish it. Their remedy was the

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same—time, education, social and economic development;—and yet a bloody war was necessary to destroy slavery and put its spirit temporarily to sleep. When the South and its friends are ready to propose a system of education which will recognize and teach the equality of all men before the law, the potency of education alone to settle the race problem will be more clearly apparent.

At present even good Northern men, who wish to educate the Negroes, feel impelled to buy this privilege from the none too eager white South, by conceding away the civil and political rights of those whom they would benefit. They have, indeed, gone farther than the Southerners themselves in approving the disfranchisement of the colored race. Most Southern men, now that they have carried their point and disfranchised the Negro, are willing to admit, in the language of a recent number of the *Charleston Evening Post*, that “the attitude of the Southern white man toward the Negro is incompatible with the fundamental ideas of

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the republic." It remained for our Clevelands and Abbotts and Parkhursts to assure them that their unlawful course was right and justifiable, and for the most distinguished Negro leader to declare that "every revised Constitution throughout the Southern States has put a premium upon intelligence, ownership of property, thrift and character." So does every penitentiary sentence put a premium upon good conduct; but it is poor consolation to the one unjustly condemned, to be told that he may shorten his sentence somewhat by good behavior. Dr. Booker T. Washington, whose language is quoted above, has, by his eminent services in the cause of education, won deserved renown. If he has seemed, at times, to those jealous of the best things for their race, to decry the higher education, it can easily be borne in mind that his career is bound up in the success of an industrial school; hence any undue stress which he may put upon that branch of education may safely be ascribed to the natural zeal of the promoter, without detracting in any

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degree from the essential value of his teachings in favor of manual training, thrift and character-building. But Mr. Washington's prominence as an educational leader, among a race whose prominent leaders are so few, has at times forced him, perhaps reluctantly, to express himself in regard to the political condition of his people, and here his utterances have not always been so wise nor so happy. He has declared himself in favor of a restricted suffrage, which at present means, for his own people, nothing less than complete loss of representation—indeed it is only in that connection that the question has been seriously mooted; and he has advised them to go slow in seeking to enforce their civil and political rights, which, in effect, means silent submission to injustice. Southern white men may applaud this advice as wise, because it fits in with their purposes; but Senator McEnery of Louisiana, in a recent article in the *Independent*, voices the Southern white opinion of such acquiescence when he says: "What other race

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would have submitted so many years to slavery without complaint? *What other race would have submitted so quietly to disfranchisement?* These facts stamp his (the Negro's) inferiority to the white race." The time to philosophize about the good there is in evil, is not while its correction is still possible, but, if at all, after all hope of correction is past. Until then it calls for nothing but rigorous condemnation. To try to read any good thing into these fraudulent Southern constitutions, or to accept them as an accomplished fact, is to condone a crime against one's race. Those who commit crime should bear the odium. It is not a pleasing spectacle to see the robbed applaud the robber. Silence were better.

It has become fashionable to question the wisdom of the Fifteenth Amendment. I believe it to have been an act of the highest statesmanship, based upon the fundamental idea of this Republic, entirely justified by conditions; experimental in its nature, perhaps, as every new thing must be, but just in principle;

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a choice between methods, of which it seemed to the great statesmen of that epoch the wisest and the best, and essentially the most just, bearing in mind the interests of the freedmen and the Nation, as well as the feelings of the Southern whites; never fairly tried, and therefore, not yet to be justly condemned. Not one of those who condemn it, has been able, even in the light of subsequent events, to suggest a better method by which the liberty and civil rights of the freedmen and their descendants could have been protected. Its abandonment, as I have shown, leaves this liberty and these rights frankly without any guaranteed protection. All the education which philanthropy or the State could offer as a *substitute* for equality of rights, would be a poor exchange; there is no defensible reason why they should not go hand in hand, each encouraging and strengthening the other. The education which one can demand as a right is likely to do more good than the education for which one must sue as a favor.

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The chief argument against Negro suffrage, the insistentlly proclaimed argument, worn threadbare in Congress, on the platform, in the pulpit, in the press, in poetry, in fiction, in impassioned rhetoric, is the reconstruction period. And yet the evils of that period were due far more to the venality and indifference of white men than to the incapacity of black voters. The revised Southern Constitutions adopted under reconstruction reveal a higher statesmanship than any which preceded or have followed them, and prove that the freed voters could as easily have been led into the paths of civic righteousness as into those of misgovernment. Certain it is that under reconstruction the civil and political rights of all men were more secure in those States than they have ever been since. We will hear less of the evils of reconstruction, now that the bugaboo has served its purpose by disfranchising the Negro, it will be laid aside for a time while the nation discusses the political corruption of great cities; the scandalous conditions in Rhode Island; the evils attending

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reconstruction in the Philippines, and the scandals in the postoffice department—for none of which, by the way, is the Negro charged with any responsibility, and for none of which is the restriction of the suffrage a remedy seriously proposed. Rhode Island is indeed the only Northern State which has a property qualification for the franchise!

There are three tribunals to which the colored people may justly appeal for the protection of their rights: the United States Courts, Congress and public opinion. At present all three seem mainly indifferent to any question of human rights under the Constitution. Indeed, Congress and the Courts merely follow public opinion, seldom lead it. Congress never enacts a measure which is believed to oppose public opinion;—your Congressman keeps his ear to the ground. The high, serene atmosphere of the Courts is not impervious to its voice; they rarely enforce a law contrary to public opinion, even the Supreme Court being able, as Charles Sumner once put it, to find a reason for

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every decision it may wish to render ; or, as experience has shown, a method to evade any question which it cannot decently decide in accordance with public opinion. The art of straddling is not confined to the political arena. The Southern situation has been well described by a colored editor in Richmond: "When we seek relief at the hands of Congress, we are informed that our plea involves a legal question, and we are referred to the Courts. When we appeal to the Courts, we are gravely told that the question is a political one, and that we must go to Congress. When Congress enacts remedial legislation, our enemies take it to the Supreme Court, which promptly declares it unconstitutional." The Negro might chase his rights round and round this circle until the end of time, without finding any relief.

Yet the Constitution is clear and unequivocal in its terms, and no Supreme Court can indefinitely continue to construe it as meaning anything but what it says. This Court should be bombarded with suits until it makes some defi-

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nite pronouncement, one way or the other, on the broad question of the constitutionality of the disfranchising Constitutions of the Southern States. The Negro and his friends will then have a clean-cut issue to take to the forum of public opinion, and a distinct ground upon which to demand legislation for the enforcement of the Federal Constitution. The case from Alabama was carried to the Supreme Court expressly to determine the constitutionality of the Alabama Constitution. The Court declared itself without jurisdiction, and in the same breath went into the merits of the case far enough to deny relief, without passing upon the real issue. Had it said, as it might with absolute justice and perfect propriety, that the Alabama Constitution is a bold and impudent violation of the Fifteenth Amendment, the purpose of the lawsuit would have been accomplished and a righteous cause vastly strengthened.

But public opinion cannot remain permanently indifferent to so vital a question. The agi-

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tation is already on. It is at present largely academic, but is slowly and resistlessly, forcing itself into politics, which is the medium through which republics settle such questions. It cannot much longer be contemptuously or indifferently elbowed aside. The South itself seems bent upon forcing the question to an issue, as, by its arrogant assumptions, it brought on the Civil War. From that section, too, there come now and then, side by side with tales of Southern outrage, excusing voices, which at the same time are accusing voices; which admit that the white South is dealing with the Negro unjustly and unwisely; that the Golden Rule has been forgotten; that the interests of white men alone have been taken into account, and that their true interests as well are being sacrificed. There is a silent white South, uneasy in conscience, darkened in counsel, groping for the light, and willing to do the right. They are as yet a feeble folk, their voices scarcely audible above the clamor of the mob. May their convictions ripen into wisdom, and may their num-

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bers and their courage increase! If the class of Southern white men of whom Judge Jones of Alabama, is so noble a representative, are supported and encouraged by a righteous public opinion at the North, they may, in time, become the dominant white South, and we may then look for wisdom and justice in the place where, so far as the Negro is concerned, they now seem well-nigh strangers. But even these gentlemen will do well to bear in mind that so long as they discriminate in any way against the Negro's equality of right, so long do they set class against class and open the door to every sort of discrimination. There can be no middle ground between justice and injustice, between the citizen and the serf.

It is not likely that the North, upon the sober second thought, will permit the dearly-bought results of the Civil War to be nullified by any change in the Constitution. As long as the Fifteenth Amendment stands, the *rights* of colored citizens are ultimately secure. There were would-be despots in England after the

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granting of Magna Charta; but it outlived them all, and the liberties of the English people are secure. There was slavery in this land after the Declaration of Independence, yet the faces of those who love liberty have ever turned to that immortal document. So will the Constitution and its principles outlive the prejudices which would seek to overthrow it.

What colored men of the South can do to secure their citizenship to-day, or in the immediate future, is not very clear. Their utterances on political questions, unless they be to concede away the political rights of their race, or to soothe the consciences of white men by suggesting that the problem is insoluble except by some slow remedial process which will become effectual only in the distant future, are received with scant respect—could scarcely, indeed, be otherwise received, without a voting constituency to back them up,—and must be cautiously made, lest they meet an actively hostile reception. But there are many colored men at the North, where their civil and polit-

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ical rights in the main are respected. There every honest man has a vote, which he may freely cast, and which is reasonably sure to be fairly counted. When this race develops a sufficient power of combination, under adequate leadership,—and there are signs already that this time is near at hand,—the Northern vote can be wielded irresistibly for the defense of the rights of their Southern brethren.

In the meantime the Northern colored men have the right of free speech, and they should never cease to demand their rights, to clamor for them, to guard them jealously, and insistently to invoke law and public sentiment to maintain them. He who would be free must learn to protect his freedom. Eternal vigilance is the price of liberty. He who would be respected must respect himself. The best friend of the Negro is he who would rather see, within the borders of this republic one million free citizens of that race, equal before the law, than ten million cringing serfs existing by a contemptuous sufferance. A race that is willing to survive upon any other terms is scarcely worthy of consideration.

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The direct remedy for the disfranchisement of the Negro lies through political action. One scarcely sees the philosophy of distinguishing between a civil and a political right.] But the Supreme Court has recognized this distinction and has designated Congress as the power to right a political wrong. The Fifteenth Amendment gives Congress power to enforce its provisions. The power would seem to be inherent in government itself; but anticipating that the enforcement of the Amendment might involve difficulty, they made the supererogatory declaration. Moreover, they went further, and passed laws by which they provided for such enforcement. These the Supreme Court has so far declared insufficient. It is for Congress to make more laws. It is for colored men and for white men who are not content to see the blood-bought results of the Civil War nullified, to urge and direct public opinion to the point where it will demand stringent legislation to enforce the Fourteenth and Fifteenth Amendments. This demand will rest in law, in morals and in true statesmanship; no difficulties

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attending it could be worse than the present ignoble attitude of the Nation toward its own laws and its own ideals—without courage to enforce them, without conscience to change them, the United States presents the spectacle of a Nation drifting aimlessly, so far as this vital, National problem is concerned, upon the sea of irresolution, toward the maelstrom of anarchy.

The right of Congress, under the Fourteenth Amendment, to reduce Southern representation can hardly be disputed. But Congress has a simpler and more direct method to accomplish the same end. It is the sole judge of the qualifications of its own members, and the sole judge of whether any member presenting his credentials has met those qualifications. It can refuse to seat any member who comes from a district where voters have been disfranchised; it can judge for itself whether this has been done, and there is no appeal from its decision.

If, when it has passed a law, any Court shall refuse to obey its behests, it can impeach the judges. If any president refuse to lend the executive arm of the government to the enforce-

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ment of the law, it can impeach the president. No such extreme measures are likely to be necessary for the enforcement of the Fourteenth and Fifteenth Amendments—and the Thirteenth, which is also threatened—but they are mentioned as showing that Congress is supreme; and Congress proceeds, the House directly, the Senate indirectly, from the people and is governed by public opinion. If the reduction of Southern representation were to be regarded in the light of a bargain by which the Fifteenth Amendment was surrendered, then it might prove fatal to liberty. If it be inflicted as a punishment and a warning, to be followed by more drastic measures if not sufficient, it would serve a useful purpose. The Fifteenth Amendment declares that the right to vote *shall not* be denied or abridged on account of color; and any measure adopted by Congress should look to that end. Only as the power to injure the Negro in Congress is reduced thereby, would a reduction of representation protect the Negro; without other measures it would still leave him in

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the hands of the Southern whites, who could safely be trusted to make him pay for their humiliation.

Finally, there is, somewhere in the Universe a "Power that works for righteousness," and that leads men to do justice to one another. To this power, working upon the hearts and consciences of men, the Negro can always appeal. He has the right upon his side, and in the end the right will prevail. The Negro will, in time, attain to full manhood and citizenship throughout the United States. No better guaranty of this is needed than a comparison of his present with his past. Toward this he must do his part, as lies within his power and his opportunity. But it will be, after all, largely a white man's conflict, fought out in the forum of the public conscience. The Negro, though eager enough when opportunity offered, had comparatively little to do with the abolition of slavery, which was a vastly more formidable task than will be the enforcement of the Fifteenth Amendment.