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A SPEECH

ON

“EQUALITY BEFORE THE LAW,”

DELIVERED BY

J. MERCER LANGSTON,

IN THE

HALL OF REPRESENTATIVES, IN THE CAPITOL OF MISSOURI,

ON THE


EVENING OF THE 9<sup>TH</sup> DAY OF JANUARY, 1866.

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ST. LOUIS:

PRINTED AT THE DEMOCRAT BOOK AND JOB PRINTING HOUSE.

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## CORRESPONDENCE.

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ST. LOUIS, *January 27th*, 1866.

JOHN M. LANGSTON, Esq.:

*Dear Sir* — Feeling that our canvass of Missouri for “Equality before the Law” would be incomplete without the publication of your Speech, delivered on the the evening of the 9th of January, 1866, before the Missouri State Legislature, we, the undersigned gentlemen, composing the Missouri State Executive Committee, address you this note to request you to furnish us your Speech, delivered on the occasion above referred to, that we may have the same published in pamphlet form and distributed throughout our State.

With many grateful considerations for your most valuable services rendered the cause of Freedom during your labors in Missouri,

We are, sir, most respectfully yours,

H. MCGEE ALEXANDER, *Ch'n.*  
COL. FRANK ROBERSON,  
SAMUEL HELMS,  
DR. G. P. DOWNNING,  
GEORGE WEDLEY,  
MOSES DICKSON,  
REV. J. BOWMAN,

} *Committee.*

J. MILTON TURNER, *Secretary to Committee.*

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ST. LOUIS, *January 30th*, 1866.

Messrs. H. MCGEE ALEXANDER and others, Committee.

*Dear Sirs* — Your letter, bearing date of the 27th instant, in which you ask me to furnish you, for publication, the Speech delivered by me in the Hall of Representatives at the capital of your State, on the 9th of this month, is before me.

I thank you for the expression of kind consideration it conveys. It affords me great pleasure to comply with your request, and I herewith send you the Speech, of which you may make such use as your judgment dictates.

With sentiments of very high regard,

I have the honor to be your most obed't serv't,

J. MERCER LANGSTON.



## REMARKS OF THE HON. ENOS CLARK.

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*Members of the General Assembly, Ladies and Gentlemen:*

I have the pleasure of introducing to you one who, in the past, has ever faithfully and eloquently plead for the manhood of his oppressed people while bound in the chains of a chattel slavery; and now that they have been proclaimed forever freemen through the inexorable logic of arms and a progressive civilization, he comes here to-night as the advocate of their claims and completed rights as American citizens before our laws; I present to you JOHN M. LANGSTON, Esq., of Ohio.

Thereupon Mr. LANGSTON came forward and spoke substantially as follows :

*My Friends and Fellow-Citizens:*

I deem myself fortunate indeed that I am permitted to appear before you at this time, under these very agreeable and auspicious circumstances. It is difficult for me to understand and appreciate properly the moral significance of the fact which here and now confronts me. How is it that I am allowed to stand in this sacred place—to speak in this Hall, dedicated to the consideration of all those great matters which appertain to the welfare of the State and the enactment of those laws which conserve the interests of the people? Upon many and important occasions *white men* have spoken from this stand. Some of them have been permitted to utter, even from this very spot, words foul with disloyalty and treason. But hitherto the *colored man* has not been permitted to utter his voice within these walls. It is my duty at once to make to you all, especially to your legislators, the expression of my most profound thanks for this privilege and honor. Although I am admonished that in this assembly it becomes me to cultivate great moderation in my utterances, yet while I use none other than “the words of truth and soberness,” as the

advocate and representative of fifty thousand newly-emancipated persons in your State, I shall travel to the very verge of Truth, to the confines of Freedom itself, in demanding for them all those rights and powers which humanity, justice, law, and liberty guarantee to all the sons and daughters of our common Father. I am here to ask, on behalf of these freedmen, *complete, absolute equality before Missouri law*. I am here to ask you to adopt the proper Constitutional measures for the amendment of your organic law, by the erasure of the word "*white*" wherever it occurs therein, and thus make *manhood*, not color, the basis of suffrage.

I come not here in the sour, the morose, spirit of the faultfinder. My heart abounds rather in sentiments of gratitude and thankfulness for what you have already done for the men who, less than one year ago, were slaves in this State. You have not yet celebrated the first anniversary of the abolition of your slavery, and yet you have done far more for your colored inhabitants than Ohio, Indiana, or Illinois have done for theirs. To-day, in Missouri, a colored person may bring a suit in any and all Courts; may be a competent witness therein; may make all kinds of contracts; may acquire, hold, and transmit property; and is liable to none other than the usual punishments for offenses committed by him. Your Constitution provides for him, as well as for all others, the advantages and blessings of a free common school; and it permits him, unlike the Constitutions of the other States just named, to become a part of the militia of the State. To-day colored men in this State occupy high positions in connection with your State Militia, and are justly proud of their commissions. There are two things more which we are asking of you in this State, and which the colored men of the country are asking at the hands of the Nation. I refer to the ballot and the impartial jury-trial, both of which are birthrights appertaining to every native American.

In asking the use of the ballot, and the consequent right of trial by a jury of political equals, we come with our argument based upon the Declaration of Independence, which announces, in the first place, the doctrine of man's equality by birth; and, secondly, that governments derive their just powers from the con-

sent of the governed. We come with our argument based upon the Constitution of the United States, which, while it abolishes slavery throughout our country, makes it the duty of Congress to guarantee to each State a republican form of government, and gives to the citizens of each State all the privileges and immunities of citizens in the several States. And we come, too, with our argument based upon the practices of the Fathers of the Republic; for they made no discriminations adversely to any class of the people founded upon complexional differences. This was left for a race that knew not Joseph. We ask, therefore, a patient and candid hearing for our cause.

It is a remarkable fact that among well-nigh all the people of the country the opinion obtains that this is, in such a sense, a white man's government; that the colored American never did and never can have a standing-place under it. This was certainly the impression of the citizens of your own State, when, in 1819, you framed your first Constitution, and under it asked admission to the Union. For in that document you inserted a provision that your Legislature should pass laws “to prevent *free negroes* and *mulattoes* from coming to or settling in the State;” which provision the Hon. John H. Eaton, then a member of Congress from Tennessee, said appeared to him to be unconstitutional, because there were, at that time, many persons of that description in several of the States who were not only citizens in the ordinary acceptation of the term, but electors, voting at both State and National elections. Indeed, Mr. Eaton was himself, at the very moment when he interposed this objection to your Constitution, representing a State in which black and mulatto persons were voters. This objection, you will recollect, our Congress held was well founded; and on the 26th day of February, 1821, Mr. Clay, as Chairman of the committee on the part of the House to consider and report on the expediency of admitting Missouri, reported a resolution providing “that Missouri shall be admitted into the Union on an equal footing with the original States, upon the *fundamental condition* that the fourth clause of the twenty-sixth section of the third article of the Constitution submitted on on the part of said State to Congress *shall never be construed* to authorize the passage of any law by which any citizen of either



of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States.” This resolution was adopted by the House, and concurred in by the Senate; and the Legislature was required to, and did, by “a *solemn public act*,” declare the assent of your State to this condition. And thereupon, on the fourth day of November thereafter, the President of the United States did, by proclamation, announce her complete admission. Thus your State came into the Union recognizing and admitting the legal *status*, the citizenship, of the colored American. The general and persistent use of the word “white” in certain State and Federal documents shows how widely spread and deeply seated this opinion has always been. Indeed, it has not been uncommon for distinguished officials, occupying high positions in the State and National Governments, to make the assertion that ours *is and shall remain a white man’s Government*.

The use of this word “white,” and the doctrine it implies, had an early origin in connection with American politics. Its history, briefly considered, may not prove uninteresting or unedifying in this discussion. It certainly will show how utterly the Fathers of the Government were opposed to all discriminations among the people founded on mere color.

As all persons well-read in our political history understand, this word had its origin *just where treason*, in this country, had its. It was South Carolina that made the proposition, when the Articles of Confederation were under consideration in Congress, to insert the word “white” between the words “free” and “inhabitants,” in the fourth article of that document, and make it read that “the free *white* inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States.” Eleven States were called upon to vote on this proposition. Each State had one vote. Eight States voted against it, two States for it, and one State was divided in her vote. Thus, as early as 1778, with an unusual unanimity, our Fathers branded this word, and set their seal of disapprobation upon the unjust discrimination which it imports.

Some nine years thereafter the Northwestern Territory, ceded to the General Government by the Commonwealth of Virginia, became the subject of special legislation in the Congress of the Confederation; and the celebrated Ordinance of 1787 was adopted for its government. That document speaks of “free male inhabitants;” it describes the person who is “eligible or qualified” to act as a representative in the General Assembly; it declares “that he must have been a citizen of one of the United States for three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same.” It defines, also, the qualifications of an elector of a representative, in these words: “That a freehold in fifty acres of land in the district, having been a citizen of one of the United States, and being resident in the district, or the like freehold and two years’ residence in the district, shall be necessary to qualify a man as an elector of a representative.” No where in this definition of the qualifications of a representative, or elector, do we find any discrimination as to complexion. The word “*white*” is not to be found in all that ordinance; and under it colored men claimed the right to, and did, exercise the elective franchise. On the 17th day of September, 1787, the Constitution of the United States was adopted by the Convention appointed by the Congress of the Confederation for that purpose, and was shortly thereafter ratified by the several original States. This document describes the qualifications that render a person eligible to the offices of President and Vice President of the United States, and of Senator and Representative in Congress. And it requires that every person who seeks to vote for a member of the House of Representatives from the State in which he resides “shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.” No distinctions are made therein on account of color. In no article or paragraph of our Constitution did Washington and his noble compeers, either in direct terms or logical inferences, by any complexional discrimination, deny to any class of our people their rights and privileges. The Constitution is rather the strong palladium of our freedom — guarding, defending, and protecting all those rights and powers which appertain to an American citizen.

When the Constitution was ratified, free colored men voted in a majority of all the States. They voted in New York, Pennsylvania, Massachusetts, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and North Carolina. The Hon. Mr. Baldwin, when a member of the United States Senate, said: “To this day, in the State of Virginia, free colored persons, born in that State, are citizens.” Subsequently they voted in the States of Tennessee, Vermont, and Maine. In New York and all the New England States, except Connecticut, they continue to vote to this day. In Connecticut they were denied the use of the ballot in 1817. In Maryland they continued to vote down to 1833; in Tennessee down to 1834; in North Carolina down to 1835; in Pennsylvania down to 1838. In some of the States, intelligence—in others, a certain amount of property—in all, freedom—was considered a pre-requisite to the privilege of voting. But in none was color made a condition precedent to the exercise of this right.

In 1812 an act providing for the government of the Territory of Missouri was passed and approved. In this act, for the first time in the history of our Federal legislation, discriminations were made against free colored men, with regard to citizenship, founded on their complexion. Ten States had already been admitted to the Union, and in no one of the Territorial acts pertaining to these States had any distinctions been made among their citizens by the General Government on the ground of complexion. Here commenced our National apostacy in this matter, and it culminated in the opinion of Chief Justice Taney, as delivered in the celebrated case of Dred Scott. To such depths of demoralization had we gone in respect to this subject, that he who of all others, by reason of his sacred and responsible position, ought to have been learned, grave, dispassionate, and truthful—forgetting our law, our history, and the philosophy of our politics, announced the false and unwarranted doctrine “that they (colored men) are not included, and were not intended to be included, under the word ‘citizen’ in the Constitution; and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.” To-day we are called from this National apostacy, by a National regeneration, to

the Constitutional and legal practices of the Fathers. It is certainly your duty to so alter and amend your State Constitution as to make it, in all respects, harmonious with these practices; and thus give practical significance to correct principles and sentiments in the reconstruction of your State legislation, under the new order of things brought to you by Freedom.

The opinion that the colored American is a citizen—that he has been so recognized, and must be legally—is distinctly and abundantly sustained by Kent, in the second volume of his Commentaries; by Judge McLean and Judge Curtis, in their dissenting opinions in the case of Dred Scott; by Judge Gaston, in his learned and able opinion delivered in the case of the State of North Carolina *vs.* Manuel; and by the Hon. Edward Bates, in his elaborate and masterly opinion on citizenship, written and published while he was Attorney General in connection with the Administration of our late lamented President Abraham Lincoln. According to Kent, “*citizens*, under our Constitution and laws, mean free inhabitants, born within the United States or naturalized under the law of Congress. If a *slave* born within the United States be manumitted, or otherwise lawfully discharged from bondage, or if a *black man* be born within the United States, and born free, he becomes thenceforward a citizen.”

Judge McLean says: “And while I admit the Government was not made especially for the colored race, yet many of them were citizens of the New England States, and exercised the rights of suffrage, when the Constitution was adopted; and it was not doubted by any intelligent person that its tendencies would greatly ameliorate their condition.”

Judge Curtis says: “To determine whether any free persons descended from Africans held in slavery were citizens of the United States under the Confederation, and consequently at the time of the adoption of the Constitution of the United States, it is only necessary to know whether any such persons were citizens of either of the States under the Confederation at the time of the adoption of the Constitution. Of this there can be no doubt. At the time of the ratification of the Articles of Confederation, all free native-born inhabitants of the States of New Hampshire, Massachusetts, New

York, New Jersey, and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications possessed the franchise of electors on equal terms with other citizens."

Judge Gaston says: "According to the laws of this State (North Carolina), all human beings within it who are not slaves fall within one of two classes. Whatever distinctions may have existed in the Roman laws between citizens and free inhabitants, they are unknown to our institutions. Before our Revolution, all free persons born within the dominions of the King of Great Britain, whatever their color or complexion, were native-born British subjects; those born out of his allegiance were aliens. Slavery did not exist in England, but it did in the British Colonies. Slaves were not, in legal parlance, persons, but property. The moment the incapacity—the disqualification of slavery—was removed, they became persons; and were then either British subjects or not British subjects, according as they were or were not born within the allegiance of the British King. Upon the Revolution, no other change took place in the laws of North Carolina than was consequent on the transition from a colony dependent on a European King to a free and sovereign State. Slaves remained slaves; British subjects in North Carolina became North Carolina freemen; foreigners, until made members of the State, remained aliens; slaves manumitted here became freemen, and, therefore, if born within North Carolina, are citizens of North Carolina; and all free persons born within the State are born citizens of the State. The Constitution extended the elective franchise to every freeman who had arrived at the age of twenty-one, and paid a public tax; and it is a matter of universal notoriety that, under it, free persons, without regard to color, claimed and exercised the franchise until it was taken from free men of color, a few years since, by our amended Constitution."

Mr. Bates, in his opinion, speaks first of "color," then of "race." Of the first, he says: "It is strenuously insisted by some that 'persons of color,' though born in the country, are not capable of being citizens of the United States. As far as the Constitution is concerned, this is a naked assumption; for the Constitution contains not one word upon the subject. The exclusion, if it exists, must then rest upon some fundamental fact which, in the reason and

nature of things, is so inconsistent with citizenship that the two can not coexist in the same person. Is mere *color* such a fact? Let those who assert it prove that it is so. It has never been so understood nor put into practice in the nation from which we derive our language, laws, and institutions, and our very morals and modes of thought; and, as far as I know, there is not a single nation in Christendom which does not regard the new-found idea with incredulity, if not disgust. What can there be in the mere color of a man (we are speaking now not of *race*, but of *color* only) to disqualify him for bearing true and faithful allegiance to his native country, and for demanding the protection of that country? And those two, allegiance and protection, constitute the sum of the duties and rights of a ‘natural-born citizen of the United States.’ ”

Of the latter, he says: “There are some who, abandoning the untenable objection of *color*, still contend that no person descended from *negroes of the African race* can be a citizen of the United States. Here the objection is not to *color*, but *race* only. The individual objected to may be of very long descent from African negroes, and may be as white as leprosy, or as the intermixture for many generations with the Caucasian race can make him; still, if he can be traced back to *negroes of the African race*, he can not, they say, be a citizen of the United States! And why not? The Constitution certainly does not forbid it, but is silent about *race* as it is about *color*.

Our nationality was created and our political government exists by written law; and inasmuch as that law does not exclude persons of that descent, and as its terms are manifestly broad enough to include them, it follows inevitably that such persons, born in the country, must be citizens, unless the fact of African descent be so incompatible with the fact of citizenship that the two can not exist together. If they can coexist in nature and reason, then they do coexist in persons of the indicated class, for there is no law to the contrary. I am not able to perceive any antagonism, legal or natural, between the two facts.”

Thus neither color nor race deprives us of citizenship. Nativity brings it to the black American as well as the white. And in the name of that citizenship, predicated on our nativity, we claim a free

and full admission into the body politic not only of this State, but of all the States of the Union.

It has always been our fortune to be held to a full discharge of all the obligations and duties which citizenship imposes, while it has ever been our misfortune to be denied well-nigh all the privileges, advantages, and rights, it naturally confers. We have been taxed, and denied representation. We have paid to the Government the full debt of our allegiance; and then we have been denied the protection due its defenders. No plea of color or race, urged on our behalf against these exactions of the Government, would avail us aught. No peculiarity in the texture of our hair, the color of our countenance, or our extraction, could shield us against the demands of the tax-gatherer. Against the black man, as against the white man, his demands have ever been inexorable. We are told that taxation and representation are inseparable. We are told that allegiance is due the Government, and protection due the subject; and that these are not to be sundered. In the application of these sentiments, to the colored American as well as to the white, we ask that what God, in his wisdom, has joined together, let not man put asunder.

The heroic deeds of our fathers and sons, in the wars of this country, are indeed most honorable, and we may well plead them in claiming equality before American law. These deeds are forever garnered up in the immortal records of those wars, as written in our National history; and our statesmen, orators, and poets have immortalized their gallant conduct in their beautiful periods. Indeed, Crispus Attucks, and Peter Salem, and Salem Poor, have erected to their memories, in the letters of our land, monuments which shall endure when those which are built of stones and granite and brass shall molder and decay. We not only furnished, however, heroes in the Revolutionary struggle, but at a later date in our National history the colored American gave full demonstration of his gallantry, his heroism, and devotion. I must not fail to give you, in this connection, the beautiful words of General Jackson, addressed to the noble colored men who fought under him at New Orleans in the war of 1812. His words are significant, in more senses than one. He said:

“Soldiers! When on the banks of the Mobile I called you to take up arms, inviting you to partake the perils and glory of your *white fellow-citizens*, I expected much from you, for I was not ignorant that you possessed qualities most formidable to an invading enemy. I knew with what fortitude you could endure hunger and thirst, and all the fatigues of a campaign. I knew well how *you loved your native country*, and that you, as well as ourselves, had to defend what *man* holds most dear—his parents, wife, children, and property. *You have done more than I expected.* In addition to the previous qualities I before knew you to possess, I found among you a noble enthusiasm which leads to the performance of great things.

“Soldiers! The President of the United States shall hear how praiseworthy was your conduct in the hour of danger, and the representatives of the American people will give you the praise your exploits entitle you to. Your General anticipates them in applauding your noble ardor.

“The enemy approaches, his vessels cover our lakes, our brave citizens are united, and all contention has ceased among them. Their only dispute is, who shall win the prize of valor—or who the most glory, its noblest reward.”

Our behavior in the late rebellion, which cost the nation so many millions of treasure and so many thousands of precious lives, is familiar to you all. At the call of the country, colored Americans came from the hills of New England, from the prairies of the West, from the plantations of the South, from all parts of our vast land, offering their brave hearts and strong arms in its defense. How bravely they fought, how heroically they died, you know full well. Our loyalty and devotion, however, were not only displayed on the battle-field, but in the kind, tender treatment which we gave your sons, brothers, and fathers, when, naked, starving, and wandering, in their flight from the foul and loathsome prison-houses of the South—from Libby and Andersonville—we fed them, clothed them, and guided them on their way to the lines of the American army. From your own State came nine thousand black men, brave and true, giving their stalwart bodies to the service of the country. Many of those men, having been honorably discharged, are again



among you. They return, however, bringing the scars received in many hotly-contested battles. These scars are the *strong, unanswerable argument* which they make to you in favor of a full recognition of their equality before the law.

In the name of our *citizenship*, in the name of the American axiom that *taxation* and *representation* are inseparable; in the name of the sentiment that *allegiance* and *protection* are mutually obligatory, the one upon the Government and the other upon the subject; and in the name of our loyalty and devotion to the country, as demonstrated in the wars of the country, we demand the enjoyment of all the rights of unrestricted and impartial suffrage.

But to all this the reply is made that we are ignorant and unfit to vote. It is not denied that many of us are ignorant. And yet it is not true, as some would have us believe, that colored men in this country enjoy a *monopoly* of ignorance. Indeed, if they were instantly blotted out, by a fiat of Almighty Power, ignorance would still remain. It will not be denied that many very ignorant *white men* vote in this country. If one class is to be excluded from the voting privilege, because of ignorance, let the other be also. If, in your wisdom, you think it well to establish an intelligence qualification for voters in your State, we will make no objection, provided you make it applicable alike to white men and black. What we ask is *impartiality* in the regulation of suffrage.

Colored men are not, however, so ignorant as many suppose. They have made laudable advancement in all things that belong to a well-ordered and dignified life. We have already established among us, in this very State, many well-conducted churches and colleges; and we have supplied our school-rooms and our pulpits with teachers and preachers of our own complexion. And many of our teachers and preachers are men of no inconsiderable attainment. Topics of general interest are becoming among us subjects of general and common thought, conversation, and debate. Indeed, it would be a very unusual thing now to enter the family of any ordinary colored man in your cities and villages, and not find there the newspapers commonly read in your State. In St. Louis, Hannibal, Macon City, Chillicothe, St. Joseph, and Kansas City, as well as here in the Capital of the State, I found many colored men

who read and write very well, and who possess all the qualifications necessary to make them good and successful business men. These men read, understand, and converse about all the discussions held in your Legislative halls and in our National Congress. In one word, the intellectual and moral being of your colored population is greatly ameliorated.

In North Carolina, Tennessee, Maryland, and the other States in which we have been permitted to vote, we have never, through ignorance or a want of conscientiousness, failed to wield the battle with good effect to the State. No one will charge us with a betrayal of the confidence thus reposed in us. Our conduct, in this respect, has always shown us true to the party and the men who would sustain law, order, and freedom.

In the State of New York a man of color who has been a citizen of the State three years, and who has been for one year the owner of a freehold worth \$250 over incumbrances, on which he has paid a tax, may vote. Under this regulation colored men have voted in that State for many years. With regard to these voters the Hon. Wm. H. Seward bore the following handsome testimony, as long ago as 1850: “It is my deliberate opinion, founded upon careful observation, that the right of suffrage is exercised by no citizen of the State of New York more conscientiously or more sincerely, or with more beneficial results to society, than it is by the electors of African descent.”

I hazard nothing in the statement that a large proportion of the colored inhabitants of this State are as well qualified, and would vote as intelligently and as conscientiously, as the colored or white men in New York or any other State, were opportunity given them so to do.

I would utter no word, in this connection, in favor of suffrage founded upon a property qualification, for I believe that the right to exercise the elective franchise is an essential and inseparable part of self-government, and stands conspicuous among our inherent rights; nor can any man native to the soil, who is qualified by age and residence, justly be deprived of this right. But should you see fit to adopt the rule requiring colored residents of your State to own a certain amount of property on which they shall pay an

annual tax in order to vote, we will urge no objection to it, provided you will make it apply alike to all classes, white as well as black. We ask no special favors; we object to all class legislation which springs out of anti-democratic discriminations.

If, however, this was the rule, the observation which I have made in my travels through the State justifies the assertion on my part that you would have no very inconsiderable number of electors of African descent. In fact, you will find among the colored inhabitants of this State a very large amount of property as well as intelligence.

While we can tolerate the test of intelligence or property in regard to suffrage, we enter our earnest protest against that standard which rests upon the *tint* of our skin. It is not only unreasonable and absurd, but utterly impracticable. What the word "white" means in our country to-day, and what class of persons it includes, no man can tell. It does not include simply those who possess no other than Anglo-Saxon blood. They tell us it includes some persons who possess in large measure even negro blood. In Ohio, where I live, this belief has crystalized into law; and there persons who are of African descent, and yet who possess more Anglo-Saxon blood than negro, are citizens, and entitled to all the rights and privileges, social and political, that attach to any and all others. We have there, therefore, a classification of our people into whites, mulattoes, and blacks, upon the last two classes of whom legal disabilities are imposed. By this adjustment of colors and classes, if you will pardon the allusion to myself, your humble speaker is *construed* first into a citizen of the State and United States, and then into an elector, and thus is permitted to become a lawyer and an office-holder. In our State, you perceive, we have colored men who are white, mulattoes, and blacks, in our negro population. This rule, however, has never worked well with us. In the first place, the colored men do not like, indeed they hate, this division and subdivision of our numbers; and in the second place, we have always needed a *blood* or *color inspector*, and for the want of one have not been able to find our political standing. You will see, therefore, that the Hon. Horace Greely is greatly mistaken when he states, as he does in the "Tribune Almanac for 1866," that "the Courts of Ohio having held that every person of one-half white blood is a 'white male citizen'

within the Constitution, and that the burden of proof is with the challenging party to show that the person is more than half black, which is impracticable, we believe that in practice negroes in Ohio vote without restriction.” All this is far from the truth; for, while we use in the elective-franchise clause of our Constitution the same word “white” which you use in yours, our Courts have decided that a person half white is a mulatto, and that a mulatto is a negro, and that a negro is not entitled to the ballot.

In the reconstruction of your State legislation we beseech you, in the name of our humanity and our manhood—in the name of all the sacred elements that constitute the body of that law whose “soul is its reasonableness”—to recognize no such rule and tolerate no such practice under your Constitution and laws.

We urge the erasure of the word “white” from your Constitution also; because so long as it remains we are incapable of acting as jurors, being denied the qualifications of electors; nor are we tried, when accused of crime, by a jury of our political and legal equals; nor do we enjoy such a jury trial, in suits at common law, as the Constitution of the United States guarantees to every citizen.

I need not dwell, in this connection, upon the high estimation in which all intelligent persons hold the jury-trial. I need not say to you that in all civilized countries it is regarded as the surest and strongest protection of the rights of person, property, and freedom to every citizen. Nor need I say to you that the colored American desires it and appreciates it not less than his white fellow-countryman. We ask nothing like a *de medietate* jury—a jury composed of six colored men and six white ones. We simply ask a jury which shall be composed of twelve men—citizens—who are none other than the legal and political equals of the person charged with crime before them, however black he may be; or of those who are parties, plaintiff and defendant, in a civil proceeding, whether they be of negro extraction in part or wholly; and twelve men whose hearts are not surcharged with prejudice, but who are free from prejudice and predilection, and who can and will *impartially* make their verdict according to the law and the evidence in the testimony. This is no more than justice and fair dealing requires—it is no more than the Constitution of the United

States guarantees to us all. For the sixth article of that document declares that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an *impartial* jury of the State and district wherein the crime shall have been committed." And according to the seventh article of the same document we read that "in suits at common law, where the value at controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

Colored men in this State, colored men in this country, have never had the benefit of the *impartial* jury-trial described in the Constitution. Proscriptive legislation has denied it to them; and the jurors who have been called to sit, when they have been put on trial, or their interest in property, character, or freedom, has been put in litigation, have always regarded and treated them as belonging to an inferior caste—as having no rights, in the expressive words of Judge Taney, which the white man is bound to respect. It is true, therefore, that in all the history of the country no colored man has ever had a trial by a jury of his political and legal peers; and hence it is that not a few of our sons and our brothers and our fathers, in all parts of the country, have been carried to the gallows, or incarcerated in offensive prisons, when the law and the facts warranted no such result.

If our freedom, in this State, is to prove a *real somewhat*—no mockery, false and delusive—we earnestly submit to you the necessity and the importance of so altering and amending your organic law as to annul all proscriptive legislation.

Permit me to offer a few words of counsel to my colored fellow-citizens here assembled, and I will relieve your patience.

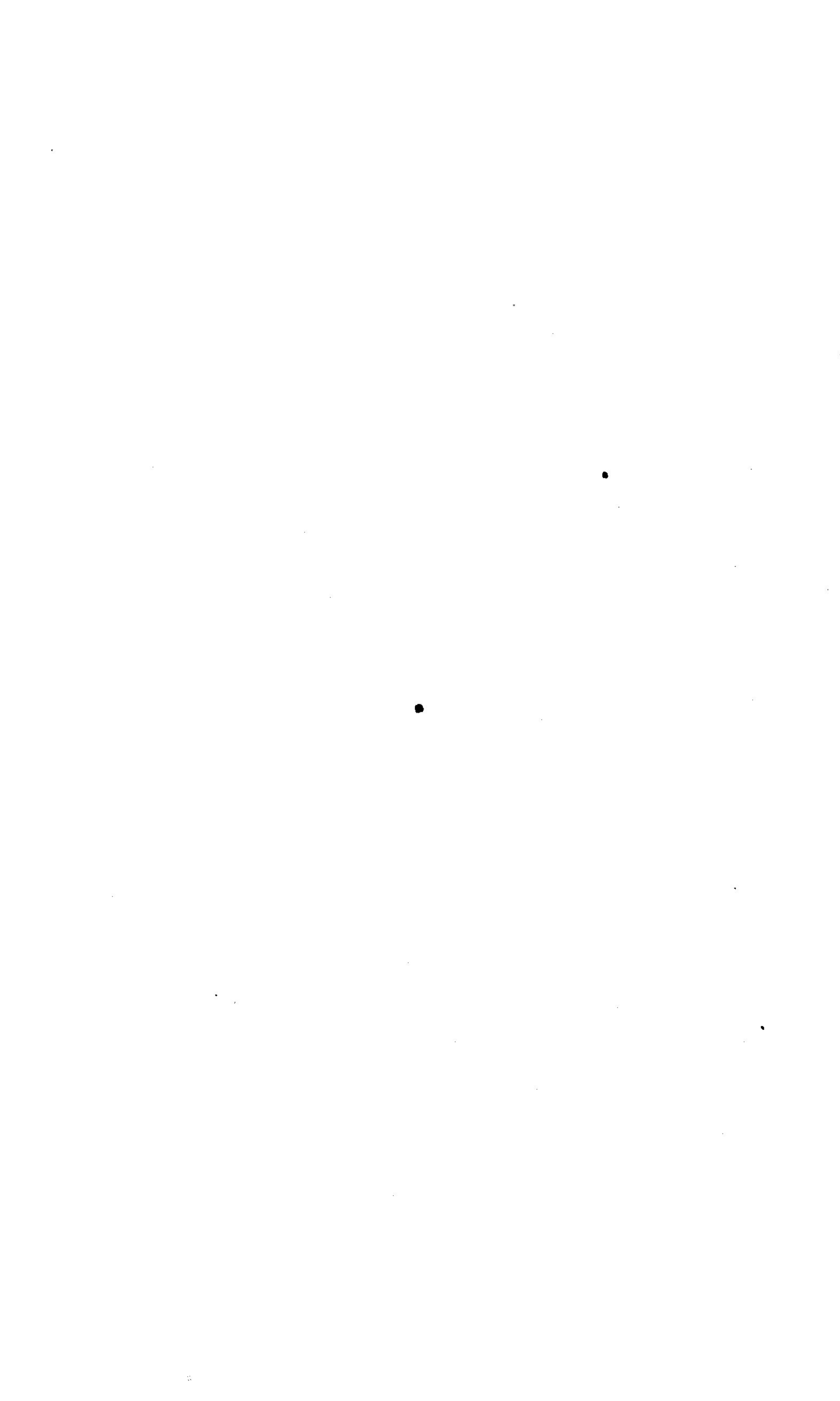
My Friends: Slavery is forever abolished in this country. We are no longer things, but persons. We are no longer beasts of burden, but men. To-day we can say *my self, my body, my wife, and my children*, without using figures of speech. The Lord God himself has come to the door of our National sepulcher, and, lifting his voice far above the din of battle and roar of cannon, has bid us come forth. And, indeed, we have awoke to newness of life. Our chains and fetters have fallen to the ground, and we stand erect in the semblance and attitude of disenthralled and regenerated freemen.

With our freedom, however, come new responsibilities and new duties. Life with us, as never before, is *earnest* and *real*. And he poorly understands his new life, his new relations, and his new duties, who fails to appreciate this assertion.

Three things are essential to our elevation in life. The first is Education. We ourselves, as well as our children, are to be educated; and by our education we are to remove forever the charge of ignorance, so often brought against us by our enemies. The second thing is Property. Industrious, economical habits of life will bring this into our possession; and, once secured, we may use it as a moral lever to lift us out of degradation, and as an incontestable argument in refutation of the foul aspersion, so often made against us, that we are wanting in thrift, energy, and enterprise. The third thing is Character; and herein is found all truthfulness and trustworthiness. Let us but make for ourselves character, and none will ever again charge us with being unfaithful and unreliable. Then our word will be pronounced good, our contracts sure of performance; and all will seek, will covet, our patronage.

Without these three things we can not, we must not, expect to rise in society to place, power, and influence. There is no short, flowery, and pleasant path by which we can make our way to elevated and dignified positions. We are to work out our salvation in this respect by earnest, sturdy, manly endeavor; and thus show ourselves capable and worthy.

I am not insensible to the fact that you have already made commendable progress in this work. Indeed, what you have already done gives the gratifying earnest of the glad and glorious success which, at no distant day, will bless and crown our efforts. God help the Right!



# APPENDIX.

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## AN ADDRESS

BY THE

## COLORED PEOPLE OF MISSOURI

TO THE

## FRIENDS OF EQUAL RIGHTS.

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To every true, honest, and liberty-loving citizen of Missouri do the colored men of your redeemed Commonwealth appeal for sympathy and aid in securing those political rights and privileges which belong to us as free men.

Out of the fierce conflict which has just closed between an advanced civilization and a relic of barbarism, we at length have been released from chains, lashes, bloodhounds, and slave-marts; and to us has a "freedom at large" been ordained. For this, in behalf of our long-oppressed race, do we thank God, and now ask that this liberty shall be secured and consecrated by those guarantees and privileges which are enjoyed by every other American citizen, and which can only be found in the exercise of the right of suffrage.

Deprived of this, we are forced to pay taxes without representation; to submit, without appeal, to laws however offensive, without a single voice in framing them; to bear arms without the right to say whether against friend or foe—against loyalty or disloyalty. Without suffrage we are forced in strict subjection to a Government whose councils are to us foreign, and are called by our own country-



men to witness a violence upon the primary principle of a republican government as gross and outrageous as that which justly stirred patriot Americans to throw overboard the tea from English bottoms in a Boston harbor, and to wage the war for independence.

Let a consistent support be given to this principle of government, founded only "on the consent of the governed"—to this keystone in the arch of American liberty—and our full rights as freemen are secured.

Our demands are not excessive.

We ask not for social equality with the white man, as is often claimed by the shallow demagogue; for a law higher than human must forever govern social relations.

We ask only that privilege which is now given to the very poorest and meanest of white men who come to the ballot-box.

We demand this as those who are native-born citizens of this State, and have never known other allegiance than to its authority and to these United States.

We demand this in the names of those whose bitter toil has enriched our State and brought wealth to its homes.

We demand this as those who have ever cheerfully sustained law and order, and who have, within our means, zealously promoted education and morality.

We demand this as those who have been true and loyal to our Government from its foundation to the present, and who have never deserted its interests while even in the midst of treason and under subjection to its most violent enemies.

We demand this in the honored name of the nine thousand colored troops who, with the first opportunity, enlisted under the banner of Missouri and bared their breasts to the remorseless storm of treason, and by hundreds went down to death in the conflict; while the franchised rebel, the cowardly conservative—the now bitterest enemies of our right to suffrage—remained in quiet at home, safe, and fattened on the fruits of our sacrifice, toil, and blood.

In the names of the heroic dead who, from Missouri's colored troops, were left on the battle-field of Oxford—in the campaign

against Mobile—in the battle at Blakely—at the fierce engagement on the Rio Grande—and who along every line of skirmish were like brutes shot down by savage rebels—do we appeal for the simple privilege of expressing by ballot our choice of rulers for this Government which our brothers so gallantly served; and ask that hereafter we may aid loyalty in suppressing any future attempts at its overthrow.

We make this demand as one of right, if not of expediency, and are unwilling to believe that a powerful, ruling people, strengthened by new victories with the aid of our hands, could be less magnanimous in purpose and in action, less consistent with the true theory of a sound democracy, than to concede to us our claims. We believe that with expediency even our demands are not at war, but that with right does public policy strike hands and invite our votes, as it did our muskets, to the maintenance of authority over the disorganizing elements which attend a returning peace.

We have too much faith in the permanency of this Government to believe that the extension of the elective franchise to a few loyal black men could unsettle its foundations or violate a single declaration of its rights.

If our demands were not clothed with justice, we, whose very flesh still wears the scars of slavery, could hardly claim for ourselves that privilege which, enjoyed in the past by our late masters, enabled them to make cringing subjects of us all.

But we are no longer cowed beneath the name of chattels and of brutes, but we own ourselves, our families, and our homes; and as men demand that this freedom shall bear the spirit as well as the form—that we shall not be mocked with palsied hands and made helpless in our own defense—that the skeleton of liberty may be clothed with flesh and blood in order that we ourselves may resist the tyranny of the “unfriendly legislation” of our late masters and their sympathizers, who for four years past have been fighting to enslave our bodies and souls.

Among those who just now manifest so much solicitude and sympathy in our behalf, and who are so anxious to do for us our voting, to perform all our legislation, and to accept all our political responsibilities, do we chiefly discover the very men whose votes

once made us slaves and chattels, and robbed the chastity of our homes, when we had no friend to counsel or law to protect us from their vandal hands and black hell-born codes.

If we are to be nursed and strengthened into manhood solely at the hands of others, we ask, in the name of God, that it be done by our friends and not by our enemies.

But we seek not to impose our tutelage or our cares upon others; we ask the privilege of being no longer a burden on the body politic, and that no longer we be made the subject of endless discussion and legislation, but are willing to carry these responsibilities ourselves in common with every other citizen.

With President Johnson do we claim that "loyal men, whether white or black, shall control our destinies." We ask that the "two streams of loyal blood which it took to conquer one, mad with treason," shall not be separated at the ballot-box — that he who can be trusted with an army musket, which makes victory and protects the Nation, shall also be intrusted with the right to express a preference for his rulers and his laws.

We are told that we are weak; hence we ask for those rights which make free men strong, and are ever deemed essential to the white man's confidence and courage.

We are told that we are ignorant; hence we ask for those lessons of experience in governing ourselves which, also, are ever deemed essential to the white man's advancement.

We are told that we are poor; hence we ask that by our own votes we may encourage our own industry, may make corporations for our capital, may charter our enterprises and give laws to our commerce, and, with the white man, be permitted to illustrate the axiomatic truth "that no man is so reliable as he who is intrusted with the welfare of his country," and is ever "more responsible when he goes to the ballot-box," as declared by Andrew Johnson.

We ask for a citizenship based upon a principle so broad and solid that upon it black men, white men, and every American born can equally, safely, and eternally stand.

We ask that the organic law of our State shall give to suffrage irrevocable guarantees that shall know of no distinction at the polls on account of color.

If these guarantees are still to be denied, and hereafter color is to mark the line which shall be drawn about the ballot-box, we ask for statutes that shall clearly define the castes and shades of complexion which shall be permitted within or expelled from its royal precincts.

If wealth is to guard the portals of a free suffrage, we ask that our acquirements be respected and admitted to equal representation.

If intelligence shall prescribe the limit, we ask for an impartial discrimination which shall affect white as well as black; and submit that the entire ignorance and stupidity of the people should not by any presumption be wholly charged to the account of ourselves.

To such a universal test of intelligence we are willing to submit our claims to suffrage, and believe that it would promote a most healthy spirit of emulation and prove the greatest educator of the masses.

Our asserted ignorance is not a condition from choice or disposition, as is now everywhere made evident in the zealous efforts of our people to educate themselves and their children, but arises from the black-code legislation of our illiterate, franchised masters.

We ask that colored loyalty, industry, and intelligence shall receive as full rights, guarantees, and privileges as those accorded to white treason, arrogance, and indolence.

That tendency towards an enlarged freedom which distinguishes our age; which in England bears the name of Reform; in Ireland the title of Fenianism; in Europe the name of Progress; and in our Government the name of Radicalism; impresses us with the firm conviction that our claims to universal suffrage will, with no long delay, be considered in the light of reason and sound policy, and decided by the rule of pure and speedy justice.

To the advancement of our completed rights we are most earnestly committed, and shall not cease our work while a single vestige of the old slave power lingers about the black man.

To the end that our people may have an opportunity to publicly express their views upon this most important theme—destined to be the greatest before this Republic—and also that we may vindicate ourselves against the false impressions and perverse misrepre-

sentations of our enemies, we, the undersigned, were, by a mass meeting of our people held in St. Louis on the second day of the present month, designated as a State Executive Committee, for the purpose of more efficiently promoting our object, and were directed to call a series of mass meetings to be held throughout the State, to be addressed by distinguished speakers of our own color, from abroad and at home; and to these occasions do we most cordially invite all persons, without distinction of color, to patiently hear our claims, and, if convinced that they are founded on justice, to accept our appeal.

It is also proposed that this committee procure and distribute printed addresses, and other documents in the interest of the great cause, throughout the State.

To successfully carry on this work, no inconsiderable expense will be incurred; and we most earnestly call upon all our friends for material aid, and direct that contributions of money be sent to Col. Francis Roberson, Chairman of Special Finance Committee, Post-office box 3,187, St. Louis, Mo.

Let the task before us find earnest hearts, untiring hands, and strong faith, leaving the issue to that sure sense of right to which our Government will, at no distant day, give full heed and obedience; and, in the meantime, let our trust be confided in Him whose just Providence has wrested the lash from our taskmasters, and, through our great and good Lincoln, given to our oppressed people a universal emancipation.

H. MCGEE ALEXANDER, *Ch'n.*  
 SAMUEL HELMS,  
 FRANCIS ROBERSON,  
 MOSES DICKSON,  
 GEORGE WEDLEY,  
 G. P. DOWNNING,  
 JEREMIAH BOWMAN,

} *State Executive Com.*

J. MILTON TURNER, *Secretary for Committee.*

ST. LOUIS, *October 12, 1865.*

The petition of the colored citizens of Missouri to the honorable the General Assembly of the State of Missouri reads as follows :

*To the Honorable the General Assembly  
of the State of Missouri.*

The undersigned, colored citizens of the State of Missouri, grateful to Almighty God, and to the good and patriotic men of our State, for the freedom which was given us by the ordinance abolishing slavery in Missouri, adopted January 11, 1865, would respectfully petition your honorable body with regard to the following subjects :

And first, we would respectfully ask you to provide for us, as soon as practicable, *efficient free common schools*, according to our State Constitution. We would enter at once upon the work of our education, so as to be prepared at no distant day to meet intelligently and skillfully *all* the responsibilities and duties of enfranchised manhood.

In the second place, we would ask you to take the necessary constitutional steps to so amend the eighteenth section of the second article of our State Constitution, by the erasure of the word "*white,*" as not to make color the basis of suffrage.

This is a dictate of justice as well as sound statesmanship ; and as native-born citizens, willing and ready to pay to the uttermost farthing our debt of allegiance to our State and national governments, even to the sacrifice of life and property in their support and defense, we earnestly but respectfully ask the privilege of exercising the elective franchise.

And your petitioners will ever pray.