

“THE ENJOYMENT OF *PUBLIC RIGHTS*”

John R. Lynch

CIVIL RIGHTS AND SOCIAL EQUALITY.

I WILL NOW endeavor to answer the arguments of those who have been contending that the passage of this bill is an effort to bring about social equality between the races. That the passage of this bill can in any manner affect the social status of any one seems to me to be absurd and ridiculous. I have never believed for a moment that social equality could be brought about even between persons of the same race. I have always believed that social distinctions existed among white people the same as among colored people. But those who contend that the passage of this bill will have a tendency to bring about social equality between the races virtually and substantially admit that there are no social distinctions among white people whatever, but that all white persons, regardless of their moral character, are the social equals of each other; for if by conferring upon colored people the same rights and privileges that are now exercised and enjoyed by whites indiscriminately will result in bringing about social equality between the races, then the same process of reasoning must necessarily bring us to the conclusion that there are no social distinctions among whites, because all white persons, regardless of their social standing, are permitted to enjoy these rights. See then how unreasonable, unjust, and false is the assertion that social equality is involved in this legislation. I cannot believe that gentlemen on the other side of the House mean what they say when they admit as they do, that the immoral, the ignorants and the degraded of their own race are the social equals of themselves, and their families. If they do, then I can only assure them that they do not put as high an estimate upon their own social standing as respectable and intelligent colored people place upon theirs; for there are hundreds and thousands of white people of both sexes whom I know to be the social inferiors of respectable and intelligent colored people. I can then assure that portion of my

democratic friends on the other side of the House whom I regard as my social inferiors that if at any time I should meet any one of you at a hotel and occupy a seat at the same table with you, or the same seat in a car with you, do not think that I have thereby accepted you as my social equal. Not at all. But if any one should attempt to discriminate against you for no other reason than because you are identified with a particular race or religious sect, I would regard it as an outrage; as a violation of the principles of republicanism; and I would be in favor of protecting you in the exercise and enjoyment of your rights by suitable and appropriate legislation.

No, Mr. Speaker, it is not social rights that we desire. We have enough of that already. What we ask is protection in the enjoyment of *public* rights. Rights which are or should be accorded to every citizen alike. Under our present system of race distinctions a white woman of a questionable social standing, yea, I may say, of an admitted immoral character, can go to any public place or upon any public conveyance and be the recipient of the same treatment, the same courtesy, and the same respect that is usually accorded to the most refined and virtuous; but let an intelligent, modest, refined colored lady present herself and ask that the same privileges be accorded to her that have just been accorded to her social inferior of the white race, and in nine cases out of ten, except in certain portions of the country, she will not only be refused, but insulted for making the request.

Mr. Speaker, I ask the members of this House in all candor, is this right? I appeal to your sensitive feelings as husbands, fathers, and brothers, is this just? You who have affectionate companions, attractive daughters, and loving sisters, is this just? If you have any of the ingredients of manhood in your composition you will answer the question most emphatically, No! What a sad commentary upon our system of government, our religion, and our civilization! Think of it for a moment; here am I, a member of your honorable body, representing one of the largest and wealthiest districts in the State of Mississippi, and possibly in the South; a district composed of persons of different races, religions, and nationalities; and yet, when I leave my home to come to the capital of the nation, to take part in the deliberations of the House and to participate with

you in making laws for the government of this great Republic, in coming through the God-forsaken States of Kentucky and Tennessee, if I come by the way of Louisville or Chattanooga, I am treated, not as an American citizen, but as a brute. Forced to occupy a filthy smoking-car both night and day, with drunkards, gamblers, and criminals; and for what? Not that I am unable or unwilling to pay my way; not that I am obnoxious in my personal appearance or disrespectful in my conduct; but simply because I happen to be of a darker complexion. If this treatment was confined to persons of our own sex we could possibly afford to endure it. But such is not the case. Our wives and our daughters, our sisters and our mothers, are subjected to the same insults and to the same uncivilized treatment. You may ask why we do not institute civil suits in the State courts. What a farce! Talk about instituting a civil-rights suit in the State courts of Kentucky, for instance, where the decision of the judge is virtually rendered before he enters the court-house, and the verdict of the jury substantially rendered before it is impaneled. The only moments of my life when I am necessarily compelled to question my loyalty to my Government or my devotion to the flag of my country is when I read of outrages having been committed upon innocent colored people and the perpetrators go unwhipped of justice, and when I leave my home to go traveling.

Mr. Speaker, if this unjust discrimination is to be longer tolerated by the American people, which I do not, cannot, and will not believe until I am forced to do so, then I can only say with sorrow and regret that our boasted civilization is a fraud; our republican institutions a failure; our social system a disgrace; and our religion a complete hypocrisy. But I have an abiding confidence—(though I must confess that that confidence was seriously shaken a little over two months ago)—but still I have an abiding confidence in the patriotism of this people, in their devotion to the cause of human rights, and in the stability of our republican institutions. I hope that I will not be deceived. I love the land that gave me birth; I love the Stars and Stripes. This country is where I intend to live, where I expect to die. To preserve the honor of the national flag and to maintain perpetually the Union of the States hundreds, and I may say thousands, of noble, brave, and true-hearted colored

men have fought, bled, and died. And now, Mr. Speaker, I ask, can it be possible that that flag under which they fought is to be a shield and a protection to all races and classes of persons except the colored race? God forbid!

THE SCHOOL CLAUSE.

The enemies of this bill have been trying very hard to create the impression that it is the object of its advocates to bring about a compulsory system of mixed schools. It is not my intention at this time to enter into a discussion of the question as to the propriety or impropriety of mixed schools; as to whether or not such a system is essential to destroy race distinctions and break down race prejudices. I will leave these questions to be discussed by those who have given the subject a more thorough consideration. The question that now presents itself to our minds is, what will be the effect of this legislation on the public-school system of the country, and more especially in the South? It is to this question that I now propose to speak. I regard this school clause as the most harmless provision in the bill. If it were true that the passage of this bill with the school clause in it would tolerate the existence of none but a system of mixed free schools, then I would question very seriously the propriety of retaining such a clause; but such is not the case. If I understand the bill correctly, (and I think I do,) it simply confers upon all citizens, or rather recognizes the right which has already been conferred upon all citizens, to send their children to any public free school that is supported in whole or in part by taxation, the exercise of the right to remain a matter of option as it now is—nothing compulsory about it. That the passage of this bill can result in breaking up the public-school system in any State is absurd. The men who make these reckless assertions are very well aware of the fact, or else they are guilty of unpardonable ignorance, that every right and privilege that is enumerated in this bill has already been conferred upon all citizens alike in at least one-half of the States of this Union by State legislation. In every Southern State where the republican party is in power a civil-rights bill is in force that is more severe in its penalties than are the penalties in this bill. We find mixed-school clauses in some of their State constitutions. If,

then, the passage of this bill, which does not confer upon the colored people of such States any rights that they do not possess already, will result in breaking up the public-school system in their respective States, why is it that State legislation has not broken them up? This proves very conclusively, I think, that there is nothing in the argument whatever, and that the school clause is the most harmless provision in the bill. My opinion is that the passage of this bill just as it passed the Senate will bring about mixed schools practically only in localities where one or the other of the two races is small in numbers, and that in localities where both races are large in numbers separate schools and separate institutions of learning will continue to exist, for a number of years at least.

I now ask the Clerk to read the following editorial, which appeared in a democratic paper in my own State when the bill was under discussion in the Senate. This is from the Jackson Clarion, the leading conservative paper in the State, the editor of which is known to be a moderate, reasonable, and sensible man.

The Clerk read as follows:

THE CIVIL-RIGHTS BILL AND OUR
PUBLIC-SCHOOL SYSTEM.

The question has been asked what effect will the civil-rights bill have on the public-school system of our State if it should become a law? Our opinion is that it will have none at all. The provisions of the bill do not necessarily break up the separate-school system, unless the people interested choose that they shall do so; and there is no reason to believe that the colored people of this State are dissatisfied with the system as it is, or that they are not content to let well enough alone. As a people, they have not shown a disposition to thrust themselves where they are not wanted, or rather had no right to go. While they have been naturally tenacious of their newly acquired privileges, their general conduct will bear them witness that they have shown consideration for the feelings of the whites.

The race line in politics never would have been drawn if opposition had not been made to their enjoyment of equal privileges in the Government and under the laws after they were emancipated.

As to our public-school system, so far as it bears upon the races, we have heard no complaint whatever. It is not asserted that it is operated more advantageously to the whites than to

the blacks. Its benefits are shared alike by all; and we do not believe the colored people, if left to the guidance of their own judgments, will consent to jeopardize these benefits in a vain attempt to acquire something better.

Mr. LYNCH. The question may be asked, however, if the colored people in a majority of the States are entitled by State legislation to all of the rights and privileges enumerated in this bill, and if they will not insist upon mixing the children in the public schools in all localities, what is the necessity of retaining this clause? The reasons are numerous, but I will only mention a few of them. In the first place, it is contrary to our system of government to discriminate by law between persons on account of their race, their color, their religion, or the place of their birth. It is just as wrong and just as contrary to republicanism to provide by law for the education of children who may be identified with a certain race in separate schools to themselves, as to provide by law for the education of children who may be identified with a certain religious denomination in separate schools to themselves. The duty of the law-maker is to know no race, no color, no religion, no nationality, except to prevent distinctions on any of these grounds, so far as the law is concerned.

The colored people in asking the passage of this bill just as it passed the Senate do not thereby admit that their children can be better educated in white than in colored schools; nor that white teachers because they are white are better qualified to teach than colored ones. But they recognize the fact that the distinction when made and tolerated by law is an unjust and odious proscription; that you make their color a ground of objection, and consequently a crime. This is what we most earnestly protest against. Let us confer upon all citizens, then, the rights to which they are entitled under the Constitution; and then if they choose to have their children educated in separate schools, as they do in my own State, then both races will be satisfied, because they will know that the separation is their own voluntary act and not legislative compulsion.

Another reason why the school clause ought to be retained is because the negro question ought to be removed from the politics of the country. It has been a disturbing element in the country ever since the Declaration of Independence, and it will

continue to be so long as the colored man is denied any right or privilege that is enjoyed by the white man. Pass this bill as it passed the Senate, and there will be nothing more for the colored people to ask or expect in the way of civil rights. Equal rights having been made an accomplished fact, opposition to the exercise thereof will gradually pass away, and the everlasting negro question will then be removed from the politics of the country for the first time since the existence of the Government. Let us, then, be just as well as generous. Let us confer upon the colored citizens equal rights, and, my word for it, they will exercise their rights with moderation and with wise discretion.

CONCLUSION.

In conclusion, Mr. Speaker, I say to the republican members of the House that the passage of this bill is expected of you. If any of our democratic friends will vote for it, we will be agreeably surprised. But if republicans should vote against it, we will be sorely disappointed; it will be to us a source of deep mortification as well as profound regret. We will feel as though we are deserted in the house of our friends. But I have no fears whatever in this respect. You have stood by the colored people of this country when it was more unpopular to do so than it is to pass this bill. You have fulfilled every promise thus far, and I have no reason to believe that you will not fulfill this one. Then give us this bill. The white man's government negro-hating democracy will, in my judgment, soon pass out of existence. The progressive spirit of the American people will not much longer tolerate the existence of an organization that lives upon the passions and prejudices of the hour. But when that party shall have passed away, the republican party of to-day will not be left in undisputed control of the Government; but a young, powerful, and more vigorous organization will rise up to take the place of the democracy of to-day. This organization may not have opposition to the negro the principal plank in its platform; it may take him by the right hand and concede him every right in good faith that is enjoyed by the whites; it may confer upon him honor and position. But if you, as leaders of the

republican party, will remain true to the principles upon which the party came into power, as I am satisfied you will, then no other party, however just, liberal, or fair it may be, will ever be able to detach any considerable number of colored voters from the national organization. Of course, in matters pertaining to their local State affairs, they will divide up to some extent, as they sometimes should, whenever they can be assured that their rights and privileges are not involved in the contest. But in all national contests, I feel safe in predicting that they will remain true to the great party of freedom and equal rights.

I appeal to all the members of the House—republicans and democrats, conservatives and liberals—to join with us in the passage of this bill, which has for its object the protection of human rights. And when every man, woman, and child can feel and know that his, her, and their rights are fully protected by the strong arm of a generous and grateful Republic, then we can all truthfully say that this beautiful land of ours, over which the Star Spangled Banner so triumphantly waves, is, in truth and in fact, the “land of the free and the home of the brave.”

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