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A ✓ Constitutional Defense

OF

THE NEGRO

BY

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DELIVERED AT A

MASS MEETING OF CITIZENS

IN THE

METROPOLITAN A. M. E. CHURCH

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## FUNDAMENTAL PRINCIPLES.

Dr. Crapsey being introduced by Senator Cullom, of Illinois, said: *Mr. Chairman, Honored Senator, Ladies and Gentlemen, Men and Women, Citizens of the United States, clothed with every political and civil right with which the Constitution and laws of our country can clothe any human being, I beg leave to tell you: In the year 1787 a prophet of the Lord prophesied in the city of Philadelphia.*

A convention was in session constructing a Constitution for the more perfect union and the more stable government of the United States of America. These United States had gained their independence four years before by means of a long, bloody and costly war. In asserting that independence they had, in justification of their action, set forth certain fundamental principles which they held to be the basis of all true government.

They declared that all men were born free and equal, with the unalienable right to life, liberty and pursuit of happiness. They laid it down as an axiom that all government rested upon the consent of the governed, and that taxation could be imposed only by representatives of the people paying taxes. "No taxation without representation" was the war cry of the patriots of '76.

The sovereign people were made the source of law, and the absolute equality of all men before the law was the corner-stone of the new political edifice. In this new nation privilege and caste were to be forever unknown. The law was to assume the high prerogative of divine justice and judge without respect of persons. No more perfect theory of human government was ever conceived in the mind of man, and they who gave form and substance to that theory in the Constitution of the United States were among the wisest statesmen which the world has ever seen

## A FOOLISH EXPENDIENCY.

But, alas, the wisdom of man is but folly and these founders of the American Republic, so wise in general, allowed themselves in one particular to play the fool, to the great sorrow of their children. When they built this fair political house they built a skeleton into its closet. A dread family secret of which they did not dare to speak in open language haunted all their debates and threatened to bring all their labors to naught.

The shameful fact was that these gentlemen who were prating so loudly of the right of every man to life, liberty and the pursuit of happiness were themselves depriving some hundreds of thousands of their fellow men of their liberty and were placing their happiness and even their lives in the hands of those who claimed ownership over them.

They who asserted the consent of the governed as the sole basis of all government subject a whole race of human beings to a government more absolute than that of the Czar of Russia. They who declared it unlawful and even wicked to tax a people without their consent permitted the master to tax the labor his slave without limit and to enforce that taxation under the lash.

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Never in human history did men so belie their own professions as did our forefathers when they set up, what they claimed to be, a free government and then made constitutional provision for the enslavement of a portion of the people.

They did not do this with a clear conscience. They did not dare to use the word slave openly in the Constitution.

One of the points in dispute in the Constitutional Convention was whether the slaves should be reckoned a part of the population which formed the basis of representation in the lower house of Congress. The delegates from

South Carolina insisted that, as a condition of their entering the Union, the slaves should be so reckoned. The Northern delegates objected, as this would give the master of a large slave population undue influence in the national legislature. South Carolina held out and for the sake of the Union the North gave way and compromised the matter by making a Constitutional provision that representation should be based upon the whole number of free persons, including those bound to service for a term of years (excluding Indians not taxed) and three-fifths of all other persons.

In this clause the Constitution recognized the slave as a person and at the same time denied him all personal rights. He was in the eyes of the law both a chattel and a man. As a chattel he was an article of merchandise to be bought and sold; as a man he was to be counted as a person belonging to the body-politic and so increase the political power of his master.

Thus did South Carolina win the first victory in the long conflict between freedom and slavery in the United States, and made five of her planters equal in the political scale to eight farmers in the North.

But a still more serious dispute arose when the slave trade came up for consideration. The conscience of the civilized world was beginning to awake to the evils of that horrible traffic. The vast majority of the delegates were opposed to its continuance. But the delegates from South Carolina said that an article forbidding the slave trade would be looked upon as an invitation for them to stay out of the Union. Massachusetts, anxious for the formation of the Union, still more anxious that the General Government should have control of foreign commerce, made a deal with South Carolina, trading the freedom of the African for the commercial supremacy of the New England merchant. This was the first of a long series of such shameful transactions, which alas are not unknown in our day. In accordance with this bargain between the trader of the North and the planter of the South a clause was put in the Constitution permitting the continuance of the slave trade for twenty minutes. Here again hypocritical language hid the sin from the eyes of the sinner. These men did not dare to permit the importation of slaves in so many words. They said the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited prior to the year 1808.

#### THE WORD OF THE PROPHET.

At this stage in the proceedings the prophet of the Lord rose in his place and prophesied. The prophet was Mason of Virginia. He denounced the whole transaction as wicked. He declared slavery itself to be an evil from which nothing but evil could come. He said: "Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. Slaves prevent the immigration of whites who really strengthen and enrich. They produce the most pernicious effect on manners. Every

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master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world they must be in this. By an inevitable chain of causes and effects God punishes national sins by national calamities."

But, says John Fiske, the historian of this period, these prophetic words were powerless against the combination of New England with the far South. Upon the adoption of the clause permitting the slave trade, Mason of Virginia left the Convention and did not sign the Constitution.

Mr. Fiske tells us that morally wrong as the compact was between New England and South Carolina it was absolutely necessary to the formation of the Union and the formation of the Union was of paramount importance. Without the Union there was no political future for the States of North America.

If this be so, then what a debt of gratitude is due from the great American nation to the people of the African race. We bought our political freedom and our national greatness at the price of the political slavery and social debasement of the African. We cemented our Union in his blood, we have built up our glory out of his anguish and by his stripes we are healed.

#### THE WRATH OF GOD.

But whether necessary to the establishment of the Union or not, the existence of slavery worked out its inevitable consequences. Every word of the prophecy of Mason of Virginia was written into the history of the United States.

Arts and manufactories were discouraged so as to be not existent throughout the whole slave region. The white emigration which flowed to this country from Europe turned aside from the slave-ridden South and built up empires in the North and West. A race of poor whites, more degraded than the slaves, suffer to this day the evil consequences that slavery forced upon them. A race of petty tyrants, insolent in manner and often brutal in conduct, not only lorded it over their plantations in the South, but snapped their whips in the face of the North and carried their insolence into the halls of Congress. Meeting argument not with argument, but, as in the case of Charles Sumner, with the most dastardly assault upon the freedom of speech known to history.

The North made compromise after compromise with the growing insolence of this power, which made compliance with its demands a condition of its continuance in the Union, until at last insolence became madness, and the slave owner of the South threw down the gauntlet of war and bid defiance to the constituted authority of the United States.

Then the prophecy of Mason of Virginia came to pass. God punished national sins with national calamities. The punishment fell upon the whole nation which did this wrong; but it fell with tenfold power upon the slave region. Four years of war, the most costly in life and treasure known to history, paid the penalty of the injustice, cruelty and wrong which, for generations, the white race had been heaping upon the black. In that war the South was desolated; its leading families were impoverished and the institution of slavery in which it had invested its wealth and staked its existence was gone forever. Its curse was lifted from the land. And the nation paid the price of its redemption in the blood of its firstborn. Abraham Lincoln was offered a sacrifice to the undying hatred of the slave power to the fundamental principles of the American Republic.

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#### PRESENT PERIL.

With the fall of slavery the word slavery appears for the first time in the Constitution of the United States. The family closet was flung wide open and the crumbling skeleton hidden within it was thrown out, never, it was hoped, to haunt our political life again with its grim horror. Slavery is mentioned in the Constitution only to be forever forbidden within the jurisdiction of the United States.

In theory, at least, this our land was the land of the free. To every man was given his political and civil rights; our government ceased to be the government of a class and became a government of the people, for the people, by the people.

To-day we recall the prophecy of Mason of Virginia, not simply for purposes of historical reminiscence, but to warn the people of the United States that as Mason prophesied of old, so do men prophesy to-day. National sins are visited by national calamities. Injustice cannot go unpunished forever. A nation that does not execute righteousness in its gates is a nation doomed.

We find ourselves forty years after the outbreak of the war which the slave power waged against the United States still struggling with that power for the common rights of man, for the integrity of our laws, and for the very existence of our Government. We find the United States powerless to-day in the presence of that same nullifying and rebellious spirit which roused Jackson to wrath and sent Lincoln to the grave.

The letter and spirit of the Constitution are defied. The due and orderly processes of law are thrown to the winds, and the order of the state and the lives of men are at the mercy of the unbridled passions of men whose motto the first has been rule or ruin.

#### A STATE OF ANARCHY.

The Constitution guarantees to every one its citizens that he shall not be deprived of his life and liberty without due process of law. It is a notorious fact that this provision of the Constitution has been set at naught and that men and women and even children have been deprived of their liberties and their lives without any process of law whatever. They have been seized upon by men who had no authority from the law to lay even so much as a hand upon them and, denied every protection with which law safeguards human life, have been put to death.

Anarchistic events to this kind have to our shame occurred in different parts of our country, but they have been most frequent in that part of the country where the slave power was dominant before the Civil War and where the spirit of the slave-driver is still dominant. The victims of these violations of the law in ninety-nine cases out of a hundred are members of that race which was formerly in bondage to the race that now murders them. The charge that the men put to death without due process of law have been guilty of crimes does but add to the seriousness of the situation. A mere common, every-day murderer who murders on his own account does but slay a man; but when an individual or group of individuals rise up and take an accused person from the control of the lawful authorities and constitute themselves judge and jury, witness and executioner, then these strike at the very heart of the national existence and render all government an impossibility.

So common is this method of punishing supposed crimes in the Southern section of our country that it has displaced the regular proceedings

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of the law courts. Last year more than one hundred and fifty human beings charged with crime died, without trial, at the hands of the mob. More than three a week. And the perpetrators of this treason against the majesty of the State are to-day living at large, their crime unpunished, many boasting of their crimes and their sympathizers sit in the Congress of the United States. Surely anarchy can go no further than this except it murder our rulers, ravish our women and burn our homes.

We have learned by a recent and awful event that if anarchy can strike low it can also strike high. That great Unseen Power that makes for righteousness has been teaching us in these later days that anarchy is no respecter of persons. If it can strike down the lowest black man in the State of Mississippi it can also strike down the Chief Magistrate of the Nation in the day of the Nation's pride, and in the eye of the law and in the sight of God the one is no greater crime than the other.

We are told that we are to have special laws for the suppression of anarchy. We can have them none too soon. Let us see to it that these laws protect from anarchic violence not only the life of the President of the United States, but the life of the humblest citizen of the United States. The life of the one is just as sacred in the eyes of the law as the life of the other.

It is suggested that we imitate the old Roman Empire and have an island of banishment to which we will deport every suspected anarchist. So let it be. And to that island let us deport every man who in defiance of the law has

condemned and executed a citizen of the United States, for he is an anarchist. Let us send to that island every member of the United States Congress, in Senate or House, who is known to sympathize openly or secretly with this anarchic violence. Let us send to that island every executive officer who has failed to use the full extent of the power in his hand for the suppression of such lawless outrage against the law of the land; let us send thither the Sheriff of every county, the Governor of every State--yes, the President of the United States himself, if Sheriff, Governor or President has failed to use the power of the law for the protection of the law. For all these are anarchists, dangerous to the stability of the State.

Not only do the anarchists of the South and West deprive men of life without due process of law, but in defiance of the Constitution they subject them to strange and unusual punishments. They torture them and burn them alive in the midst of a brutal and jeering crowd of spectators.

One cannot speak of such things without a feeling of burning shame that men of his race should be guilty of such deeds of horror.

If the States cannot prevent such crimes as these, or, failing to prevent, cannot punish, then the States are no longer the real government, all established government is at an end and anarchy rules.

Failing the States, if the United States cannot protect the lives of its citizens, but must stand by and see them butchered and burned, then no matter how great may be the apparent power of the Nation, it is really powerless. The government which defies the world is helpless before a mob of its own lawless citizens. A government which cannot protect the lives of its citizens fails in its first duty. As a government it has ceased to exist.

#### THE OLD MASTERSHIP.

No one studying present conditions can fail to admire the audacity and persistency of the Southern white man. He stands by his race and his class, right or wrong, with a courage and a steadfastness worthy of a better cause. The laws of his God and the laws of his country are nothing

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to him when they conflict with what he considers the rights of his race and class. Long after the conscience of civilized men had condemned it, he upheld the institution of slavery, and when that institution was overthrown and constitutional provision was made to give to every man equal political rights and civil standing, the man of the South simply nullified the Constitution, nullified it by force and by fraud. The United States by constitutional amendment and statute law gave the political franchise to every man, white or black, yellow or brown, North or South, without regard to any previous condition of servitude.

But this enactment of the people of the United States is utterly set at naught by the political leaders of a certain section of the country. They declare that only men of a certain race, only men whom they choose, shall exercise the rights of suffrage in their communities. And their declaration is of more force than the Constitution and laws of the United States. What they say, goes.

And these gentlemen are at their old tricks. They take full advantage of the constitutional provision so far as it favors them and nullify it so far as it favors the country at large. They count the colored men as population and suppress him as a voter. They double their political power by this act of lawlessness and then snap their fingers in the face of the Nation and say, What are you going to do about it? We seem to have gone back fifty years in our history to the days of the Northern doughface and the Southern bully.

If these gentlemen deign to make any excuse for their violation of the fundamental law of the land it is the excuse of the criminal who pleads his own crime as bar to his punishment. We are told that if the constitutional

provision give to American citizens of African descent a vote, why then the African will outvote the white man and then we will have "nigger" domination. Well, who is to blame? You would have it so. You would buy them and breed them, and now you cannot plead your own act as a bar to the consequences of that act. You and your fathers insisted that the man whom you call a "nigger" should come. He is here. The United States in the plenitude of its power has clothed him with every political right which you yourselves possess. In this country the majority rule. If Negroes or Irishmen are in the majority in any community, Negroes or Irishmen may if they please rule that community. The great city of New York has suffered for years and years from one of the most foul and corrupt governments the world has ever seen. But never was the thought entertained by the people of New York that the city should be redeemed by the disfranchisement of the lowest and most ignorant voter in the purlieu of Baxter street. If New York would win for herself a better government she must win it not by suppressing votes but by converting voters.

The political difficulties of the North as of the South are to be solved not by disfranchisement, but by enfranchisement. The enfranchisement of the mind from ignorance and pride and prejudice; the enfranchisement of the heart from base hatreds and unholy fears. Let the Southern white man enfranchise himself, freeing himself from the false belief that he has political and civil rights other than those which are common to every citizen of the United States. Let him look upon every man of every color first as a fellow being, and then as a fellow citizen. Let him see that every citizen is protected in every legal and civil right. Let him cease shooting, hanging and burning the black man. Let him become the friend and guide of his lowly brother, and from my knowledge of human nature, I say that love will beget love, justice will beget justice, and the Southern white man will find no man more loyal to his interest,

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more ready to follow him, than the Southern black man. Let Justice, simple justice, be done and the race problem will disappear from America as it has long since disappeared from every other civilized country on the face of the earth.

But whether the Southern white man choose this course of love and wisdom or not, let him know that the United States is pledged to its least man and its last dollar to maintain the political and civil rights of every citizen, no matter of what color or previous condition of servitude. Injustice and violence cannot go on forever. In due time God will raise up his Andrew Jackson to threaten these proud nullifiers with the gallows, or his Abraham Lincoln to avenge the wrongs of his people.

#### THE OLD COMPACT.

The present condition of affairs in this country is the result, in a large measure, of the same old compact between the trading spirit of the North and the domineering spirit of the South, which stirred Mason of Virginia to his prophecy. We seem to be back again in Independence Hall, and see Massachusetts hobnobbing with South Carolina. "Help us," says Massachusetts to South Carolina, "help us to keep up our tariff, to conquer new markets for our trade; help us to subdue the islands of the sea and make them tributary of our commerce; help us to get rich, and you can do what you please with the nigger."

But hold, gentlemen, hold! You have traded the life and happiness of the "nigger" for your own gain once too often. In the life and happiness of the "nigger" is bound up the very life and happiness of this great nation. The "nigger" is an American citizen, clothed with all rights of an American citizen, and you cannot trade the rights of an American citizen for pelf or power.

That fat purse and the full dinner pail may for a time lull the conscience of the American people to sleep. But that conscience is only asleep-it is not dead. Already it is beginning to awake. North, South, East and West, noble-hearted men are beginning to raise an outcry against the anarchic brutality that puts men and women,

charged with crime, to death without due process of law, subjecting them to strange, unusual and shameful punishments. The citizen of the United States will not sit still and see their fellow citizens deprived of rights guaranteed to them by the constitutional law of the land. They will not permit that Constitution to be set at naught by any section of the country or by any class of men. They will not themselves submit to restraints which are cast off by others. If the Constitution is to endure it must be enforced in every corner of the land and be binding upon every citizen. There is not one Constitution for the North and another for the South. Not one Constitution for the white and another for the black. There is but one Constitution, covering the whole country, and sacredly guarding the political and civil rights of every citizen without regard to race, color, or conditions of life.

We have had one great political campaign fought out in the interests of the fat purse and the full dinner pail. The time is coming when political campaigns will be fought out upon great moral issues; when the sacredness of human rights and the integrity of the law will be the paramount issue. In that day we shall hear again voices such as we heard of old when Birney and Morris, Adams, Phillips and Garrison prophesied the fall of slavery to a mocking and a gainsaying generation.

The race question will be settled in this country, and it will be settled righteously. It will be settled when every man North and South is settled in the quiet possession of his legal and civil rights. In that day

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that race will prevail which wins its way in fair open competition. No race ought to be content with less. No race can demand more. It is said that the African is an inferior race. The more reason for giving it a fair show. Surely white superiority can keep ahead of black inferiority. If it cannot it deserves to fall behind.

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