
IN THE HOUSE OF REPRESENTATIVES.

MARCH 28, 1871.

Read twice, motion to recommit pending, and ordered to be printed.

Mr. SHELLABARGER, from the Select Committee on the President's
Message, reported the following bill:

A BILL

To enforce the provisions of the fourteenth amendment to the
Constitution of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That any person who, under color of any law, statute, ordi-
4 nance, regulation, custom, or usage of any State, shall sub-
5 ject, or cause to be subjected, any person within the jurisdic-
6 tion of the United States to the deprivation of any rights,
7 privileges, or immunities secured by the Constitution of the
8 United States, shall, any such law, statute, ordinance, regula-
9 tion, custom, or usage of the State to the contrary notwith-
10 standing, be liable to the party injured in any action at law, suit
11 in equity, or other proper proceeding for redress; such proceed-

12 ing to be prosecuted in the several district or circuit courts of
13 the United States, with and subject to the same rights of
14 appeal, review upon error, and other remedies provided in
15 like cases in such courts, under the provisions of the act of
16 the ninth of April, eighteen hundred and sixty-six, entitled
17 "An act to protect all persons in the United States in their civil
18 rights, and to furnish the means of their vindication," and
19 the other remedial laws of the United States which are in
20 their nature applicable in such cases.

1 SEC. 2. That if two or more persons shall, within the
2 limits of any State, band, conspire, or combine together to do
3 any act in violation of the rights, privileges, or immunities of
4 any person, to which he is entitled under the Constitution
5 and laws of the United States, which, committed within a
6 place under the sole and exclusive jurisdiction of the United
7 States, would, under any law of the United States then
8 in force, constitute the crime of either murder, man-
9 slaughter, mayhem, robbery, assault and battery, perjury,
10 subornation of perjury, criminal obstruction of legal pro-
11 cess or resistance of officers in discharge of official duty,
12 arson, or larceny; and if one or more of the parties to
13 said conspiracy or combination shall do any act to effect
14 the object thereof, all the parties to or engaged in said
15 conspiracy or combination, whether principals or accessories,
16 shall be deemed guilty of a felony, and, upon conviction thereof,

17 shall be liable to a penalty of not exceeding ten thousand dol-
18 lars, or to imprisonment not exceeding ten years, or both, at
19 the discretion of the court: *Provided*, That if any party or
20 parties to such conspiracy or combination shall, in furtherance of
21 such common design, commit the crime of murder, such party
22 or parties so guilty shall, upon conviction thereof, suffer death:
23 *And provided also*, That any offense punishable under this
24 act, begun in one judicial district of the United States and
25 completed in another, may be dealt with, inquired of, tried,
26 determined, and punished in either district.

1 SEC. 3. That in all cases where insurrection, domestic
2 violence, unlawful combinations, or conspiracies in any State
3 shall so far obstruct or hinder the execution of the laws thereof
4 as to deprive any portion or class of the people of such State
5 of any of the rights, privileges, or immunities named in and
6 secured by this act, and the constituted authorities of such
7 State shall either be unable to, or shall, from any cause, fail
8 in or refuse protection of the people in such rights, and shall
9 fail or neglect, through the proper authorities, to apply to
10 the President of the United States for aid in that behalf,
11 such facts shall be deemed a denial by such State of
12 the equal protection of the laws to which they are
13 entitled under the fourteenth article of amendments to the
14 Constitution of the United States; and in all such cases it
15 shall be lawful for the President, and it shall be his duty, to

16 take such measures, by the employment of the militia or the
17 land and naval forces of the United States, or of either, or
18 by other means, as he may deem necessary for the suppres-
19 sion of such insurrection, domestic violence, or combinations;
20 and any person who shall be arrested under the provisions of
21 this and the preceding section shall be delivered to the marshal
22 of the proper district to be dealt with according to law.

1 SEC. 4. That whenever in any State or part of a State
2 the unlawful combinations named in the preceding section of
3 this act shall be organized and armed, and so numerous and
4 powerful as to be able, by violence, to either overthrow or
5 set at defiance the constituted authorities of such State, or
6 when the constituted authorities are in complicity with, or
7 shall connive at the unlawful purposes of, such powerful and
8 armed combinations; and whenever, by reason of either or all
9 of the causes aforesaid, the conviction of such offenders and the
10 preservation of the public safety shall become in such district im-
11 practicable, in every such case such combinations shall be deemed
12 a rebellion against the Government of the United States, and
13 during the continuance of such rebellion, and within the lim-
14 its of the district which shall be so under the sway thereof,
15 such limits to be prescribed by proclamation, it shall be law-
16 ful for the President of the United States, when in his judg-
17 ment the public safety shall require it, to suspend the privi-
18 leges of the writ of habeas corpus, and to declare and enforce,

19 subject to the rules and articles of war and other laws of the
20 United States now in force applicable in case of rebellion,
21 martial law, to the end that such rebellion may be overthrown:
22 *Provided*, That the President shall first have made proclama-
23 tion, as now provided by law, commanding such insurgents
24 to disperse: *And provided also*, That the provisions of this
25 section shall not be in force after the first day of June, anno
26 Domini eighteen hundred and seventy-two.

1 SEC. 5. That nothing herein contained shall be construed
2 to supersede or repeal any former act or law except so far
3 as the same may be repugnant thereto; and any offenses
4 heretofore committed against the tenor of any former act
5 shall be prosecuted, and any proceeding already commenced
6 for the prosecution thereof shall be continued and completed,
7 the same as if this act had not been passed, except so far as
8 the provisions of this act may go to sustain and validate
9 such proceedings.

H. R. 320.

A BILL

To enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes.

MARCH 28, 1871.—Read twice, motion to recommit pending,
and ordered to be printed.