
IN THE SENATE OF THE UNITED STATES.

MARCH 16, 1871.

Mr. FRELINGHUYSEN asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice, referred to the Committee on the Judiciary, and ordered to be printed.

A BILL

More fully to enforce the fourteenth amendment to the Constitution of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever, under pretense of any law, custom, or usage
4 of any State, any of the rights, privileges, or immunities in-
5 tended to be secured by the first section of article fourteen of
6 the amendments to the Constitution of the United States, shall
7 be in any manner infringed or withheld, the party thereby
8 injured shall and may have an action at law, or suit in
9 equity, or other proper process or proceeding for obtain-
10 ing redress against the party guilty of such infringe-
11 ment or withholding, any act of any State legisla-
12 ture, custom, usage, or law to the contrary notwithstanding;
13 and the several district and circuit courts of the United States
14 shall have cognizance of all such actions, suits, and proceed-

15 ings, with power to issue injunctions and other proper
16 process for enforcing such jurisdiction; but all final judg-
17 ments and decrees of any district court herein, shall be
18 subject to appeal or writ of error to the proper circuit
19 court; and all judgments and decrees of any circuit court,
20 or district court exercising the powers of a circuit court,
21 shall be subject to appeal or writ of error to the supreme
22 court; and all actions, suits, and proceedings now pend-
23 ing in said courts instituted by reason of any such in-
24 fringment or withholding, committed since the ratification of
25 said amendment, shall be as valid as if this act had been
26 passed before the institution thereof.

1 SEC. 2. That if it shall at any time appear to the Presi-
2 dent of the United States that by insurrection or domestic
3 violence in any State, or by combinations made to violate the
4 laws therein, citizens of the United States are denied the
5 equal protection of the laws, or are not protected in the exer-
6 cise and enjoyment of their privileges and immunities as citi-
7 zens of the United States, intended to be secured to them by
8 the said first section of the said amendment, and the State
9 authorities are not competent or shall fail or refuse to extend
10 such protection, and shall fail to apply to the President for aid
11 in that behalf, it shall be lawful for the President, and it shall
12 be his duty, to take such measures, by the employment
13 of military force or otherwise, as he may deem neces-

14 sary and proper, for the suppression of such insurrec-
15 tion, domestic violence, or combinations; and all persons
16 engaged either as principals or accessories in any such
17 insurrection, domestic violence, or combinations, raised, com-
18 mitted, or made for the purposes aforesaid, shall be
19 deemed guilty of felony against the United States, and
20 on conviction thereof, shall be subject to fine not exceed-
21 ing five thousand dollars or imprisonment not exceeding
22 five years, or both, at the discretion of the court; and
23 the several district and circuit courts of the United
24 States shall have jurisdiction of such offenses in their respective
25 districts; and may certify to the Supreme Court for its adju-
26 dication and direction any question of doubt or difficulty
27 arising upon the trial and conviction of any person accused,
28 subject to such rules and regulations as the Supreme Court
29 may prescribe; but it shall be in the discretion of the court
30 making such certificate whether to suspend the sentence or
31 the execution thereof, pending the hearing on such certificate;
32 but if the same shall be decided in favor of the accused, he
33 shall thereupon be discharged, and the judgment against him
34 reversed.

1 SEC. 3. That any persons found or suspected to be engaged
2 or concerned either as principals or accessories in any such insur-
3 rection, domestic violence, or combination, who may be arrested
4 or taken by the said military force, or other agency so employed

5 by the President for the purpose mentioned in the second sec-
6 tion of this act, shall be delivered to the custody of the mar-
7 shal of the district in which the supposed crime was committed,
8 to be prosecuted according to law, as provided in the preced-
9 ing section.

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

42^D CONGRESS, }
1ST SESSION. } **S. 243.**

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