

The Civil Rights Bill.

It is generally known that the late Senator Sumner, not long before his decease, drew up the form of a law designed to give effect to the Fourteenth Amendment to the Constitution, by which equality of civil rights is guaranteed to all classes of citizens. That bill, with but slight modifications—and those designed only to perfect its details—has been passed by the national Senate, and now awaits the concurrence of the other House. Its ultimate success in that body is, however, far from certain; for, what with the press of other business, the earnest and persistent resistance of the minority party, and the lukewarmness of some of the majority, there is only too obvious a possibility of the defeat of the measure, at least for the present session. Still, however, there is hope in the case, since, for party reasons, if for no higher or broader ones, the dominant party will scarcely venture to go to the country with the odium that will certainly follow them if they prove false in this matter; for in every State there are enough of those who would not forgive so great a defection from the cause of freedom, to leave, by their withdrawal, the Republican party in minority.

The position into which our civil institutions are brought by the lately decreed amendments to the Constitution is that of utter obliviousness of all distinction of races among the denizens of the land. The fourteenth and fifteenth amendments declare that there shall be a real and undiscriminating equality before the law for all classes of citizens, without regard to race or color; and it is made the duty of Congress to provide the requisite legislation to make these provisions practically effective. It is simply this that the pending "Civil Rights Bill" proposes to do, and to do this would seem, therefore, to be among the duties to which every member of Congress commits himself when he assumes his place in the national legislature. The intent of the constitutional provision touching the case is too plain to be called in question; and since it is the duty of Congress not to judge the organic law under which it exists and acts, but to carry it into effect by appropriate legislation, there is but one course open to all faithful members of Congress. They can do nothing else but vote in good faith for whatever measure shall promise most effectively to secure to persons of all classes and complexions the same legal protections and privileges. To distinguish men legally as white and colored is a violation of the national Constitution.

Our laws, whether of the state or nation, wisely abstain from all interference with the private, social, and ecclesiastical concerns of the people, and the pending bill proposes to abide strictly by that rule. It says nothing about the private relations of persons, nor of their social intercourse one with another, nor of their ecclesiastical connections. Each man's house is his castle, in which he is the sole ruler, with the right to admit or to exclude whom he may please, and to make the choice of his guest by whatever law of selection he may please. So, too, in their voluntary associations men may admit or refuse newcomers according to their own tastes and caprices, and nobody can legally complain. Religious associations also come under this latter designation. Churches are in law voluntary bodies, into which candidates may enter only by the consent of those already members of the corporation, and from which any one not already initiated may be excluded, from whatever causes may be deemed sufficient. Accordingly, the pending bill leaves these things to be ordered by the people themselves without any impertinent intermeddling by the Government, whether by legislation or civil or judicial administration. The Civil Rights Bill has nothing whatever to do with people's private or merely social affairs.

But in our country, as in all free, civilized communities, there are many things that are held and enjoyed in common. The highways are for all alike, and when any one makes use of them for purposes beyond his own proper necessities of travel, he can do so only by consent of the Government, and subject to the common rights of the people. There is, therefore, a recognized law governing all common carriers, which applies alike to all persons, and which binds the actions of all who assume such relations. Proprietors of stage coaches, railroads, steamboats, and all other arrangements for carrying passengers, because they use the public highways are common carriers, and have no right to discriminate among those who choose to take passage with them. Hotels and taverns conducted as houses for public entertainment must receive and accommodate all who come to them, and places of public amusement, duly licensed as such, and legally recognized, are open to all who may choose to enter them in a quiet and orderly manner. Public schools ordained by public authority, and sustained wholly or in part at public expense, belong equally to all classes of citizens; and all attempts to abridge their freedom in any of these particulars are in conflict with the genius of our public law.

Now, it is precisely these things that the pending bill seeks to secure to the people of the land, without distinction of race or color. It forbids all legislation by any of the States or municipalities of the nation, by which the right of any portion of the people shall be interfered with in these particulars; and by proper penalties it forbids all persons engaged in any public pursuits, and filling public places, to deprive any one from the proper enjoyment of the rights common to all citizens. These public institutions seek for themselves the special advantages of their legal character and relations; they must, therefore, accept these with their necessary conditions and obligations—and they must be accepted and administered alike for all. Less than this would be an odious and intolerable wrong against free American citizens, and utterly out of harmony with the spirit of those institutions.

But it may be asked, Why need Congress intermeddle with such matters, and not leave them to the local legislation of the States, and the police regulations of the several municipalities? Simply because the personal liberties and civil rights of some portions of the people will not in many cases be protected by them. Because it was apprehended that the local governments might not in some cases properly protect the rights of certain classes of the people, Congress was expressly empowered to legislate for that purpose; and as that gift of power was for a purpose, the spirit of the constitutional provision demands of Congress precisely the legislation now proposed. Nor is there any lack of evidence that just such legislation is called for in order to put a large class of the citizens of the Southern states in possession of the common rights of freemen. There is need of this law as a means of giving fair play to the new citizens of the South in all the points enumerated above, and it is quite evident that without something of the kind it will be impossible for the freedmen to enjoy the full measure of the freedom with which they have been nominally endowed. Nor need there be any trouble about the results. If the law shall demand fair play for the colored people, a way to grant it to them will be found out without altogether outraging the darling prejudices of the formerly dominant race. Colored people will probably still occupy separate cars on the railroads, and separate rooms and tables at the hotels; but these will not continue to be, as they have been, altogether inferior in all their appointments, to those used by the whites. Nor need there be much fear in respect to the public schools, if only schools shall be provided for the children of the colored people in all points not inferior to those of the whites. It is not the social commingling of the two races that the law contemplates, but equal rights and privileges to all. This is the whole extent and force of this much discussed "Civil Rights Bill;" and this, it may perhaps be added, is its offensiveness; it compels the giving of equal rights and privileges to the colored people, and that is just what very many white people are above all things opposed to. Justice, right, and the highest and broadest expediency, demand the enactment of this law; and woe to the party having the power to grant it that shall fail to do it.