

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 6: The Civil War and Reconstruction—Sources/Constitutions and Amendments

Congressional Debate on the Thirteenth Amendment (expanded)¹

The Thirteenth Amendment to the Constitution of the United States prohibits slavery and gives Congress the power to implement this constitutional commitment to freedom. The text declares,

- 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*
- 2. Congress shall have power to enforce this article by appropriate legislation.*

The Thirteenth Amendment was proposed in late January 1865 and ratified by the end of the year. Mississippi ratified the Thirteenth Amendment in 1995.

Anti-slavery advocates overcame numerous political difficulties when ratifying the Thirteenth Amendment. Whether Americans would write a constitutional amendment abolishing slavery was not a foregone conclusion at the end of the Civil War. Democrats were leery. How southern states could be induced to ratify was uncertain. The House of Representatives in 1864 failed to give a proposed thirteenth amendment the necessary two-thirds majority. The Lincoln Administration made substantial use of patronage when securing a successful vote in 1865. Rumors persist that the final votes for the amendment were procured by bribery. New Jersey, Kentucky, and Delaware refused to ratify the Thirteenth Amendment. Many southern states ratified on the condition that the amendment be narrowly interpreted.

Two distinctive debates took place when Americans considered a constitutional amendment prohibiting slavery. Republicans debated the scope of the proposed Thirteenth Amendment. Charles Sumner, Frederick Douglass, and other radical Republicans sought to include guarantees for specific rights, most notably equality under law. Sumner proposed a constitutional amendment that stated, "Everywhere within the limits of the United States, and of each State or Territory thereof, all persons are equal before the law, so that no person can hold another as a slave." Republican moderates rejected this language. Some insisted that Congress had the power to guarantee newly freed slaves equality under the law. Others preferred leaving the amendment ambiguous. Democrats debated whether to support the Thirteenth Amendment. Proponents insisted that the Democratic Party would not be viable in the North until the party took a strong anti-slavery stand. Montgomery Blair, a former Democrat and member of Lincoln's cabinet, advised party leaders, "By giving up the past, [and] considering slavery extinct," they could "make an issue upon which not only the Democracy of the North and South may unite against the abolitionists, but on which the larger portion of the Republicans will join us in sustaining the exclusive right of Gov[ernment] of the white race." Opponents believed the amendment promoted a racial amalgamation inconsistent with what they perceived to be the original constitutional commitment to white supremacy. Celebrating "the Constitution as it is," pro-slavery Democrats declared that persons of color were incapable of living free in a republican society. Joel Barlow, a prominent journalist, asserted that "to free [slaves] would be an act of cruelty."²

Consider the mixture of principle and politics when reading the excerpts below. What principles best explain ratification? What did different proponents of the Thirteenth Amendment think was entailed by the abolition of slavery? To what extent did Republicans dispute basic principles and to what extent were party disputes

¹ *Congressional Globe*, 38th Cong., 1st Sess. (1864), 1439–90; 38TH Cong., 2nd Sess. (1865), 124–25.

² Michael Vorenberg, *Final Freedom: The Civil War, the Abolition of Slavery and the Thirteenth Amendment* (New York: Cambridge University Press, 2001), 78–79. The discussion in this note relies heavily on Vorenberg's work.

over the language that best expressed those principles? How did politics influence the language and ratification of the Thirteenth Amendment? Would you have insisted on a more strongly worded amendment or settled for the language most likely to be ratified?

The last excerpts are from the colloquy between Representatives Thaddeus Stevens and Samuel Cox made famous by the movie Lincoln. One central theme of the movie is the need for compromise. To what extent do you believe Stevens compromised when he claimed he did not believe in negro equality. To what extent did his assertion that he believed in equality under the law permit Republicans to pass legislation that would promote racial equality? How should the speeches made by Senators Harlan and Sumner be read in light of the Stevens speech? Why do you think the filmmakers focused on the Stevens speech rather than the Sumner speech?

SENATOR JAMES HARLAN (Republican, Iowa)

...
... I ask whence the origin of the title to the services of the adult offspring of the slave mother? Or is it not manifest that there is no just title? Is it not a mere usurpation without any known mode of justification, under any existing code of laws, human or divine.

If it cannot be thus justified, is it a desirable institution? If the supposed owner had no title, it is the duty of the nation to maintain the usurped claim of the master to the services of his slaves? Are the incidents of slavery sufficiently desirable to justify such policy? Some of the incidents of slavery may be stated as follows: it necessarily abolishes the conjugal relation. . . . [T]he prohibition of the conjugal relation is a necessary incident of slavery, and that slavery cannot or would not be maintained in the absence of such a regulation.

The existence of this institution therefore requires the existence of a law that annuls the law of God establishing the relation of man and wife, which is taught by the churches to be a sacrament as holy in its nature and its design as the eucharist itself. If informed that in these Christian States of the Union men were prohibited by positive statute law from partaking of the emblems of the broken body and shed blood of the Saviour, what Senator could hesitate to vote for their repeal and future inhibition? And yet here one of these holy sacraments that we are taught to regard with the most sacred feelings, equally holy, instituted by the Author of our being, deemed to be necessary for the preservation of virtue in civil society, is absolutely inhibited by the statute laws of the States where slavery exists. The conjugal relation is abrogated among four million human beings, who are thus driven to heterogeneous intercourse like the beasts of the field, the most of whom are natives of these Christian States. If you continue slavery you must continue this necessary incident of its existence.

Another incident is the abolition practically of the parental relation, robbing the offspring of the care and attention of his parents, severing a relation which is universally cited as the emblem of the relation sustained by the Creator to the human family. And yet, according to the matured judgment of the slave States, this guardianship of the parent over his own children must be abrogated to secure the perpetuity of slavery.

But again, it abolishes necessarily the relation of person to property. It declares the slave to be incapable of acquiring and holding property, and that this disability shall extend to his offspring from generation to generation throughout the coming age. We sometimes shed tears over the misfortunes of men, and when by flood or storm or fire they are robbed of their earthly possessions contributions are made to enable them to start again in their accustomed business pursuits; but the Senator who votes to perpetuate slavery votes not only to sweep away every shred of property that four million people can possibly hold, but he votes to destroy their capacity to acquire and hold it and to impose this disability on their posterity forever. . . .

But it also necessarily, as an incident of its continuance, deprives all those held to be slaves of a status in court. Having no rights to maintain and no legal wrongs to redress, they are held to be incapable of bringing a suit in the courts of the United States; a disability as it seems to me that ought to shock the sensibilities of any Christian statesmen. Robbed of all their rights, and then robbed of their capacity to complain of wrongs; robbed of the power to appear before impartial tribunals for the redress of any grievances, however severe!

As an incident of this condition, they are robbed of the right to testify; and, as if to put the cap on this climax of gigantic iniquity, they are denied the right to human sympathy. . . .

...

And then another incident of this institution is the suppression of the freedom of speech and of the press, not only among those down-trodden people themselves but among the white race. Slavery cannot exist where its merits can be freely discussed; hence in the slave States it becomes a crime to discuss its claims for protection or the wisdom of its continuance. Its continuance also requires perpetuity of the ignorance of its victims. It is therefore made a felony to teach slaves to read and write.

It also precludes the practical possibility of maintaining schools for the education of those of the white race who have not the means to provide for their own mental culture. It consequently degrades the white as well as African race. It also impoverishes the State, as is manifest by a comparison of the relative wealth, population, and prosperity of the free and slave States of the Union.

...

If I am right in my conclusions that slavery as it exists in this country cannot be justified by human reason, has no foundation at common law, and is not supported by the positive municipal laws of the States, nor by the divine law, and that none of its incidents are desirable, and that its abolition would injure no one, and will do no wrong, but will secure unity of purpose, unity of action, and military strength here at home, and the support of the strong nations of the world, as it seems to be me, the Senate of the United States ought not to hesitate to take the action necessary to enable the people of the States to terminate its existence forever. . . .

SENATOR JOHN HENDERSON (Democrat, Missouri)

...

The sum total of our present position is that a great wrong, in a moral and social point of view, was admitted into the organic law, under a supposed necessity for union. Those opposed to slavery were willing to bear its evils in consideration of the blessings to be derived from a union of the States. If those evils had continued to be compensated by the blessings of peace, prosperity, and repose, which union would have given, the same reasons that influenced the framers of the Government originally might now be urged in its defense with some show of propriety.

But the friends of slavery in its name have destroyed our peace and given us war; they have taken away our prosperity and given us debt and taxes; they have broken our repose and given us the calamities of a civil strife; in fine, they have rudely severed the bond that bound them to the Union, and now defiantly mock the faith that once gave them protection.

...

Then we all admit that slavery is wrong, and that its friends have driven the country to unnecessary war. If they made war once, they may make it again. We cannot remove anti-slavery convictions. Therefore the restoration of slavery is a restoration of political strife. History will repeat itself. New wars will come. The innocent will suffer again. . . . The friends of slavery staked its existence upon the result of this rebellion. If rebellion fails, the most sanguine of those friends expect slavery to cease. They do not thank their old Democratic associates of the North for this clamor which demands "the Union as it was, the Constitution as it is." They would not have either. They had them both before it commenced. They might have had them today, but they cast them aside, making a constitution and a union for themselves, differing from the old only in that it built on slavery. In support of their position they have staked their lives, and never have they asked for peace on any terms that do not involve a dissolution of the Union.

...

The tendency of our Government now is to centralize power, to destroy the powers of the States and make a nation supreme in all things. This may do in war, but if tried in peace it will bring war again. On this subject the Democratic Party is right, and when it shall cease to be the advocate of African slavery its zeal in behalf of the liberty of the white man and the true principles of Government will be properly appreciated. So long as it comes to minister with unclean hands the people will not credit the sincerity of

its devotions. Condemning four million blacks to eternal servitude, in which the alphabet, the Bible, and the wages of labor are denied them, the Democracy will be without favor and shorn of all power for good.

...
... If the slavery question shall be settled by constitutional amendment, ... the question will be settled beyond all judicial cavil. The public mind will rest in the conviction that slavery is abolished. To abolish it in any other way must be attended with doubts of its legality. The Democratic party, numbering nearly half of the northern people, do not believe in the validity of the President's proclamation. The plan of territorializing the States would meet with no better fate. ...

...
... Let this amendment be adopted, and let slavery agitation, with all its errors and consequent curses to the country cease. ... I confess I see no probability of restoring the Union with the institution of slavery remaining. I wish the Union restored but I confess also do not desire the perpetuation of slavery. I will not be intimidated by the fears of negro equality. The negro may possess mental qualities entitling him to a position beyond our present belief. If so, I shall put no obstacle in the way of his elevation. There is nothing in me that despises merit or envies its rewards. Whether he shall be a citizen of any one of the States is a question for that State to determine. If New York or Massachusetts or Louisiana shall confer on him the elective franchise, it is a matter of policy with which I have nothing to do. The qualifications of voters for members of Congress is a question under the exclusive control of the respective States. ...

I will not be deterred from doing an act of simple justice for fear of the consequences. It is impossible that great evil should spring from such acts of justice. We may not be able now to solve the many problems that universal emancipation may present. ... The evils of amalgamation and consequent deterioration of the race are often presented as insuperable objections to the proposed amendment. Such evils may be great, but unless it be certain that the freedom of the slave will increase these evils, no such objection can be well sustained; but if that fact were certain, it must yet be settled that these evils will be greater than those of this causeless and bloody rebellion. When the miscegen race shall bring civil war of three years duration upon the country, I for one shall be willing to prohibit amalgamation by law or constitutional amendment. Until then I shall disregard any such objections.

...
SENATOR CHARLES SUMNER (Republican, Massachusetts)

...
There is nothing in the Constitution in which slavery can rest, or find any the least support. Even on the face of that instrument, it is an outlaw; but if we look further at its provisions we find at least four distinct sources of power, which, if executed, must render slavery impossible, while the preamble makes them all vital for freedom: first, the power to provide for the common defense and welfare; secondly, the power to raise armies and maintain navies; thirdly, the power to guaranty to every State a republican form of government; and fourthly, the power to secure liberty to every person restrained without due process of law. But all these provisions are something more than powers; they are duties also. And yet we are constantly and painfully reminded in this Chamber that pending measures against slavery are unconstitutional. Sir, this is an immense mistake. Nothing against slavery can be unconstitutional. It is only hesitation which is unconstitutional.

And yet slavery still exists—in defiance of all these requirements of the Constitution; nay, more, in defiance of reason and justice, which can never be disobeyed with impunity—it exists, the perpetual spoiler of human rights and disturber of the public peace, degrading master as well as slave, corrupting society, weakening government, impoverishing the very soil itself, and impairing the natural resources of the country. Such an outrage, so offensive in every respect, not only to the Constitution, but also to the whole system of order by which the universe is governed, is plainly a *national nuisance*, which, for the general welfare and in the name of justice, ought to be abated. But at this moment, when it menaces the national life, it will not be enough to treat slavery merely as a nuisance; for it is much more. It is a public enemy and traitor wherever it shows itself, to be subdued, in the discharge of solemn guaranties of

Government and of personal rights, and in the exercise of unquestionable and indefeasible rights of *self-defence*. . . . But whether regarded as national nuisance or as public enemy and traitor, it is obnoxious to the same judgment, and must be abolished.

If, in abolishing slavery, any injury were done to the just interests of any human being or to any rights of any kind, there might be something "to give us pause," even against these irresistible requirements. But nothing of the kind can ensue. No just interests and no rights can suffer. It is the rare felicity of such an act, as well outside as inside the rebel States, that, while striking a blow at the rebellion, and assuring future tranquillity, so that the Republic shall no longer be a house divided against itself, it will add at once to the value of the whole fee simple wherever slavery exists, will secure individual rights, and will advance civilization itself.

There is another motive to abolish slavery at this time. Embattled armies now stand face to face, on the one side fighting for slavery. The gauntlet that has been flung down we have yet taken up only in part. In abolishing slavery entirely we take up the gauntlet entirely. Then can we look with confidence to the blessings of Almighty God upon our arms. . . .

There is one question and only one which rises in our path; and this only because the national representatives have so long been drugged and drenched with slavery, which they have taken in all forms, whether of dose or douche, that, like a long-suffering patient, they are not yet emancipated from its influence. I refer, of course, to the question of compensation under the shameful assumption that there can be property in man. Sir, there was a moment when I was willing to pay money largely, or at least to any reasonable amount, for emancipation; but it was *as ransom*, and never as compensation.

. . .

Again, we are brought by learned Senators to the Constitution, which requires that there shall be "just compensation" where "private property" is taken for public use. But plainly on the present occasion the requirement of the Constitution is absolutely inapplicable, for there is no "private property" to take. Slavery is but a bundle of barbarous pretensions, from which certain persons are to be released. . .

. . .

. . . The people must be summoned to confirm the whole work. It is for them to put the cap-stone upon the sublime structure. An amendment of the Constitution may do what courts and Congress decline to do, or, even should they act, it may cover their action with its panoply. Such an amendment in any event will give completeness and permanence to emancipation, and bring the Constitution into avowed harmony with the Declaration of Independence. Happy day, long wished for, destined to gladden those beatified spirits who have labored on earth to this end, but died without the sight.

. . .

Let me say frankly that I should prefer a form of expression different from that which has the sanction of the committee. . . .

I know nothing better than these words:

All persons are equal before the law, so that no person can hold another as a slave; and the Congress shall have power to make all laws necessary and proper to carry this declaration into effect everywhere within the United States and the jurisdiction thereof.

The words in the latter part supersede all questions as to the applicability of the declaration to States. But the distinctive words in this clause assert the equality of all persons before the law. . . .

. . .

It will be felt at once that this expression, "equality before the law," gives precision to that idea of human rights which is enunciated in our Declaration of Independence. The sophistries of [John C.] Calhoun . . . are all overthrown by this simple statement. . . .

SENATOR LAZARUS POWELL (Democrat, Kentucky)

. . .

I do not believe it was ever designed by the founders of our Government that the Constitution of the United States should be so amended as to destroy property. I do not believe it is the province of the Federal Government to say what is or what is not property. Its province is to guard, protect, and secure, rather than to destroy. If you admit the principle contended for by the gentlemen who urge this amendment, logic would lead them to the conclusion that the General Government could, by an amendment to its Constitution, regulate every domestic matter in the States. If it, by constitutional amendment, can regulate the relation of master and servant, it certainly can, on the same principle, make regulations concerning the relation of parent and child, husband and wife, and guardian and ward. If it has the right to strike down property in slaves, it certainly would have a right to strike down property in horses, to make a partition of the land, and to say that none shall hold land in any State in the Union in fee simple. . . .

But it is said slavery is the cause of the war, and because it is the cause of the war it must die. If that is the kind of logic on which honorable Senators act they could destroy almost everything that is pure, good, and holy in the world. The blessed religion of our Saviour has been the pretext of more wars perhaps than any other subject. Why not strike down the Christian religion because it has been the subject-matter about which throats have been cut, cities sacked, and empires overthrown? There have been furious wars about territory and territorial boundaries, and there will continue to be such wars as long as the cupidity of man prompts him to make conquests. Why not destroy all tenure in land? Ferocious wars have been waged about women. In Homeric verse we have the historical record of a ten years' contest for frail Helen. Why not destroy the loveliest of God's handiwork. . . .

. . . I desire the Union to be restored, restored as it was with the Constitution as it is; and I verily believe that if you pass this amendment to the Constitution it will be the most effective disunion measure that could be passed by Congress. . . .

. . . You seem to care for nothing but the negro. That seems to be your sole desire. You seem to be inspired by no other wish than to elevate the negro to equality and give him liberty. . . . I believe this government was made by white men and for white men; and if it is ever preserved it must be preserved by white men. . . . I would ask the Senators who are so zealous for the negro to point me to a place on the earth where he has been so civilized, so humanized, so christianized, so well cared for as he is in a state of slavery in the United States of America. He has existed, I suppose, as long as the other peoples of the earth; but if you were today to strike from existence everything that the woolly-headed negro has given to art, to science, to the mechanic arts, to literature, or to any of the industrial pursuits, the world would not miss it. He is an inferior man in his capacity, and no fanaticism can raise him to the talent of the Caucasian race. The white man is his superior, and will be so whether you call him a slave or an equal. It has ever been so, and I can see no reason why the history of all the past should be reversed.

SENATOR LYMAN TRUMBULL (Republican, Illinois)

Mr. President, at an early stage of the session, the Senator from Missouri introduced a proposition to amend the Constitution of the United States so as forever to prohibit slavery. That resolution was referred to the Committee of the Judiciary. At a later day, a month or two afterwards, the Senator from Massachusetts also introduced a proposition to prohibit slavery. The committee had both these propositions before them. They considered them. There was some difference of opinion in the committee as to the language to be used; and it was upon discussion and an examination of both these propositions . . . that the committee came to the conclusion to adopt the form which is reported here. I do not know that I should have adopted these precise words, but a majority of the committee thought they were the best words; they accomplish the object; and I cannot see why the Senator from Massachusetts should be so pertinacious about particular words. If every member of the Senate is to select the precise words in which a law shall be clothed, and will be satisfied with none other, we shall have very little legislation.

SENATOR JACOB HOWARD (Republican, Michigan)

. . . [I]n a legal and technical sense that language is utterly insignificant and meaningless as a clause of the Constitution. I should like the Senator from Massachusetts, if he is able, to state what effect this could have in a court of justice. What significance is given to the phrase “equal” or “free” before the law in a common-law court? It is not known at all.

Besides, the proposition speaks of all men being equal. I suppose before the law a woman would be equal to a man, a woman would be as free as a man. A wife would be equal to her husband and as free as her husband before the law.

...

SENATOR GARRETT DAVIS (Democrat, Kentucky)

. . . I think that that Senator and all Senators ought to be very guarded in the terms they adopt when they take \$500,000,000 of property from other people, in which they have no interest themselves, and propose to give them no compensation for it. . . .

...

Mr. President, the proposition that I assume I believe to be irrefragably true; that the power of amending the Constitution does not authorize the abolition of slavery. I deny that the power of amendment is illimitable. I deny that it carries every power which the amending power may choose to exercise. I deny that the power of amendment carries the power of revolution. It is an absurdity to say that this power of amendment will impart the power to change the Government and to establish a monarchy if the different departments and authorities authorized to enact the amendment choose to adopt it. It cannot be done, legitimately at any rate.

. . . The General Government have not legitimately, and were never intended to have, any jurisdiction or authority over the subject of property. What subjects should constitute property, how it should be regulated, whether it should exist and continue in one subject or be discontinued in another subject, are questions which were never intended to be intrusted to the General Government. That is a great and fundamental feature of our Federal and State system of governments. The proposed amendment takes that principle to be true in relation to but one subject of property; but if it strikes at it in relation to one subject of property, it may in relation to all.

The power of amendment as now proposed to be exercised imports a power that would revolutionize the whole Government, and that would invest the amending power with a faculty of destroying and revolutionizing the whole Government. In my judgment, it is absurd to say that the power of amendment, which is simply a power to reform, a power to improve, imports and authorizes the exercise of a power to destroy.

I think, if gentlemen are determined to abolish the property in slaves, they have as much right so to amend the Constitution as to make compensation to the owners of that property in them. If they think the abolition of slavery and the depriving of so many loyal owners of such a large amount of property is such an exercise of authority as that the permanent good of the nation requires it to be done, they ought to have the grace, the justice, the magnanimity to make provision for a reasonable compensation to the owners of that property which they take from the owners. They have as much power to make the compensation as they have to take the property from them.

...

[The call of the roll have concluded, the result was announced – yeas 38, nays 6.]

SENATOR WILLARD SAULSBURY (Democrat, Kentucky)

I rise simply to say that I now bid farewell to any hope of the reconstruction of the American Union.

REPRESENTATIVE THADDEUS STEVENS (Republican, Pennsylvania)

. . . . There was a time in our history when the gentleman might excuse himself for protecting slavery by the provisions of the Constitution. But as war, declared by the rebel belligerent, has abrogated that obligation, and broken the ligament that tied us to that infamous institution, he can have no excuse, no palliation for his defense of it but his innate love of its horrid principles. And yet the gentleman has exhausted the stores of ancient and modern history, sacred and profane, in its defense.

He declares its extinction impossible and says that no nation every attempted to produce homogeneity among its inhabitants. He tells us that neither Rome nor Greece, neither the Achaean league, nor any other confederate nation, found homogeneity possible, and hence it is not possible here."

If the gentleman means by homogeneity that all the people must be of one race, then his is right. Confederations are supposed to be of different tribes and languages. . . . But the question of homogeneity has nothing to do with the abolition of slavery. If the gentleman had shown that confederations could have no uniform laws operating over all their members, he would have argued to the point. This is a question of the *uniformity* of national laws operating over the whole republic. If our national organic law be so improved as to exclude slavery from the nation, what is there to prevent its uniformity throughout the Republic? . . . In our Republic we have laws acting uniformly over every State. Where they are in conflict with the local municipal laws, the latter must give way. In all things else the States are supreme. Our revenue laws are uniform—the same in South Carolina as in Massachusetts; and any adverse municipal law of the State would be void. . . . If, then, the amendment recommended by the President, and supported by the Republican Party, abolishing and forever prohibiting slavery within the Republic should prevail, what is there to prevent its operating uniformly over every State? The local laws, where not controlled by the paramount Constitution, would still exist. It will take sharp eyes to see anything in the historical cases cited by the gentleman that militates against the possibility or feasibility of such a *homogeneity*, if the gentleman calls it by that name. Uniformity in the laws relative to slavery is all that is asked; that is rendered impossible only by the sturdy defense which the gentleman and his associates make for the most inhuman and now the most despised of human villainies. The gentleman wishes the war to cease; so do we all. There is one way by which the gentleman and his friends can end it.

REPRESENTATIVE SAMUEL COX (Democrat, Ohio)

. . . . Do you wish our aid in carrying a proposition to change the Constitution and the form and structure of our federative system in its most essential feature? Do you not wish us to annul the municipal control of each State over domestic matters? Is your proposition simply to abolish slavery? Or is it a measure to invest the Federal Government with authority to enslave the local white citizens, hold him in vassalage to a central power, and assume the right to dictate to the States what their home policy shall be on home affairs? In fine, is it not an abstract scheme to enfranchise the black, who is really being freed by war, by a total change in the very genius, soul, and body of our Government?

. . . . If the confederate president refuses to confer upon the basis of the unamended Constitution and the old Union; if he will not help to reestablish peace upon the old order, or at least as near to it as the passion and strife of men have made it possible and practicable, will not our knowledge of that fact inspire a more healthful and united sentiment among the people, even if it do not influence our votes upon the amendment as to slavery? Therefore, I ask the gentleman from Pennsylvania whether it would not have been best before he makes these pathetic appeals in the name of the Father of men and the God of humanity to have made an attempt by Christian and rational methods to stanch the shedding of blood, to stop the increase of taxation, the accumulation of debt, the destruction of values, and the everlasting iteration of penal laws on our Federal statute, to stay, if possible, the maiming and killing of men, and the tears of widows and orphans, the desolation by fire and sword of our land, and to save, oh yes, before it is too late forever, to save the Union while it may be worth the sacrifices made for its salvation. Will he not

give up something on his part? Give up his doctrine of negro equality? Give up his idea of breaking down State institutions by Federal law?

REPRESENTATIVE STEVENS

The gentleman will allow me to say that I never held to that doctrine of negro equality.

REPRESENTATIVE COX

Then I understand the gentleman from Pennsylvania not to hold that all men are created equal?

REPRESENTATIVE STEVENS

Yes, sir, but not equality in all things—simply before the law, nothing else.

REPRESENTATIVE COX

I ask the gentleman to give up his idea of the equality of the black and the white races before the law.

REPRESENTATIVE STEVENS

I won't do that.



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