Reconstruction
United States Senate Chamber.
Washington

Report of the committee

Sec. 1. is a general prohibition upon all the states from denying the privileges & immunities of citizens of the U.S. - or,

denying any person of life & property without due process of law; or denying to any person the equal protection of the laws.

The first clause grants the privileges & immunities of citizens of the U.S. from unjust state legislation. Who are "citizens of the U.S.?"

The supposition seems true in the old code.
in the proposed amend't it is
used in the same sense.

They are persons
at least born in
the county, or who are
by naturalization.

As such citizens they are
enrolled "entitled to all the privileges
and immunities of citizens in the
several states (Art. 4 Sec. 2).

These privileges & immunities
of citizens of the respective
fundamental rights which belong
to the citizens of all free states

Su 4 Wash. C. C. R 380-1,
Confide on. Corgell, cit. 1st Brizcy
p.10
2 c.
In these privilages & immunities personal
may be added the rights guarantied by the first 8 amends
to the constitution, such as
the freedom of speech & of the press,
the right of petition —
the right to keep & bear arms
the right to be in exempted from the service of soldiers in a house without the consent of the owner —
the right to be exempt from unreasonable searches & seizures —
the right to be tried by an impartial jury —
the present against excessive bail & cruel & unusual penalties —
The courts have held that all these guarantees impose no necessary restraint upon the power of Congress to enact state legislation.

And there is no power given by the constitution to enforce them.

This proposed amendment gives the power
By the last clause each State is prohibited from restricting those premises, fundamental civil rights of citizens, whatever may be their nature or extent.

Don't attempt to define them.

But the 2 last other clauses of this amount, go further and disable a State from depriving, however any citizen Citizen, but any person of life, liberty or property without due process of law or denying to any under equal protection of the laws.
This abolishes all class legislation & the injustice of subjecting one caste of persons to a code not applicable to another.

It prohibits the hanging of a black man for a crime for which the white man is not to be hanged.

It protects the black man in his fundamental right as a citizen with the same rights it throws over the white man.

But it does not give to either the right of voting. That is not one of the "privileges" by
This Sec. does not authorize a restriction of the powers of the state and does not, of itself, confer any power upon Congress. The 5th to 8th sections of this article confer the power to enforce it by legislation appropriate to its object.
The Second Section

Read it.

I could now wish to
an ammt which would now
disable the states from de-
mising the col. rev. from the
right of suffrage.
They are to live with us

They have been loyal & true

They now, in proportion to
their numbers & & & & & & & & & & 
And it is wrong to consider
them as a race
But the committee are of opinion that the States are not yet prepared to sanction so fundamental a change, and I am content to wait the movements of public opinion.

The 2d section leaves the right to regulate the election franchise still with the States, and does not meddle with it that right.

As basis of representation whether white or black is numerically, i.e., the white population, right unto...
Indians, of persons excluded by State laws for rebellion or other crime.

Formerly, under the constitution, 6 while the free States were represented only according to their respective numbers of men, women & children, all of course endowed with civil rights, the slave States had the advantage of being represented according to their number of the same five classes increased by 3/5 of the others. Slaves whom they treated not as men but as property.

No property in the free States.
And this inequality gave
the slave states 21 additional
Rep. under the Census of 1860.

The 3/5 principle has
crushed in the destruction of
Slavery & the enfranchisement of
the col. race.

The Founders of
the Constitution, under the present
Constitution, was to change
will increase the no. of Reps.
from the one slave-holding
states, by 7 or 10; and under
the next Census still more.
And the real question now is, shall this be permitted while the col. race population are excluded from the privilege of voting?

The committee thought not, and thought it wiser to adopt a general principle applicable to all the States alike, not when the State excludes any part of its citizens from the elective franchise it shall lose representation in proportion to the numbers excluded.

They did not adopt the principle of making the ratio
of representation depend upon the number of voters — for it happens that there is an unequal distribution of voters in the several states, the old being proportionately fewer than the new. But they adopt numbers as, after all, the most just and satisfactory basis.

Our government should be guarded against aristocratic tendencies.
By the census of 1860 the whole number of colored persons in the Southern States was 4,242,061. In 5 of the N. E. states they are permitted to vote. Their number in those 5 states was 12,182. This leaves unprovided for in the other Southern States 4,414,981, or 1/7 of our entire population.

Of these, 3,650,000 were in the 11 seceding States, and only 547,000 in the 7 remaining slave States, which did not secede, viz. Del., Ky., and Mo. In the 11 seceding States, the blacks are to the whites nearly, as 3 to 5.

If the free slave States continue to exclude the...
clauses from voting, they will do it at the top of 24 representatives, according to the rule established by the statute of 1850.

And it is not to be dis- 

puted that the purpose 

amount to is intended to 

induce them, by their own 

interests, to extend the 

right of suffrage to the 

black race.

And it operates in the 

same way upon all the 

other states.

Those who are to bear the burden of 

obey the will of the God should know how to,

Marion, vol. 4 p. 29.
Section 3

I look upon it as useful.

I should prefer a clause prohibiting all persons who have participated in the rebellion & who have not at the breaking out of the rebellion, from all participation in office, federal or state.

Sections 4, 5

The safety of the country requires that the rebel debt & all claims for slaves should be forever put at rest & cease to be the subject of party agitation.
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Notes by M.H.

1866