



## Smithsonian Institution

*National Museum of African American History and Culture*

### Extension of the Ku Klux Act

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Extension of the Ku Klux Act.

The Senate, as in Committee of the Whole, having under consideration the bill (S. No. 656) to extend the provisions of the fourth section of the act approved April 20, 1871--

Mr. BLAIR said:

Mr. President: I ask the Secretary to read the bill under consideration.

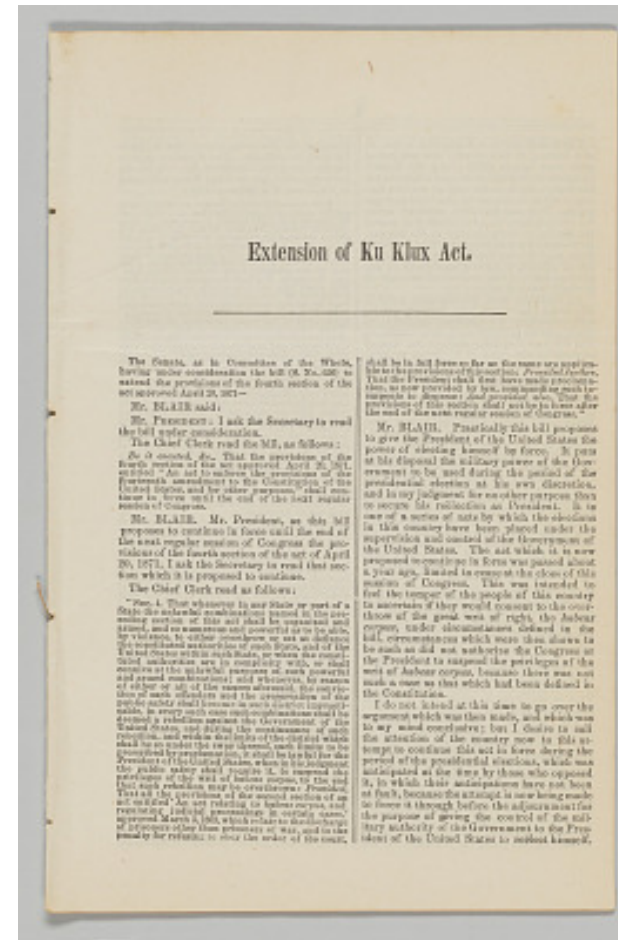
The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the provisions of the fourth section of the act approved April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," shall continue in force until the end of the next regular session of Congress.

Mr BLAIR. Mr. President, as this bill proposes to continue in force until the end of the next regular session of Congress the provisions of the fourth section of the act of April 20, 1871, I ask the Secretary to read that section which it is proposed to continue. The Chief Clerk read as follows:

"Sec. 4. That whenever in any State or part of a State the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of such State, and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at the unlawful purposes of, such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgement the public safety shall require it, to suspend the privileges of the writ of habeas corpus, to the end that such rebellion may be overthrown: Provided, That all the provisions of the second section of an act entitled 'An act relating to habeas corpus, and regulating judicial proceedings in certain cases,' approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: Provided further, That the President shall first have made proclamation, as now provided by law, commanding such insurgents to disperse: And provided also, That the provisions of this section shall not be in force after the end of the next regular session of Congress."

Mr. BLAIR. Practically this bill proposes to give the President of the United States the power of electing himself by force. It puts at his disposal the military power of the Government to be used during the period of the presidential election at his own discretion, and in my judgment for no other purpose than to secure his reelection as



President. It is one of a series of acts by which the elections in this country have been placed under the supervision and control of the Government of the United States. The act which it is now proposed to continue in force was passed about a year ago, limited to cease at the close of this session of Congress. This was intended to feel the temper of the people of this country to ascertain if they would consent to the overthrow of the great writ of right, the habeas corpus, under circumstances defined in the bill, circumstances which were then shown to be such as did not authorize the Congress or the President to suspend the privileges of the writ of habeas corpus, because there was not such a case as that which had been defined in the Constitution.

I do not intend at this time to go over the argument which was then made, and which was to my mind conclusive; but I desire to call the attention of the country now to this attempt to continue this act in force during the period of the presidential elections, which was anticipated at the time by those who opposed it, in which their anticipations have not been at fault, because the attempt is now being made to force it through before the adjournment for the purpose of giving the control of the military authority of the Government to the President of the United States to reëlect himself.

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