



Smithsonian Institution

National Museum of African American History and Culture

Extension of the Ku Klux Act

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intimidated and deterred from the exercise of the ballot? It is not pretended that the majority given for Seymour in the election of 1868 was produced by any violence, and yet he had a majority 3,796. In the election of 1870, when the attempt is made to make it appear that the blacks were intimidated, when, as the President says, for the charge is his, as he has indorsed it, that "the objects of the Ku Klux were by force and terror to prevent all political action not in accord with the views of the members, to deprive colored citizens of the right to bear arms and of the right to a free ballot," in that election Scott had a majority of 5,388. There is the charge in the face of this election return, the authentic history of the time undenied and undeniable, that here is a change of 9,000 votes in favor of these persons who are intimidated and driven away from the polls and deterred from the exercise of their rights to a free ballot! Sir, whoever asserts this will not find a sane man in America to give him credence. The result speaks in a voice which must carry conviction to the mind of all that it is a falsehood, no matter by whom asserted. There could not have been intimidation, there could not have been an attempt to deprive these people of their right to the ballot, because they exercised it in a manner which gave them a majority of over five thousand in a district which two years before had given more than three thousand majority against their party.

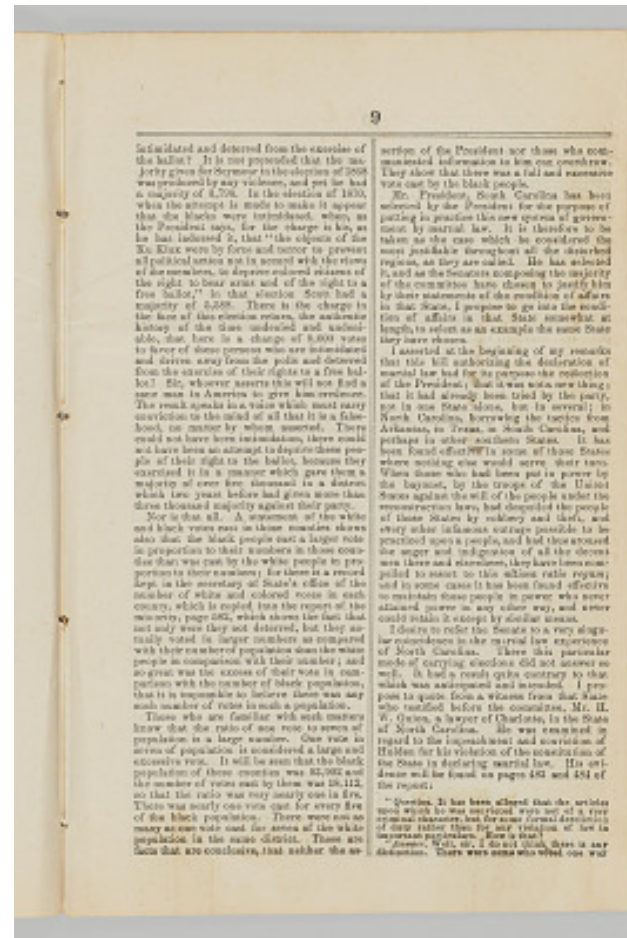
Nor is that all. A statement of the white and black votes cast in those counties shows also that the black people cast a larger vote in proportion to their numbers in those counties than was cast by the white people in proportion to their numbers; for these is a record kept in the secretary of State's office of the number of white and colored votes in each county, which is copied into the report of the minority, page 582, which shows the fact that not only were they not deterred, but they actually voted in larger numbers as compared with their number of population than the white people in comparison with their number; and so great was the excess of their vote in comparison with the number of the black population, that it is impossible to believe there was any such number of votes in such a population.

Those who are familiar with such matters know that the ratio of one vote to seven of population is a large number. One vote in excess of seven of population is considered a large and excessive vote. It will be seen that the black population of these counties was 93,902 and the number of votes cast by them was 18,112 so that the ratio was very nearly one in five. There was nearly one vote cast for every five of the black population. There were not as many as one vote cast for seven of the white population in the same district. These are facts that are conclusive, that neither the as-

[[column 2]]

sertion of the President nor those who communicated information to him can overthrow. They show that there was a full and excessive vote cast by black people.

Mr. President, South Carolina has been selected by the President for the purpose of putting in practice this new system of government by martial law. It is therefore to be taken as the case which he considered the most justifiable throughout all the disturbed regions, as they are called. He has selected it, and as the Senators composing the majority of the committee have chosen to justify him by their statements of the



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Mr. President, South Carolina has been selected by the President for the purpose of putting in practice this new system of government by martial law. It is therefore to be taken as the case which he considered the most justifiable throughout all the disturbed regions, as they are called. He has selected it, and as the Senators composing the majority of the committee have chosen to justify him by their statements of the condition of affairs in that State, I propose to go into the condition of affairs in that State, such as it is, length, to select as an example the same State they have chosen.

I allude at the beginning of my remarks that this bill authorizing the declaration of martial law had for its purpose the protection of the President, that it was not, as some say, that it had already been tried by the party, not in one State alone, but in several; in North Carolina, borrowing the tactics from Arkansas, to Texas, to South Carolina, and perhaps in other southern States. It has been found effective in some of these States where nothing else would serve their purpose. When those who had been put in power by the bayonet, by the troops of the United States against the will of the people under the reconstruction laws, had disarmed the people of these States by robbery and theft, and every other infamous outrage possible to be practiced upon a people, and had thus excited the anger and indignation of all the decent men there and elsewhere, they have been compelled to meet in this solemn hall, and in some cases it has been found effective to resist these people in power, who never obtained power in any other way, and never could retain it except by similar means.

I desire to refer the Senate to a very singular coincidence in the martial law experience of North Carolina. There this particular mode of carrying elections did not succeed so well. It had a result quite contrary to that which was anticipated and intended. I propose to quote from a witness from that State who testified before the committee, Mr. H. H. Owen, a lawyer of Charlotte, in the State of North Carolina. He was examined in regard to the impeachment and conviction of Holden for his violation of the constitution of the State in declaring martial law. His evidence will be found on pages 483 and 484 of the report.

"Quesada. It has been alleged that the articles upon which he was convicted were not of a free and honest character, but the most corrupt determination of some rather than for any violation of law to increase patronage. How is that?"

"Answer. Well, sir, I don't think there is any doubt about it. There were some who voted one way

condition of affairs in that State, I propose to go into the condition of affairs in that State somewhat at length, to select as an example the same State they have chosen.

I asserted at the beginning of my remarks that this bill authorizing the declaration of martial law had for its purpose the reelection of the President; that it was not a new thing' that it had already been tried by the party, not in one State alone, but in several; in North Carolina, borrowing the tactics from Arkansas, in Texas, in South Carolina, and perhaps in other southern States. It has been found effective in some of those States where nothing else would serve their turn. When those who had been put in power by the bayonet, by the troops of the United States against the will of the people under reconstruction laws, had despoiled the people of those States by robbery and theft, and every other infamous outrage possible to be practiced upon a people, and had thus aroused the anger and indignation of all the decent men there and elsewhere, they have been compelled to resort to this *ultima ratio regum*; and in some cases it has been found effective to maintain those people in power who never attained power in any other way, and never could retain it except by similar means.

I desire to refer the Senate to a very singular coincidence in the martial law experience of North Carolina. There this particular mode of carrying elections did not answer so well. It had a result quite contrary to that which was anticipated and intended. I propose to quote from a witness from that State who testified before the committee, Mr. H. W. Guion, a lawyer of Charlotte, in the State of North Carolina. He was examined in regard to the impeachment and conviction of Holden for his violation of the constitution of the State in declaring martial law. His evidence will be found on pages 483 and 484 of the report:

Question. It has been alleged that the articles upon which he was convicted were not of a very criminal character, but for some formal dereliction of duty rather than for any violation of law in important particulars. How is that?

Answer. Well, sir, I do not think there is any distinction. There were some who voted one way

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