

*To The Hon. Cass M. Burke, Ed. member of The
House of Representatives,
Washington, D.C.*

Sirs:-

DEC 15 1911

For forty years, the Negro-American has been voting for the Republican Party expecting that in due time the party to which he gave his suffrage would do justice to all, irrespective of race, color, or previous condition in accordance with the expressed wish and implied purpose of the three last amendments, 13th., 14th., and 15th., of the Constitution of the United States and the laws made in pursuance thereof. Our expectations have not been fully realized, notwithstanding the fact that our party (Republican) has been in power in all the coordinate branches of the General Government, with the exception of during eight years of the period.

It is a well known fact that since 1876 there are certain sections of the Union in which these constitutional amendments are practically nullified by different devices, under the police power of the states, which we believe to be in violation of the plain mandates of the organic law of the Republic.

We believe that Congress has the sole power under the Constitution to enact the necessary "appropriate legislation" to enforce the provisions of the amendments, and to establish the rights, privileges, and immunities of National Citizenship. There is no limit to the power of Congress, notwithstanding regulation, custom, or law of any state to the contrary.

The powers thus granted under the amendments have lain dormant, or for some unexplained reason have never been exercised by Congress. We recognize that these powers are within the discretion of Congress and are unlimited by any state lines. It should be remembered that the 13th. amendment was intended to wipe out chattel slavery and "Involuntary Servitude", except as a punishment for crime, whereof the parties shall have been duly convicted by due process of law.

That it made every man, woman, and child free, and being free, they were entitled to all the rights, priviledges, and immunities of free men. The moment the amendment was adopted all became free, and Congress was clothed with the sole power to enact the necessary, appropriate legislation to carry into effect its provisions.

It is mandatory upon Congress to act, where any citizen is denied or in any way abridged in exercising any right enjoyed by any other citizen. We further state that any citizen be he white or black, who is deprived of prevented from exercising any right common to other citizens is under a condition of "Involuntary Servitude" and comes within the purpose and meaning of the 13th. amendment for the sole action of Congress to abolish or remedy by "Appropriate Legislation", such as Congress may enact to enforce the provisions of the amendment.

Notwithstanding the fact that we believe that this (13th.) amendment was all that was necessary to assure to the Negro-American every right, having made all free and wiped out every part of the organic law of the Republic acknowledging property in man, it wiped out every law and every decision of a court legalizing slavery and involuntary servitude except as a punishment for crime.

The opposition (Democratic Party) contended that it neither gave the negro citizenship nor the rights of Free men. The Republican Party then to settle all cavil and to establish a national citizenship, proposed the 14th. amendment to the Constitution of the United States. This amendment expressly defines who are citizens of the United States. and of the states in which they reside and etc. This is an affirmative declaration and no state was to enact any law discriminating or making a distinction between citizens of whatever race or color. All were to be equal in civil and political rights and to enjoy equal priviledges under the law. No More no less.

It imposes upon Congress the sole power and duty to enforce its provisions by "Appropriate Legislation".

It is this "Appropriate Legislation" for which we appeal to the Republican members of Congress to enact into law; so that the Negro-American may go into the Federal Courts and have the wrongs heaped upon him redressed. We deprecate the policy, as heretofore, of allowing the several states under its police powers to regulate and to exercise a power wholly delegated to Congress, whereby they are permitted to disfranchise the Negro-American and to establish artificial legislation discriminating against citizens on account of race and color. We believe that all such discriminations are ~~are~~ contrary to expressed and implied intentions of the Constitution of the United States.

The Republicans of Congress and the nation cannot avoid the issue nor shift the responsibility upon a state, especially when the state uses its delegated powers to abridge and nullify the avowed intention of the amendments of the Constitution of the United States. The states can only exercise its police power to establish good government and equal justice between its citizens. In this way, and this way only, can it aid the General Government in carrying out the principles of a free republic.

While the 14th. amendment established a local and national citizenship upon the basis of civil and political equality, it was contended that it did not give the citizen the right to vote. In order to confer upon the citizen (native or naturalized) irrespective of race or color the right to vote, the 15th. amendment was proposed and adopted by the states and by Congress. This amendment removed, or was intended to remove, any difficulty in the citizen voting. It declares:- The right to vote shall not be denied by the United States or any State on account of Race, Color, or Previous Condition of Servitude. And Congress shall have power to enforce the provisions of the article by appropriate legislation. So well so good.

We have in all these amendments ample ground for the unlimited action of Congress. And in view of these three last amendments to the organic law, Congress is the only power that can act, in protecting the national rights of the citizen.

We further invite the attention of Congress and of all fair minded persons throughout the country to the fact that in certain states and sections of this country the Negro-American is disfranchised and denied the right of representation under repressive measures, enacted and enforced by the Democratic Party. They are counted in the basis of representation and the southern states exercise an unjust preponderance over the whites of other states by reason of being allowed representation in Congress based upon the Negro-American population.

Prior to the abolition of slavery the ex-slave ^{States} were allowed representation for three-fifths of their slaves.

They now enjoy representation in the Electoral College and in Congress for the entire Negro-American population in those states. In other words, one white man in an ex-slave state wields as much power in Congress and in the Electoral College, as five white men in the other states. Is this Fair?

Should such inequality exist in this country in plain defiance of the organic law. We submit that this is not merely an injustice to the Negro-American but to the entire country.

Why should one white man in a southern state wield as much power in Congress and the Electoral College as five white men in other states and Congressional districts of the Union? Should not Congress remove or remedy this injustice and inequality in representation.

Laying aside any consideration of a racial character, and placing it upon a higher plane of its merits as a proposition of equality, and justice in political and civil rights, it seems to us that it is the indispensable duty of the Republican Members of the present Congress to enact the necessary

"Appropriate Legislation" whereby the amendments may properly be enforced.

What we most desire is not a law merely to catch votes; but one which will prove efficient and will stand the test of courts of law. It has been a favorite claim of the Democratic Party as an excuse to violate the Constitution that to enforce the amendments involves a question of social equality.

In other words, that the Negro-American is seeking to establish "Social Equality." Such a contention as that, on the part of those who oppose and favor the suppression of the Negro-American vote and the inequality of representation in Congress and the Electoral College as between white citizens of different sections of our Country is too absurd, not to say irrational, to ~~need~~ ^{need} any extended refutation in this appeal to your enlightened and just sentiment as representatives of a patriotic people of a free country. Our destiny is so closely interwoven with that of all our fellow-countrymen that any civil or political injustice to one, involves equal injustice to the civil or political rights of all, that it is hard for us to believe that we are making this petition for redress on grievance in vain. Now as to the character of the proposed legislation, that is such as Congress may provide under the amendment; to which we have already called your attention.

We further invite the attention of the Republican Members of Congress to the fact that the Negro-American citizens are not merely subjected to the high-handed methods of violating the Constitution in reference to citizenship and the right to vote as free men; but that upon the public highways of portions of this country, railroads and other public carriers are compelled to discriminate between their passengers. This we believe to be within the power of Congress to abolish by "Appropriate Legislation" under the Commerce Clause of the Constitution giving Congress the sole power to regulate commerce between the state and etc.

Under all the decisions handed down by the Supreme Court of the United States, this power to "Regulate" is simply paramount. Hence, we believe that Congress can enact the necessary laws to prevent discrimination upon public highways engaged in interstate Traffic.

We therefore demand such regulation as will wipe out such unjust discrimination upon the public carriers of the country. In view of the powers granted by the Constitution to the discession of Congress by the enactment of such legislation as will protect the interest of the citizen, we, therefore petition Congress to no longer delay in protecting our interests against those who aim to deprive us of what justly is our due as American Citizens, we, therefore, demand that Congress so amend or enact a law to regulate transportation, so as to wipe out the so-called "Jim Crow" laws of the states wherein they try to regulate interstate traffic. Appreciating the difficulties surrounding the enactment of laws, we petition for redress of said grievances, hoping that your honorable body will give due consideration to the facts and principles herein set forth.

Respectfully Submitted.

Committee

J. R. Scott Chairman
J. R. Scott Chairman Ex. Com.
J. M. H. Foster - Secretary
Pittsburg, Pa.
Dec. 7, 1908

Headquarters,
"2447 Mylie Ave.,

J. M. H. Foster
Cor. Secretary