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CIVIL RIGHTS AND JUDGE HARLAN.

BY FREDERICK DOUGLASS.

In the early days of the Anti-Slavery conflict, when Anti-Slavery men were few and were often ridiculed for their numerical insignificance, I was wont to console myself with what seemed to many a transcendental idea,that one man with God is a majority ; that if such a man does not represent what is he does represent what ought to be, and what ultimately will be. The colored people and their friends may well enough avail themselves of this sublime consolation in their present situation, and in view of the righteous and heroic stand taken in defence of liberty and justice by Justice John M. Harlan. He has felt himself called upon to isolate himself from his brothers on the Supreme Bench, and to place himself before the country as the true expounder of the Constitution as amended, and of the duty of the National Government to protect and defend the rights of citizens against any infringement of their liberty. The opinion which he has given to the country, as to the constitutionality of the Civil Rights Bill, places his name among the ablest jurists who have occupied the Bench of the Supreme Court. No utterance from that Bench, since the celebrated and splendid opinion given by Judge Curtis against Judge Taney's infamous Dred Scott decision, has equaled this opinion in ability, thoroughness, comprehensiveness and conclusive reasoning Compared with it the decision of the eight judges was as an egg shell to a cannon ball. We are told in Scripture that one shall chase a thousand, but one opinion like this could put to flight ten thousand of such decisions as the thin, gaunt and hungry one which denies the constitutionality of the Civil Rights Bill, and the duty of the Federal Government to protect the rights and liberties of its own citizens. No man, unless blinded by passion, prejudice, or selfishness, can read this opinion without respect and admiration for the man behind it. Where the decision of the Court is narrow, superficial and technical, the opinion of Judge Harlan is broad and generous, and grapples with substance rather than shadow, with things as they are rather than with abstractions.

I look upon the decision of the Supreme Court, in this case, as an act of surrender, almost akin to treachery. If any one thing was settled by the Rebellion it was that allegiance was, first of all, due, not to the States, but to the nation, and that protection and allegiance go together. For this principle the nation spent mountains of money and sacrificed a half a million of men, but now the decision of the Supreme Court affirms the principle, by which this expenditure of blood and treasure was forced upon the country, to be constitutional. "I go out with my State!" So said Alexander Stephens of Georgia, and so said Robert E. Lee, of Virginia. "My allegiance is due to the State that protects me in my liberties," so they said, and went off and put arms in their hands and bullets in their pockets, with which to shoot down the defenders of the nation.

Nothing has happened since the war for the Union, so calculated to encourage the war-exploded dogma of State rights, and humiliate the nation, as this decision of the Supreme Court. Well may the newspapers all over the South laud and magnify this decision. Well may they gloat in triumph over the negro citizen and declare they have now got him just where they want him. They can put him in a smoking car or baggage car, take him as freight or as a passenger, take him or leave him at a railroad station, exclude him from inns, drive him from all places of amusement and instruction, without the least fear that the National Government will interfere for the protection of his liberty. In the name of all that is honorable and just, I ask : Was it this for which two hundred thousand black men bared their bosoms to the storm of rebel cannon? Was it for this they reached out their iron arm and clutched with their steel fingers the faltering flag of their country? Was it for this that thousands of them perished at Port Hudson, Vicksburg, Petersburg and Fort Wagner?

> By all around, above, below,
> Be sure the indignant answer, No!

No! The brave statesmen who framed the reconstruction of the rebellious States, upon the basis of the thirteenth and fourteenth amendments, never meant to deceive or desert their faithful colored allies, and leave them in the forlorn and desperate situation described by this unfortunate decision.

Nevertheless, the late slave-holding and rebel States have good grounds in this decision for their grim and ghastly exultation over the fallen condition of the colored citizen since the war. It is supported by eight of the nine pillars of the highest court in the land. Just here, perhaps, is one of the saddest features of the case. That Court is composed of nine Republican judges, each appointed by a Republican President, and each confirmed by a Republican Senate. And yet of the nine only one is found worthy to hold up the liberal side of the American Constitution—only one who dares to respect the beneficent intentions of the loyal statesmen of the country, and to secure to colored citizens the rights plainly written down in the Constitution. No wonder that Republicans like Senator Sherman and other statesmen of the period declare their intention not to acquiesce silently in this decision.

As to Justice John M. Harlan, no man in America at this moment occupies a more enviable position. His attitude is one of marked moral sublimity. The marvel is that, born in a slave State, as he was, and accustomed to see the colored man degraded, oppressed and enslaved, and the white man exalted ; surrounded by the peculiar moral vapor inseparable from the slave system, he should so clearly comprehend the lessons of the late war and the principles of reconstruction, and, above all, that in these easy-going days he should find himself possessed of the courage to resist the temptation to go with the multitude. He has chosen to discharge a difficult and delicate duty, and he has done it with great fidelity, skill and effect. In other days, when Garrison, Phillips, Sumner, Wilson and others spoke, wrote and moved among men, Old Massachusetts did not leave to Kentucky the honor of supplying the Supreme Bench with a moral hero. That State then spoke through the cultivated and legal mind of Judge Curtis. Happily for us, however, Kentucky has not only supplied the needed strength and courage to stem the current of pro-slavery reaction, but she has also supplied in Justice Harlan patience, wisdom, industry and legal ability, as well as heroic courage.

I hope THE REFORMER will do what it can to expose and defeat the mischievous efforts being made by certain leading newspapers, to misrepresent those who take issue with the decision of the Supreme Court. Unable to resist the arguments in favor of the Civil Rights Bill they persist in declaring it to be a Social Rights Bill. The object is very apparent. It is to arouse a vulgar and stupid prejudice. There is no ground whatever for confounding civil rights with social privileges. One rests upon individual preferences as variable as the winds. No law can define them and no government can enforce them ; the other is founded upon principles of law and the Constitution of the State, and capable of definition and enforcement by law. What has riding in the same railroad car, being sheltered at the same inn, attending the same show, looking at the same animals, sitting in the same theatre, to do with social equality? As well might it be said that to buy goods at the same store, meat at the same market, to live on the same street, or in the same town or city, makes men socially equal. Men may live in all these relations and yet be as wide apart, socially, as the poles of the moral universe.

WASHINGTON, D. C., November, 1883.

THE REPUBLICAN PARTY IN OHIO.

BY NEAL DOW.

THE leaders of the Republican party in Ohio charge its defeat upon the Prohibitionists. That is true, and yet in another sense it is not true. The Republicans are themselves responsible for the defeat of the party. The leaders placed it boldly and offensively upon the *rum platform*, believing that to be the surest way to win ; they were mistaken, that's all ; they found it instead to be the certain way to defeat. The Temperance men would not vote its ticket—that is, enough of them refused to vote it to insure its defeat.

A political party is a partnership, the various members of which are working for a dividend. The bosses want the offices for their share ; some want protection to home industry for their share ; some want civil service reform for their share ; some want an honest and economical administration of public affairs for their share ; a great many others want protection to their homes against the grog-shops for their share ; another part of the firm wants protection to the grog-shops against the homes. The bosses had to decide between the two latter classes of partners and they determined to go for the grog-shops against the homes as the more certain way to secure their own dividend, to-wit, the offices and emoluments. They made a mistake and lost, that's all there is of it. A great many of the partners would not go for the grog-shops anyway, under any circumstances whatever, and they withdrew from the concern. The party was smashed and the hope of office of the bosses dropped like a spoonful of apple-sauce in the sand, not to be gathered up again. Instead of seeing and blaming their own folly and dishonesty, the bosses curse the Prohibitionists because they would not go for the grog-shops against the homes. They did in fact "go for them," but not in the sense desired by the bosses.

What is the lesson of the last election to Re-