THE RIGHTS OF MAN.

Senator Wilson Proposes a New Amendment to the Constitution.

Endowing Congress to Legislate for the Protection of Citizens.

A Powerful Speech by the Iowa Senator on the Subject.

Senator Beck Grieving Over the Rapid Cancellation of the National Debt.

THE SENATE.

In the senate the messages of the President, which were read in the house Tuesday afternoon, relating to Indian affairs, were read.

Among the bills presented was one by Mr. Jonas, to regulate the removal of causes from circuit courts of the United States to other circuit courts of the United States.

Mr. Van Wyck offered resolutions calling on the secretary of the treasury to furnish copies of all vouchers and items of expense for special or assistant attorneys and detectives, with the names of the parties, since March 4, 1881, except for such period as has been covered by the information already furnished to the senate.

Also, calling on the secretary of the interior to furnish copies of all papers relating to the attempted transfer by the Texas Pacific Railroad company of its land grant to the Southern Pacific Railroad companies of Arizona, New Mexico, and California; and also copies of any memorials, briefs, or letters relating to the matter of land grants or subsidies to the Texas and Pacific railroad. Ordered to lie over a day and be printed.

The senate then took up the following resolution, offered the day previous by Mr. Beck:

"*Resolved*, That the secretary of the treasury be and he is hereby directed to inform the senate as soon as practicable the amount of the public debt of the United States after the sums provided for in the act of Feb. 25, 1862, were obtained under its provisions, and how much said public debt was now been reduced beyond the amount required to be applied as a sinking fund by the provisions of sections 3,664 and 3,696 of the revised statutes, and to further inform the senate what sums will hereafter be required annually until the maturity of the 4 per cent. bonds in 1907, in order to comply with the provisions of said section as now construed by his department, stating how the amounts so required can be applied to the sinking fund prior to 1907."

Mr. Beck explained that he desired this information so that we may consider the basis on which we shall seek to adjust the taxation of the country. It is perfectly apparent that the request of the secretary of the treasury made in his recent report to keep up taxation beyond the wants of the government, at least $30,000,000, be applied to the sinking fund ought not to be complied with and his own report seems to furnish the basis for this statement.

The sinking fund has been fully and fairly provided for, he said, for twenty years to come. The purpose of the fund was to give assurance or security to the creditors of the United States that the debt would be paid. This it amply does and would do without the necessity of following the recommendation of the secretary of the treasury.

Mr. Sherman said he had no objection whatever to the resolution calling for the information, but repeated his remark of Tuesday, that the published statements relating to the sinking fund, contain all the material necessary from which to derive such particulars as the gentleman from Kentucky (Mr. Beck) desires. No information relating to the affairs of the government had been more fully published than that relating to the public debt, in all its phases. He explained the condition of the sinking fund, and the difficulty, owing to variations in the rates of interest, &c., of foretelling its precise condition at any specified time. He thought, however, that at the present rate, the sinking fund would pay off the national debt in about fourteen years. The question arises: Has not the government of the United States, in justice to its pledged public faith, the right to apply to the sinking fund in any one year, a sum in excess of the requirements for that year, in order to make up a deficiency in a subsequent year?

He believed the policy a good one, which preserved the sinking fund intact; there should be no interruption to that policy, except under extraordinary pressure which should be only temporary, and it should be resumed at the earliest moment and persevered in until the public debt is paid off to the very uttermost farthing.

Mr. Beck in reply said that he desired no action or legislation that would injure the public faith or credit, but on the contrary what he wanted was to maintain it, but to do so by taxation for legitimate purposes and not for the purpose of accumulating money at the rate of $50,000,000 a year, or of advancing the prospects of any man to a nomination for the presidency.

Mr. Bayard favored the resolution, but wished it enlarged so as to show the legal status of the sinking fund. He moved an amendment to the resolution under consideration, so that it may call also for a report showing under precisely what provisions of law the reduction of the public debt has been effected.

Mr. Plumb thought the sinking fund at the present time a mere matter of bookkeeping. The people of the country were anxious that the debt should be paid off as rapidly as possible. They do not need to keep up a debt for the purpose of maintaining the national banking system. The national banking system, so far as its relations to the currency are concerned, is doomed with the extinction of the national debt, because the demands of the country for currency are constantly increasing. He held it to be the part of good judgment and patriotism to begin to provide for something that shall take the place of the present national banking system.

The amendment of Mr. Bayard was agreed to, and the resolution as amended was also agreed to.

Mr. Wilson then called up his joint resolution proposing an amendment to the constitution relating to civil rights of citizens, and moved its reference to the committee on judiciary.

The resolution proposes the following article of amendment to be numbered article 16:

"Congress shall have power by appropriate legislation to protect citizens of the United States in the exercise and enjoyment of the rights, privileges, and immunities, and to assure to them the equal protection of the laws."

Mr. Wilson addressed the senate in support of the resolution. Two obligations, he said, result from the establishment of government, namely, allegiance and protection, and these obligations are reciprocal. Whosoever owes allegiance is a citizen, and whosoever is a citizen is entitled to protection. This is the doctrine of our constitution. It was not an idle play upon words that led the founders of our government to declare that "all men are created equal." We did not need the awful experiences which came to this nation to illustrate the correctness of the principle that allegiance and protection are reciprocal. The broken columns of the nations were evidences sufficient of it, for no people has continuously enjoyed the ends of government as enumerated in the preamble to our constitution without the cooperation of these two factors, nor will it ever be otherwise.

But the mere declaration of right theories on this subject, Mr. Wilson said, will never accomplish the ends of government; what is wanted is the solid fact of hearty allegiance on the one hand, and effective protection on the other. By the allegiance of the citizen, both his property and life are held subordinate to the necessities of the government. On the other hand, standing as a perpetual alert and sleepless presence, is the obligation of protection. The citizen has, therefore, the right to demand the utmost protecting power of the government in return for the duty which he owes to it.

When this is denied then are the foundations of revolution laid. Whatever right of protection belongs to the whole, or a considerable body of the people, is the right of each citizen. Each citizen is ready to admit the force of this doctrine for himself and to apply it in his own defense, and what each would do for himself, it is unbecoming in him to refuse to others. Up to the war of the rebellion the principles of our government were inconsistent with its practices, but the principles were right.

During the progress of that war, steps were taken to abolish slavery. Before all the states had resumed their proper positions as members of the union, slavery had disappeared, and a new complication presented itself to many minds. The slaves were free. There were several millions of them. Where they citizens? I do not doubt that they were. At the time referred to I did not doubt that they were native born citizens. But there was some confusion of belief on this point. It was determined to settle the question. It was settled by the adoption of an amendment to the constitution, which, among other things, provides that: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the states wherein they reside."

This should have been of itself sufficient to settle the entire controversy. In direct terms it did determine who is a citizen. To each person thus declared a citizen the obligation of allegiance attached, and by every right intendment this established in behalf of each citizen the reciprocal obligation of protection. This is both the philosophy and ethics of government. There is no escape from the logic of the case. But congress and the states, when they made the amendment to the constitution to which I am now addressing my attention, recognizing the complicated political phenomena occasioned by the judicial and political interpretation to which I have alluded, resolved to put the case beyond the lines of dispute, and to that end placed the fifth section in the fourteenth article in these words: "The congress shall have the power to enforce, by appropriate legislation, the provisions of this article." Why was this done? What is the office of this section? But one answer can be given to these questions. That section was made a part of the constitution in order definitely to determine the power of congress to provide means for the full discharge of the obligation of protection to the citizen, in return for the obligation of allegiance resting on him. Not because the power so to do did not adhere in the constitution, but because a conflict of opinion had arisen as I have suggested.

This conflict was a fact, whether well founded or not, and it was deemed wisest and best to meet it, and put it out of the case, with such a constitutional fact as the fifth section of the fourteenth article. When this was done, the government had just completed one of those prodigious tests of power which rarely arouse the energies of nations. In the course of this test it had supplemented the spirit of patriotism that filled the ranks of the union armies in the earlier years of the war, by the voluntary action of our citizens, with a resort to that compulsion which recognized no excuse, except one of a public character. The conscription act was inexorable. Not home, nor ease, nor pleasure, nor business, nor private interest, nor race, nor color, nor riches, nor poverty, nor learning, nor ignorance, could successfully stand in opposition to the command with which the conscription ordered the citizen into the ranks of the army. A common line of citizenship surrounded all, and a common obligation of allegiance rested on all. An equality which knew no degrees or groups fixed the status of each. It was on this basis the government planted itself during the dreadful years of the war; and we may not wonder now that congress and the nation were anxious at the close of the struggle that there should be no ground on which even hypercriticism could plant itself to question the protective power of the republic. The conflict of opinion which affected the status of the millions of our population who had emerged from slavery, rendered it especially desirable that no doubt in this regard should remain. It was plain, so far as those millions were concerned, as well as all the members of their race in this country who had not been subject to the supreme oppression of slavery, that some protective laws would be needed which had not theretofore been resorted to. Those people were freighted down with the crushing burdens of ignorance, prejudice, race distinctions, line of caste, and disabilities evolved by two centuries of slavery. But they were citizens and entitled to the equal protection of the laws. Hence article fourteen of the constitution, and its reassertion of the protective powers of congress.

Mr. Wilson then reviewed the civil rights legislation, which he said was rendered necessary by the fact that the constitution will not enforce itself. But the supreme court of the United States had recently declared this legislation of congress unconstitutional and void, and had held that it is state action that is prohibited by the constitution, not the individual invasion of individual rights. He quoted at length from the cases decided by that court, and combatted the doctrine which led to its conclusion. According to this theory all that a state has to do is to remain inert, to refuse protection to the citizen, and the nation cannot help him. And this is called the equal protection of the law and the enforcement of the constitutional amendments!

"We will, doubtless, all agree," he said, "that after all has been done that can be done by constitutions and laws, there will remain much for the individual citizen to do. We cannot enact thrift. This must be worked out by the individual. We cannot, by law, establish social position. This must be won by a development of those admirable personal qualities which inspire the respect of our fellow-citizens. We cannot ordain success. This must come through application, persistence and judgment.

"The most that constitutions and laws can do is to assure to each citizen an equal chance with all others, to reach those ends which governments are organized to promote. But no citizen has an equal chance who has not equal protection. It is his right to possess both. It is the duty of government to assure both, for justice is the foundation of government."

Mr. Garland said the question involved in this proposition opened a very broad field of inquiry, and at the proper time he would wish to be heard on it. Meanwhile, he would say that no one who had read the various decisions of the supreme court for some years past could have entertained any doubt what its decision would be in the recent case which had been so much commented on. He cited several cases in point, and added that the inconsistency was not to be found in the opinion of the majority of that court, but in that of the minority—namely, Justice Harlan. If white, black, or any other kind of people in this country had not the equal protection of the laws he was in favor of giving it to them and had never tried to deny it to them, but how far congress could go in throttling a state he was not now prepared to say, but hoped to be prepared when this proposition should come up for debate.

The resolution was then referred to the committee on judiciary.

On motion of Mr. Ingalls the senate went into executive session, and shortly afterward adjourned.

Dimes for Hawaii.

The superintendent of the mint at Philadelphia has been notified that the Hawaiian government desires to substitute a 10 cent silver coin for the 12½ cent piece originally ordered, and has been granted authority to prepare a die in accordance.

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THOMAS J. JONES.
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I bespeak for Thomas J. Jones, who will retain the drug name and style, the continuation of the liberal patronage the firm has hitherto received.
de10-m&f3t A. T. MATTHEWS.

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AT No. 1225 F ST.—FURNISHED PARLOR and bedroom; south front; good references. 7-18

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906 K ST. N. W.—FURNISHED PARLORS, or would rent house to suitable party. 7-13

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611 13TH ST. N. W., NEAR THE ERBITT House—Nicely furnished apartments, suitable for a Senator, Member, or others; also a single room. 7-13

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1001 R ST. N. W.—A SUITE OF 5 ROOMS, nicely furnished, for light housekeeping; on 2d floor, with gas and water. 7-13

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910 F ST. N. W.—NICELY FURNISHED front room on 3d floor, 2 small communicating, and 1 single, 2d floor; terms moderate. 7-15

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