

Wyoming Territory! Washington Territory! Where are their large cities? Where are the localities in those Territories where the strain upon popular government must come? The Senator from New Hampshire [Henry W. Blair—*Ed.*], who is so conspicuous in this movement, appalled the country some months since by his ghastly array of illiteracy in the Southern States. . . . That Senator proposes now to double, and more than double, that illiteracy. He proposes now to give the negro women of the South this right of suffrage, utterly unprepared as they are for it.

In a convention some two years and a half ago in the city of Louisville an intelligent negro from the South said the negro men could not vote the Democratic ticket because the women would not live with them if they did. The negro men go out in the hotels and upon the railroad cars. They go to the cities and by attrition they wear away the prejudice of race; but the women remain at home, and their emotional natures aggregate and compound the race prejudice, and when suffrage is given them what must be the result? . . .

I pity the man who can consider any question affecting the influence of woman with the cold, dry logic of business. What man can, without aversion, turn from the blessed memory of that dear old grandmother, or the gentle words and caressing hand of that dear blessed mother gone to the unknown world, to face in its stead the idea of a female justice of the peace or township constable? For my part I want when I go to my home—when I turn from the arena where man contends with man for what we call the prizes of this paltry world—I want to go back, not to be received in the masculine embrace of some female ward politician, but to the earnest, loving look and touch of a true woman. I want to go back to the jurisdiction of the wife, the mother; and instead of a lecture upon finance or the tariff, or upon the construction of the Constitution, I want those blessed, loving details of domestic life and domestic love.

. . . I speak now respecting women as a sex. I believe that they are better than men, but I do not believe they are adapted to the political work of this world. I do not believe that the Great Intelligence ever intended them to invade the sphere of work given to men, tearing down and destroying all the best influences for which God has intended them.

The great evil in this country to-day is in emotional suffrage. The great danger to-day is in excitable suffrage. If the voters of this country could think always coolly, and if they could deliberate, if they could go by judgment and not by passion, our institutions would survive forever, eternal as the foundations of the continent itself; but massed together, subject to the excitements of mobs and of these terrible political contests that come upon us from year to year under the autonomy of our Government, what would be the result if suffrage were given to the women of the United States?

Women are essentially emotional. It is no disparagement to them they are so. It is no more insulting to say that women are emotional than to say that they are delicately constructed physically and unfitted to become soldiers or workmen under the sterner, harder pursuits of life.

What we want in this country is to avoid emotional suffrage, and what we need is to put more logic into public affairs and less feeling. There are spheres in which feeling should be paramount. There are kingdoms in which the heart should reign supreme. That kingdom belongs to woman. The realm of sentiment, the realm of love, the realm of the gentler and the holier and kindlier attributes that make the name of wife, mother, and sister next to that of God himself.

I would not, and I say it deliberately, degrade woman by giving her the right of suffrage. I mean the word in its full signification, because I believe that woman as she is to-day, the queen of the home and of hearts, is above the political collisions of this world, and should always be kept above them. . . .

It is said that the suffrage is to be given to enlarge the sphere of woman's influence. Mr. President, it would destroy her influence. It would take her down from that pedestal where she is to-day, influencing as a mother the minds of her offspring, influencing by her gentle and kindly caress the action of her husband toward the good and pure.

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People v. Hall, 1854

Bias against Chinese and other colored "races" was endemic in nineteenth-century California, but perhaps no single document so well demonstrates that bias as this majority opinion handed down by the Chief Justice of the California Supreme Court. Since Chinese miners lived in small, segregated groups, the practical effect of this decision was to declare "open season" on Chinese, since crimes against them were likely to be witnessed only by other Chinese.

The People, Respondent, v. George W. Hall, Appellant

The appellant, a free white citizen of this State, was convicted of murder upon the testimony of Chinese witnesses.

The point involved in this case, is the admissibility of such evidence.

The 394th section of the Act Concerning Civil Cases, provides that no Indian or Negro shall be allowed to testify as a witness in any action or proceeding in which a White person is a party.

The 14th section of the Act of April 16th, 1850, regulating Criminal Proceedings, provides that "No Black, or Mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man."

The true point at which we are anxious to arrive, is the legal signification of the words, "Black, Mulatto, Indian and White person," and whether the Legislature adopted them as generic terms, or intended to limit their application to specific types of the human species.

Before considering this question, it is proper to remark the difference between the two sections of our Statute, already quoted, the latter being more broad and comprehensive in its exclusion, by use of the word "Black," instead of Negro.

Conceding, however, for the present, that the word "Black," as used in the 14th section, and "Negro," in 394th, are convertible terms, and that the former was intended to include the latter, let us proceed to inquire who are excluded from testifying as witnesses under the term "Indian."

When Columbus first landed upon the shores of this continent, in his attempt to discover a western passage to the Indies, he imagined that he had accomplished the object of his expedition, and that the Island of San Salvador was one of those Islands of the Chinese sea, lying near the extremity of India, which had been described by navigators.

Acting upon this hypothesis, and also perhaps from the similarity of features and physical conformation, he gave to the Islanders the name of Indians, which appellation was universally adopted, and extended to the aboriginals of the New World, as well as of Asia.

From that time, down to a very recent period, the American Indians and the Mongolian, or Asiatic, were regarded as the same type of human species. . . .

. . . That this was the common opinion in the early history of American legislation, cannot be disputed, and, therefore, all legislation upon the subject must have borne relation to that opinion. . . .

. . . In using the words, "No Black, or Mulatto person, or Indian shall be allowed to give evidence for or against a White person," the Legislature, if any intention can be ascribed to it, adopted the most comprehensive terms to embrace every known class or shade of color, as the apparent design was to protect the White person from the influence of all testimony other than that of persons of the same caste. The use of these terms must, by every sound rule of construction, exclude every one who is not of white blood. . . .

. . . We have carefully considered all the consequences resulting from a different rule of construction, and are satisfied that even in a doubtful case we would be impelled to this decision on grounds of public policy.

The same rule which would admit them to testify, would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls.

This is not a speculation which exists in the excited and overheated imagination of the patriot and statesman, but it is an actual and present danger.

The anomalous spectacle of a distinct people, living in our community, recognizing no laws of this State except through necessity, bringing with them their prejudices and national feuds, in which they indulge in open violation of law; whose mendacity is proverbial; a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; differing in language, opinions, color, and physical conformation; between whom and ourselves nature has placed an impassable difference, is now presented, and for them is claimed, not only the right to swear away the life of a citizen, but the further privilege of participating with us in administering the affairs of our Government. . . .

. . . For these reasons, we are of opinion that the testimony was inadmissible. . . .

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Dred Scott v. Sandford, 1857

The question is simply this: Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guarantied by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution.

It will be observed, that the plea applies to that class of persons only whose ancestors were negroes of the African race, and imported into this country, and sold and held as slaves. The only matter in issue before this court, therefore, is whether the descendants of such slaves, when they shall be emancipated, or who are born of parents who had become free before their birth, are citizens of a State, in the sense in which the word citizen is used in the Constitution of the United States. And this being the only matter in dispute on the pleadings, the court must be understood as speaking in his opinion of that class only, that is, of those persons who are the descendants of Africans who were imported into this country, and sold as slaves.

From Benjamin C. Howard, *Report of the Decision of the Supreme Court of the United States in the Case Dred Scott* . . . (Washington, 1857), 9, 13-14, 15-17, 60.