

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
Howard Gillman • Mark A. Graber • Keith E. Whittington

Supplementary Material

Chapter 6: The Civil War and Reconstruction—Sources/Principles

*State Convention of the Colored People of South Carolina, Memorial (1865)*¹

Newly freed slaves fought for constitutional rights. Many served in state legislatures. A few served as senators and representatives in Congress. Prominent African-Americans often formed committees that demanded respect for their newly won freedoms. The following excerpt is from an African-American convention in South Carolina. When reading the short passage, consider what the convention asked and what the convention did not ask. What rights did persons of color in South Carolina think most important? Why were those rights emphasized in 1865?

Conscious of the difficulties that surround our position, we would ask for no rights or privileges but such as rest upon the strong basis of justice and expediency, in view of the best interests of our entire country.

We ask first, that the strong arm of law and order be placed alike over the entire people of this State; that life and property be secured, and the laborer as free to sell his labor as the merchant his goods.

We ask that a fair and impartial construction be given to the pledges of government to us concerning the land question.

We ask that the three great agents of civilized society—the school, the pulpit, the press—be as secure in South Carolina as in Massachusetts or Vermont.

We ask that equal suffrage be conferred upon us, in common with the white men of this State.

This we ask, because “all free governments derive their just powers from the consent of the governed,” and we are largely in the majority in this State, bearing for a long period the burden of an odious taxation, without a just representation. We ask for equal suffrage as a protection for the hostility evoked by our known faithfulness to our country’s flag under all circumstances.

We ask that colored men shall not in every instance be tried by white men; and that neither by custom nor enactment shall we be excluded from the jury box.

We ask that, inasmuch as the Constitution of the United States explicitly declares that the right to keep and bear arms shall not be infringed—and the Constitution is the Supreme law of the land—that the late efforts of the Legislature of this State to pass an act to deprive us of arms be forbidden, as a plain violation of the Constitution, and unjust to many of us in the highest degree, who have been soldiers, and purchased our muskets from the United States Government when mustered out of service.

We protest against any code of black laws the Legislature of this State may enact, and pray to be governed by the same laws that control other men. The right to assemble in peaceful convention, to discuss the political questions of the day; the right to enter upon all the avenues of agriculture, commerce, trade; to amass wealth by thrift and industry; the right to develop our whole being by all the appliances that belong to civilized society, cannot be questioned by any class of intelligent legislators.

We solemnly affirm and desire to live orderly and peacefully with all the people of this State; and commending this memorial to your considerate judgment. Thus we ever pray.

¹ Excerpt taken from State Convention of the Colored People of South Carolina, *Proceedings of the Colored People’s Convention of the State of South Carolina* (Charleston, SC: South Carolina Leader Office, 1865), 23–26.