THE "FIFTEENTH AMENDMENT."

THE Providence *Journal* gives, as a reason for the Legislature of Rhode Island postponing, until the May session, the consideration of the fifteenth proposed amendment of the Constitution, that the people of that State are jealous of loosing the sovereignty which the Constitution withholds from the Federal Government. It says:

"That this amendment will not be construed according to their wishes. Then again, they do not feel quite sure that this will be the last amendment they will be called upon to adopt to the Constitution of the United States. The next thing they may be called upon to relinquish, may be their equal representation in the Senate. And above all, while the State concedes to the Federal Government sovereignty as to the powers delegated to that government, the people adhere with tenacity to the sovereignty of the State as to the powers not delegated to the Federal Government. It is useless to deny this fact. This was the faith of the grandfathers of the present generation, and the grandchildren have inherited it."

This is a wise, and, we hope, timely caution on the part of the people of that State, for when they have relinquished such a large piece of the sovereignty of the State as this amendment calls for, the door is thrown wide open to strip it of all that remains; although in law and justice, no State can be bound by such an amendment which refuses its assent to it, because the subject matter of the proposed amendment was never any part of the Federal Constitution. It is fallacious to suppose that an instrument can be *amended* in a thing that is not a part of it. And as this proposed change would be entirely new matter, no State can be legally bound by it, except by its own consent. Suppose the large

States should propose to amend the Constitution in the matter of Senatorial representation, so as to allow but one Senator to each of the smaller States, thus stripping these States of the sovereignty which is absolutely reserved to them in the Constitution, will any one contend that any State can be legally so divested of its rights except by its own consent? Suppose three quarters of the States should vote to so alter the Constitution as to compel every white man to take for a *concubine* a black woman, could any State which refused to ratify such a change in the organic law be legally and justly bound by it? No. And why? Because no State, in becoming a member of the Federal compact, ever delegated to the Federal Government, and three-quarters of the States, jurisdiction over the subject matter involved in such a change. And no more did any State, in ratifying the Constitution, delegate to the Federal Government and three-quarters of the States jurisdiction over the subject matter involved in the so-called fifteenth amendment. It is new matter; and therefore it can bind no State not assenting to it. Long after the Constitution had been ratified by nine States, little Rhode Island refused to ratify it, and it was not claimed that she was bound by any of its provisions until she did ratify it. And in relation to all new matter, that is, matter not delegated in the Constitution, each State stands in the same relation, or non-relation, to all the rest that it did before it ratified the Constitution. On all matters not delegated, each State stands as independent and complete in its sovereignty as it did before the Federal Government was formed. A State can no more be legally stripped of an atom of its ur delegated powers by a bargain between Congress and three-fourths of the States, than it can by a bargain between England and France. This will not be denied by any respectable lawyer in America. The principle is perfectly plain every where. No act of legislation, or resolution of a legislative body, can be "amended" by attaching new matter to it. Every attempt to do so is always ruled out, as not being in order. And a constitution, which is a compact between co-equal sovereign communities, binds the parties to it on no matter not specified in the instrument. But the Constitution of the United States especially declares that: "The powers not delegated to the United States, are reserved to the States respectively, or to the people." These powers can be taken from the States, neither by the Federal Congress, nor by three-fourths of the States combined for that purpose. The consent of each State must be obtained before any of the undelegated powers can be lawfully exerciesd by any body but itself. They are as much a part of the State as the lungs or the heart, are parts of the human body. They are powers which cannot be surrendered by a State, without giving up its political being. Without these powers it would cease to be a State, within the meaning of the Constitution of the United States, or within any meaning ever attached to the word *States*. The power of Congress and three-fourths of the States to take away these rights, under the title of an amendment to the Constitution, or under any other title, would imply a power in three-

quarters of the States to blot the other quarter out of existence without its consent. The right of regulating its own franchise is just as necessary to the political life of a State as the heart is to the life of the human body. On becoming a member of the Union, no State surrendered any fraction of this right. It is not in the instrument of Union, the Constitution, and cannot, therefore, be the subject of an amendment to the Constitution. An amendment of the Constitution, by which three-fourths of the States should annihilate all the vested rights of the people of the other fourth without their consent, would not be a greater absurdity than this proposition to strip the States of the right of controlling their own franchise, under the title of an amendment to the Constitution. It is simply to overthrow the organic being of the States, and to invest the Federal Government with imperial powers. If it is competent for any number of States to wipe themselves out in this way, no one, surely, will contend that they have the right thus to annihilate other States against their own sovereign will. The Constitutions of most of the Northern States have provisions in relation to negroes, which this so-called amendment would violate —provisions which are older than the Federal Constitution, embracing matter that the States reserved to themselves when they formed the Constitution, and which never can be lawfully exercised by any other power except by their own free consent. It is not competent for three-fourths of the States to take it away from any State not consenting. Such a change would not be an *amended* Constitution, but it would be a *new Constitution*, and would be binding upon no State which refused to adopt it.

The power to control the franchise of a State can no more be taken from it by an amendment to the Federal Constitution, than the power of a State over its own paupers can be thus taken away. And here is a point which will open wide the door for the South to compel its negroes to labor, as any State now may its white paupers.

The Supreme Court of the State of Connecticut has recently rendered a decision which may yet have, in the way of a precedent, an important bearing on the labor question of the South. It related to the powers of the Selectmen of the towns in cases where parents neglect or refuse to provide for the support of their minor children; and, in the particular case referred to, it seems that a man of some wealth had been divorced from his wife (to whom the custody of the minor children was given by order of the Court), and he thereafterward refused to make any provision either for her support or that of the children. The divorced wife was accordingly obliged to apply to the Selectmen of the town for aid. This was rendered, and the divorced husband was called upon to foot the bill. Upon his refusal to do so, he was arrested by order of the Selectmen, taken to the Almshouse, and set to work, under the pauper act of the State. A writ of *habeas corpus* was sued out before the Superior Court, the case heard, and a decision given in favor of the right exercised by the Selectmen. Upon a review of the case before the Su-

preme Court, the decision below was affirmed. This settled the law for Connecticut; so that a man who neglects or refuses to provide for his own children, can be forced to work under the compulsory rules of the Almshouse, and the fruits of his labor be applied towards their support. This is the law for white men in one, if not all, of the New England States. But what a howl of denunciation would this same New England send up, if a similar law was to be enforced against black men in Virginia; if the lazy, idle, vagrant "freedmen" of the Old Dominion were thus set to work, under the compulsory rules of the New England Almshouse, to support themselves and their vagrant offspring! But no matter for this howling, so long as the right remains with the State to compel its idle and pauper class to labor for the support of themselves and children. In this way eighth-tenths of the negroes of the South might be forced to work even now, under such laws and regulations as the State pleases to make. No amendment to the Federal Constitution can ever divest the State of this right, so long as it refuses its assent to the change.

We are not yet of the opinion that three-fourths of the States will ratify this so-called amendment to give negroes the right of universal voting. But, if they should, the rights of the dissenting States in the premises are not legally impaired. They still will have the right even to put to death every Federal emissary who should come into the State for the purpose of overthrowing its Constitution and subverting its government, through the agency of voting negroes. It is not too soon now for the white people of all the States to begin to organize for the purpose of resisting this abomination of negro voting. At whatever cost, it must be resisted. Better, ten thousand times better, that every negro on this continent, together with the unnatural white scoundrels who seek to inflict such an irreparable curse upon the country, should be swept at once into the pains of hell-fire. We know that in some of the Northern States the true white men are firmly organizing in this direction. Let the movement be put through in every State. When the conflict begins in earnest, it will carry to the side of the white men nine-tenths of all the fighting pluck of the country. Then may God have mercy on the souls of the other tenth, for they will be swept away like feathers on a stormy tide! The thunder-voice of the "W. M. L." will leap into the sky even out of New England, and reverberate over this land, until the white man has laid his foes in the dust, and vindicated his eternal right to rule America. The awful words, that *"dead men tell no tales!"* will be the only epitaph of every traitor to his race and his oath. By the blood that our fathers shed to establish a free white man's government here, the appeal shall be made to every proud son of his race, until the work of our political redemption is complete. The unnatural sons of our race, who mean to Africanize our beloved country, must be served as the tea in Boston harbor was —*thrown overboard!* That will leave our old ship of State with none but *"white on deck!"* and all the "Fifteenth Amendment" traitors will be in the hold! What hold? *"Dead men tell no tales!"*