

READING

Protecting Democracy

During the 1871 congressional debate over the Ku Klux Klan Act, Rep. Robert Elliott of South Carolina argued as follows in favor of passing the bill that would allow the federal government to prosecute individuals for acts of political violence and intimidation:

“The United States shall guaranty to every State in this Union a republican form of government” [a quotation from the constitution].

To make this clear, let us consider what is “a republican form of government” within the meaning of the constitution? ... It is a government having a written constitution, or organic law, which provides that its executive and legislative functions shall be exercised by persons elected by the majority of its citizens. In other words, it is a government for the people and by the people.

Assuming this definition to be correct in substance, I ask, how can a republican government be maintained in a State if the majority of electors are prevented from exercising the elective franchise by force of arms, or if members of the majority, having thus exercised it according to their consciences, are, for that cause, put in terror and subjected to murder, exile, and the lash, through “domestic violence,” organized and operated by the minority for the sole purpose of acquiring a political domination in the State?
...

... If you cannot now protect the loyal men of the South, then have the loyal people of this great Republic done and suffered much in vain, and your free constitution is a mockery and a snare.¹

¹ *Congressional Globe*, House, 42nd cong., 1st sess. (April 1, 1871), 389–92.