

H. R. 818.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 9, 1870.

Reported back by Mr. LAWRENCE, as a substitute to the bill (H. R. 818) to enforce amendments to the Constitution of the United States. Ordered to be printed, and recommitted to the Committee on Reconstruction.

AMENDMENT

In the nature of a substitute to the bill (H. R. 818) to enforce amendments to the Constitution of the United States. Strike out all after the enacting clause and insert as follows:

3 That no person shall be a senator or representative in Con-
4 gress, or elector of President and Vice-President, or hold any
5 office, civil or military, under the United States or under any
6 State, or be a member of either branch of a legislature of
7 any State, who, previous to entering upon the duties of his
8 office or trust, does not take and subscribe one of the follow-
9 ing oaths or affirmations, namely: "I do solemnly swear (or
10 affirm) that I have never taken an oath as a member of Con-
11 gress, or as an officer of the United States, or as a mem-
12 ber of any State legislature, or as an executive or judicial
13 officer of any State, to support the Constitution of the United
14 States, and thereafter engaged in insurrection or rebellion
15 against the same, or given aid or comfort to the enemies

16 thereof;" or, "I do solemnly swear (or affirm) that I have
 17 been relieved from disability by an act of Congress, as pro-
 18 vided for by the third section of the fourteenth article of the
 19 amendments of the Constitution of the United States."

1 SEC. 2. *And be it further enacted*, That every person
 2 who shall willfully and falsely take either of the oaths or
 3 affirmations named in this act shall be deemed guilty of per-
 4 jury, and shall be punished by imprisonment and fine as pre-
 5 scribed by the thirteenth section of the act approved March
 6 three, eighteen hundred and twenty-five, entitled "An act
 7 more effectually to provide for the punishment of certain
 8 crimes against the United States, and for other purposes."
 9 And the fact that any person has been before the first day
 10 of August, eighteen hundred and sixty-one, a member of Con-
 11 gress, or an officer of the United States, or a member of any State
 12 legislature, or an executive or judicial officer of any State, or
 13 exercised any of the duties of any such officer, shall be con-
 14 clusive evidence, for all purposes of this act, that such person
 15 has taken an oath to support the Constitution of the United
 16 States. And the fact that any person not relieved from disa-
 17 bility by act of Congress, as provided for by the third section
 18 of the fourteenth article of the amendments of the Constitu-
 19 tion of the United States, has been since the first day
 20 of June, in the year eighteen hundred and sixty-five,
 21 a senator or representative in Congress, or elector of

22 President and Vice-President, or has exercised any of the
23 duties of any such office; or the fact that any person not
24 so relieved has either since said last-mentioned day held any
25 office, civil or military, under the United States, or under any
26 State, or been a member of either branch of a State legisla-
27 ture, or exercised any of the duties of any such office or trust,
28 shall be conclusive evidence that such person has taken and
29 subscribed the oath or affirmation first mentioned in the first
30 section of this act.

1 SEC. 3. *And be it further enacted*, That if any person,
2 having previously taken an oath as a member of Congress, or
3 as an officer of the United States, or as a member of any
4 State legislature, or as an executive or judicial officer of any
5 State, to support the Constitution of the United States, and
6 shall have engaged in insurrection or rebellion against the
7 same, or given aid or comfort to the enemies thereof, and
8 who shall not have been relieved from disability by an act of
9 Congress, as provided for by the third section of the four-
10 teenth article of the amendment of the Constitution of the
11 United States, shall be, or exercise any of the duties of a
12 senator or representative in Congress, or elector of President
13 and Vice-President, or shall hold or exercise any of the
14 duties of any office, civil or military, under the United States
15 or under any State, or be a member of either branch of a
16 State legislature, every person so offending shall be deemed

17 guilty of a felony, and upon conviction thereof shall be im-
18 prisoned at hard labor, not more than ten years, or fined not
19 more than ten thousand dollars, or both, in the discretion of
20 the court.

1 SEC. 4. *And be it further enacted*, That the district and
2 circuit courts of the United States, within their respective dis-
3 tricts, shall have concurrent jurisdiction of all violations of this
4 act; and the district attorneys, marshals, and deputy marshals
5 of the United States shall, and they are hereby, specially au-
6 thorized and required to institute proceedings against whoever
7 violates it.

1 SEC. 5. *And be it further enacted*, That the several
2 courts of the United States and the several justices and judges
3 thereof, within their respective jurisdictions, shall have juris-
4 diction and authority of all actions, suits, and proceedings at
5 law, civil or criminal, and in equity and jurisdiction, with
6 power to issue proper process and to make and enforce all
7 such orders, decrees, and judgments as may be necessary or
8 proper to make operative all the provisions of the thirteenth,
9 fourteenth, and fifteenth articles of amendments to the Con-
10 stitution of the United States, or any other amendment which
11 may have been or may be made thereto, or which may be
12 necessary or proper to give complete remedy and redress for
13 every injury sustained, or which may be sustained, by any act or
14 matter done or threatened in violation of any provision of such

15 amendments or by the omission of any act or matter required to
16 be done by any provision of such amendments or by the denial
17 or deprivation of any right, privilege, or franchise secured or
18 protected by any such amendment; and said courts shall have
19 power to make all rules and regulations necessary or proper
20 to enforce the provisions of this act; and said courts, justices,
21 and judges shall in like manner have power, jurisdiction, and
22 authority to enforce and carry into effect, by affording remedies
23 to the citizen, or the State, or the United States, the fundamental
24 conditions upon which any State has been or may
25 be admitted to representation in Congress or admitted into the
26 Union.

1 SEC. 6. *And be it further enacted,* That any person
2 who, under color of any law, statute, ordinance, regulation,
3 custom, or otherwise, shall deprive, or cause
4 any citizen or inhabitant of the United States, or of
5 any State or Territory, to be deprived of any right,
6 privilege, or franchise secured or protected by this act or
7 by any of the amendments of the Constitution of the United
8 States which has been or may be made, or by any fundamental
9 condition upon which any State has been or may be
10 admitted to representation in Congress or admitted into the
11 Union, shall be deemed guilty of a misdemeanor, and on
12 conviction thereof shall be punished by fine not exceeding

13 one thousand dollars, or imprisonment not exceeding one
14 year, or both, in the discretion of the court.

1 SEC. 7. *And be it further enacted,* That this act shall
2 not take effect until ninety days after its passage.