Woman suffrage by federal constitutional amendment, comp. by Carrie Chapman Catt

NATIONAL SUFFRAGE LIBRARY

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The discussion herein is strictly confined to the reasons why an amendment to the Federal Constitution is the most appropriate method of dealing with the question.

Contents: Why the Federal Amendment?—State Constitutional Obstructions—Election Laws and Referenda—Story of the 1916 Referenda—Federal Action and States Rights—Objections to the Federal Amendment.

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NATIONAL SUFFRAGE LIBRARY WOMAN SUFFRAGE BY FEDERAL CONSTITUTIONAL AMENDMENT COMPILED BY CARRIE CHAPMAN CATT PUBLISHED BY National Woman Suffrage Publishing Co., Inc. 171 MADISON AVENUE NEW YORK 1917

THIS BOOK IS DEDICATED TO The Congress of the United States AND THE LEGISLATURES OF THE SEVERAL STATES. IT GOES WITH THE HOPE THAT IT MAY LEAD TO A BETTER UNDERSTANDING OF THE REASONS FOR A FEDERAL CONSTITUTIONAL AMENDMENT PROVIDING THAT NO STATE SHALL DENY THE RIGHT TO VOTE ON ACCOUNT OF SEX.

INTRODUCTION

No effort is made in the following pages to present an argument for woman suffrage. No careful observer of the modern trend of human affairs, doubts that “governments of the people” are destined to replace the monarchies of the world. No listener will fail to hear the rumble of the rising tide of democracy. No watcher of events will deny that the women of all civilized lands will be enfranchised eventually as part of the people entitled to give consent and no American possessed of political foresight doubts woman suffrage in our land as a coming fact.

The discussion herein is strictly confined to the reasons why an amendment to the Federal Constitution is the most appropriate method of dealing with the question. This proposed amendment was introduced into Congress in 1878 at the request of the National Woman Suffrage Association. Since 1882 the Senate Committee has reported it with a favorable majority every year except in 1890 and 1896. Twice only has it gone to vote in the Senate. The first time was on January 25, 1887; the second, March 19, 1914. In the House it has been reported from Committee seven times, twice by a favorable majority, three times by an adverse majority and twice without recommendation. The House has allowed the measure to come to vote but once, in 1915. Yet while women of the nation in large and increasing numbers have stood at doors of Congress waiting and hoping, praying and appealing for the democratic right to have their opinions counted in affairs of their government, millions of men have entered through our gates and automatically have passed into voting citizenship without cost of money, time or service, eye, without knowing what it meant or asking for the privilege. Among the enfranchised there are vast groups of totally illiterates, and others of gross ignorance, groups of men of all nations of Europe, uneducated Indians and Negroes. Among the unenfranchised are the owners of millions of dollars worth of property, college presidents and college graduates, thousands of teachers in universities, colleges and public schools, physicians, lawyers, dentists, journalists, heads of businesses, representatives of every trade and occupation and thousands of the nation's homekeepers. The former group secured its vote without the asking; the latter appeals in vain to Congress for the removal of the stigma this inexplicable contrast puts upon their sex. It is hoped this little book may gain attention where other means have failed.

C. C. C.

January, 1917.

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CHAPTER I WHY THE FEDERAL AMENDMENT?

Woman Suffrage is coming—no intelligent person in the United States or in the world will deny that fact. The most an intelligent opponent expects to accomplish is to postpone its establishment as long as possible. When it come and how it will come are still open questions. Woman Suffrage by Federal Amendment is supported by seven main reasons. These main reasons are evaded or avoided; they are not answered.

1. Keeping Pace With Other Countries Demands It.

Suffrage for men and suffrage for women in other lands, with few and minor exceptions, has been granted by parliamentary act and not by referenda. By such enactment the women of Australia were granted full suffrage in Federal elections by the Federal Parliament (1902), and each State or Province granted 2 full suffrage in all other elections by act of their Provincial Parliaments. * By such enactment the Isle of Man, New Zealand, Finland, Norway, Iceland and Denmark gave equal suffrage in all elections to women. * By such process the Parliaments of Manitoba, Saskatchewan and Alberta gave full provincial suffrage to their women in 1916. British Columbia referred the question to the voters in 1916, but the Provincial Parliament had already extended all suffrage rights except the parliamentary vote, and both political parties lent their aid in the referendum which consequently gave a majority in every precinct on the home vote and a majority of the soldier vote was returned from Europe later. By parliamentary act all other Canadian Provinces, the Provinces of South Africa, the countries of Sweden * and Great Britain have extended far more voting privileges than any woman citizen of the United States east of the Missouri River (except those of Illinois) has received. To the women of Belise (British Honduras), the cities of

* See Appendix A for dates and conditions.

3 Rangoon (Burmah), Bombay (India), the Province of Baroda (India), the Province of Voralberg (Austria), and Laibach (Austria) the same statement applies. In Bohemia, Russia and various Provinces of Austria and Germany, the Principle of representation is recognized by the grant to property-holding women of a vote by proxy. The suffragists of France reported just before the war broke out that the French Parliament was pledged to extend universal municipal suffrage to women. Men and women of high repute say the full suffrage is certain to be extended by the British Parliament to the women of England, Scotland, Ireland and Wales soon after the close of the war and already these women have all suffrage rights except the vote for Parliamentary members. These facts are strange since it was the United States which first established general suffrage for men upon the two principles that “taxation without representation is tyranny” and that governments to be just should “derive their consent from the governed.” The unanswerable logic of these two principles is

responsible for the extension 4 of suffrage to men and women the world over. In the United States, however, women are still taxed without “representation” and still live under a government to which they have given no “consent.” IT IS OBVIOUSLY UNFAIR TO SUBJECT WOMEN OF THIS COUNTRY—WHICH BOASTS THAT IT IS THE LEADER IN THE MOVEMENT TOWARD UNIVERSAL SUFFRAGE—TO A LONGER, HARDER, MORE DIFFICULT PROCESS THAN HAS BEEN IMPOSED BY OTHER NATIONS UPON MEN OR WOMEN. American constitutions of the nation and the states have closed the door to the simple processes by which men and women of other countries have been enfranchised. An amendment to our Federal Constitution is the nearest approach to them. To deny the benefits of this method to the women of this country is to put upon them a PENALTY FOR BEING AMERICANS.

2. Equal Rights Demands It.

Men of this country have been enfranchised by various extensions of the voting privilege but IN NO SINGLE INSTANCE were they compelled to appeal to an electorate containing 5 groups of recently naturalized and even unnaturalized foreigners, Indians, Negroes, large numbers of illiterates, ne'er-do-wells, and drunken loafers. The Jews, denied the vote in all our colonies, and the Catholics, denied the vote in most of them, received their franchise through the revolutionary constitutions which removed all religious qualifications for the vote in a manner consistent with the self-respect of all. The property qualifications for the vote which were established in every colony and continued in the early state constitutions were usually removed by a referendum but the question obviously went to an electorate limited to property-holders only. The largest number of voters to which such an amendment was referred was that New York. Had every man voted who was qualified to do so, the electorate would not have exceeded 200,000 and probably not more than 150,000. *

* Suffrage in the Colonies. New York Chapter. McKinley.

The next extensions of the vote to men were made to certain tribes of Indians by act of Congress; and to the Negro by amendment to the Federal Constitution.

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At least three-fourths of the present electors secured their votes through direct naturalization or that of their forefathers. Congress determines conditions of citizenship and state constitutions fix qualifications of voters. In no instance has the foreign immigrant been forced to plead with a vast electorate for his vote. The suffrage has been “thrust upon him” without effort or even request on his part. National and State constitutions not only close to women the comparatively easy processes by which the vote was extended to men and women of other countries but also those processes by which the vote was secured to men of our own land. The simplest method now possible is

by amendment of the Federal Constitution. To deny the privilege of that method to women is a discrimination against them so unjust and insufferable that no fair-minded man North or South, East or West, can logically share in the denial.

3. Relief from Unjust Constitutional Obstructions Demands It.

The constitutions of many states have provided 7 for amendments by such difficult processes that they either have never been amended or have not been amended when the subject is in the least controversial. Their provisions not infrequently are utilized by opponents of a cause to delay action for years. A present case illustrates. Newspapers in Kentucky which have opposed woman suffrage, and still do so, have started a campaign (December, 1916) to submit a woman suffrage amendment to voters with the announced intention of securing its defeat at the polls in order to remove it from politics for five years as the same question cannot be again submitted for that length of time.

There are state constitutions so impossible of amendment that women of those states can only secure enfranchisement through Federal action and fair play demands the submission of a Federal constitutional amendment. (See Chapter II.)

4. Protection from Inadequate Election Laws Demands It.

The election laws of all states make inadequate provision for safeguarding the vote on 8 constitutional amendments. Since election laws do not protect suffrage referenda, suffragists justly demand the method prescribed by our national constitution to appeal their case from male voters at large to the higher court of Congress and the Legislatures. (See Chapters III and IV.)

5. Equal Status of Men and Women Voters Demands It.

Until the adoption of the Fourteenth Amendment the National Constitution did not discriminate against women but in Section 2 of that amendment provision was made whereby a penalty may be directed against any state which denies the right to vote to its *male inhabitants* possessed of the necessary qualifications as prescribed by nation and state. If the entire 48 states should severally enfranchise women their political status would still be inferior to that of men, since no provision for national protection in their right to vote would exist.

The women of eleven states are said to vote on equal terms with men. As a matter of fact they do not, since they not only lose their vote 9 whenever they change their residence to any one of the 37 other states (except Illinois, where they lose only a portion of their privileges), but they enjoy no national protection in their right to vote. Women justly demand "Equal Rights for All and Special Privileges for None." Amendment to the National Constitution alone can give them an equal status. Equality of rights can never be secured through state by state enfranchisement.

6. National Significance of Question Demands It.

Woman suffrage in every other country is a National question. With eleven American states and nearly half the territory of the civilized world already won; with the statement of the press still unchallenged that women voters were "the balance of power" which decided the last presidential election, the movement has reached a position of national significance in the United States. Any policy which seeks to shift responsibility or to procrastinate action, is, to use the mildest phraseology, unworthy of the Congress in whose charge the making of American political history reposes.

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7. Treatment of Question Demands Intelligence.

The handicaps of a popular vote upon a question of human liberty which must be described in technical language will be clear to all who think. It is probable that at least a fourth of the voters in West Virginia, one of the recent suffrage campaign states, could not define the following words intelligently: constitution, amendment, franchise, suffrage, majority, plurality. It is probable they would succeed even less well at an attempt to give an account of the Declaration of Independence, the Revolution, Taxation without Representation, the will of the majority, popular government. Such men might make a fairly intelligent choice of men for local offices because their minds are trained to deal with persons and concrete things. They could decide between Mr. Wilson and Mr. Hughes with some discrimination, but would have slight if any knowledge of the platforms upon which either stood. A referendum in many of our states, means to defer woman suffrage until the most ignorant, most narrow-minded, most un-American, 11 are ready for it. The removal of the question to the higher court of the Congress and the Legislatures of the several states means that it will be established when the intelligent, Americanized, progressive people of the country are ready for it.

CHAPTER II. STATE CONSTITUTIONAL OBSTRUCTIONS * Mary Summer Boyd

* Table of difficulties in each state is to be found in the Appendix.

At its last session the Arkansas Legislature passed a Woman Suffrage bill by a generous majority; in Kentucky a bill passed both houses and one house in five other states. One of these was Arkansas where a constitutional provision that only three amendments can be submitted to the people at once rendered of no avail the passage of the Legislature. In the five other states the enormous Constitutional majorities required in a legislative vote on amendments defeated the measure.

This is the story of a typical year and these are two of the difficulties which beset the gaining of suffrage “state by state.” Year after year labor is thrown away and money wasted because actual minorities in legislatures can defeat 13 constitutional amendments; or because once past the legislature, constitutional technicalities can keep them away from the polls; or because, safely past these hazards, a minority vote of the people can defeat a bill that has successfully reached the polls.

Theoretically an amendment to a state constitution must have the approval of the Legislature, ratified by the approval of the people. This ratification is what differentiates it from a statutory law. This is the actual requirement, however, in but two of the male suffrage states, South Dakota and Missouri. In all the rest, except Delaware and New Hampshire, which have special methods of amending, much more than simple passage and ratification is required.

There are some half-dozen classes of technical requirements which make the amending of many state constitutions wellnigh impossible. Some states have never been able to amend; others have had to submit the same amendment again and again before it passed, even in the case of measures which were not unpopular. The Legislatures of Nebraska and 14 Alabama have occasionally succeeded in passing amendments favored by politicians, by resorting to clever tricks to circumvent the constitutional handicaps. Only by outwitting the framers have they been able to make changes in their constitutions.

Among the common technical requirements are the passing by a set proportion much larger than a mere majority of the legislature; the passing of the people's vote by a majority of those voting for candidates and not merely of those voting on the amendment itself; the setting of special time and other limits for the submission of amendments, etc. Many states combine three or more of these requirements.

No impediment seems more vexatious than that which prevented the Arkansas bill from coming before the people after the Legislature of 1915 had approved submission. Nor is Arkansas alone in limiting the number of amendments to be submitted to the people at one time; Kentucky goes farther and makes the limit two and Illinois allows but one at a time.

The other six states whose bill failed at the last session belong to a group of fifteen which 15 require a special "constitutional majority" of two-thirds or three-fifths favorable in the vote of both houses on an amendment bill. * In South Carolina and Mississippi it must pass two legislatures by this large vote, one before and one after the referendum; in Mississippi this means four year's delay for its sessions are quadrennial. In thirteen states the amendment bill must pass two legislatures, in some by a constitutional majority at one passage. †

* South Carolina, Georgia, Illinois, Maine, Michigan, West Virginia, Louisiana, Texas and Mississippi—all a two-thirds vote, and Alabama, Florida, North Carolina, Ohio, Maryland and Kentucky a three-fifths vote.

† In Connecticut, Massachusetts, Tennessee, Vermont by a two-thirds majority of one Legislature or of one house or both; in Iowa, Indiana, North Dakota, Pennsylvania, Virginia, Wisconsin, New Jersey, New York and Rhode Island by majorities. All but the last three have biennial Legislatures.

Alabama is one of the states whose bill failed through the constitutional majority rule in 1915. In that state another suffrage bill must wait four years for the next legislative session. If this time it surmounts the hazard of a three-fifths favorable vote it will be faced by another hazard; for Alabama is one of nine states in which an amendment must pass the 16 referendum not by a majority on the amendment but by a majority of all voting for candidates at this general election. *

* These states are Arkansas, Illinois, Minnesota, Mississippi, Nebraska, Oklahoma, Rhode Island and Tennessee. Rhode Island sets a definite majority (three-fifths) of those voting at the election. Probably Texas and North Carolina should be included but the amendment clause in their constitutions is misleading and they may be given the benefit of the doubt; their clause reads: "An amendment shall be submitted to the voters and adopted by a majority of the votes cast."

This requirement by itself is regarded by one authority on the state constitutions † as making amendment practically impossible for it means that the indifference and inertia of the mass of the voters can be a more serious enemy than active opposition; the man who does not take the trouble to vote is as much to be feared as the man who votes against.

† Dodd, W. F. Revision and Amendment of State Constitutions.

A majority vote is required by the constitution of Indiana that is so extravagant as to have caused contradictory decisions in the courts. The constitution reads: "The General Assembly * * * (shall) submit such amendment * * * to the electors of the state, and if a majority of said electors shall ratify." This was interpreted in one case (156) 17 Ind. 104) to mean a majority of all votes cast at the election, but in a later case (in re Denny) it was taken, exactly as it reads, to mean all the people in the State eligible to vote—and this in the face of the fact that the number of people eligible to vote is unknown even to the Federal Census Department. Indiana also requires that while one amendment is under consideration no other can be introduced. She is, needless to say, one of the states whose constitution has never been amended.

Other states besides Indiana have time requirements to insure the immutability of their inspired state document. Thus the Vermont Constitution can be amended only once in ten years—it was last amended in 1913—and five others set a term of years before the same amendment can be submitted again. Among these are New Jersey and Pennsylvania, which having submitted the Woman Suffrage amendment in 1915 cannot do so again till 1920. *

* The five states are Illinois (four years, Pennsylvania, New Jersey and Kentucky (five years), and the Tennessee (six years.)

In no state is the Constitution so safeguarded from change as in New Mexico, whose iron-bound 18 rules are in a class by themselves. For the first twenty-five years of statehood a three-fourths vote of both houses of the Legislature ratified by three-fourths of the electors voting, with two-thirds at least from each county, will be required to change the suffrage clause. After twenty-five years the majority will be reduced to two-thirds. This is the state whose Constitution provides that illiteracy shall never be a bar to the suffrage; her democracy falls short only in the matter of women whom she makes it constitutionally impossible ever to add to her electorate.

Where constitutions can be revised by the convention method as well as by amendment there is some hope; if amendment fails revision holds out a chance. But twelve states † hold no constitutional conventions; in Maryland conventions are twenty years apart and in many other states it is as difficult to call a constitutional convention as to revise the Constitution by amendment.

† Louisiana, Texas, Mississippi, North Dakota, Arkansas, Connecticut, Indiana, Massachusetts, New Jersey, Pennsylvania, Rhode Island and Virginia.

New Hampshire amends by constitutional 19 convention alone and these conventions are held infrequently.

Only in Delaware is the Constitution amendment to-day by act of the Legislature without the people's vote and without any technical requirements except a large Legislative majority.

Yet in twenty-four states * before the Civil War the foundations of male suffrage were laid by legislature or constitutional convention alone, and in many cases, furthermore, the conditions of suffrage were dictated by the Federal Government. Even as late as the '90's five State Constitutions were adopted, suffrage clause and all, by State Legislatures or constitutional conventions without the referendum. †

* New Hampshire, South Carolina, Virginia, Pennsylvania, North Carolina, Georgia, New York, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Vermont, Kentucky, Florida, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri and Arkansas.

† Many reconstruction constitutions also but these were not permanent. The five constitutions in the 90's were Mississippi, South Carolina, Delaware, Louisiana and Virginia, and Kentucky made changes after the constitution had been submitted.

In the other states universal male suffrage came easily at a time when thinly populated 20 states wanted to hold out inducements to male immigrant labor. To-day any male once naturalized, and in some states before he is naturalized, becomes automatically a voting citizen of any state in the Union after he has fulfilled the state residence requirements and, in some states, an educational requirement.

The one word "male" shut women out in the old days from these easy avenues to citizenship and to-day her path by the state by state method is beset by almost insuperable difficulties.

CHAPTER III. ELECTION LAWS AND REFERENDA

To establish a "government of the people" is to follow an ideal set by the growth of democratic principles, but, after such government has been established by a constitution, it remains to be determined how the will of the people is to be recorded and each state accordingly has enacted an election law to provide for registration and for taking the vote. These laws are so defective as to give unquestioned advantage to dishonesty and corruption in most elections upon referendum questions. In several states there is little doubt that suffrage amendments have been lost through fraud. All the suffragists in Michigan seem to agree that the amendment was counted out in the first campaign of 1912 and that ballot boxes were stuffed in the second, 1913. Willis E. Reed, Attorney General of Nebraska, has 22 declared that he believes the amendment was counted out in that state. An investigation has revealed forty-seven varieties of fraud or violation of the election law

in forty-four counties in the Iowa suffrage election of June 5, 1916. Given a group determined to prevent women from getting the vote, a group provided with money and knowing no scruple, and the inadequacy of the law in many States offers a positive guarantee at the outset of a campaign that a suffrage amendment will be lost.

If suffrage amendments are defeated by illegal practices, why not demand redness, asks the novice in suffrage campaigns. Ah, there's the rub. In twenty-four states, no provision has been made by the election law for any form of contest or recount on a referendum nor are precedents for a recount found. Political corrupters may, in these states, bribe voters, colonize voters and repeat them to their hearts' content and redness of any kind is practically impossible. If clear evidence of fraud could be produced a case might be brought to the courts and the guilty parties 23 might be punished, but the election would stand. In New York, in 1915, the question was submitted to the voters as to whether a constitutional convention should be called. The convention was ordered by a majority of about 1,500. Later the District Attorney of New York City found proof that at least 800 fraudulent votes had been cast in that city. Leading lawyers discussed the question of effect upon the election and the general opinion among them was that, even though the entire majority, and more, should be found to be fraudulent, the election could not be set aside. The convention was held.

In the twenty-three states, * contests on referenda seem possible under the law, but in practically every one, the contest means a resort to the courts and in only eight † of these

* In Ohio, New Mexico, Wyoming, Utah, New Jersey, Minnesota and Michigan by law; in Illinois, Texas, New Hampshire, Massachusetts, Oregon, Arizona and Iowa by precedent; in West Virginia, South Dakota, Kentucky and Colorado, officials express the opinion that the law governing candidates's contests could be stretched to cover amendments. In Pennsylvania, Arkansas, Louisiana, Mississippi and Washington, the law is so fragmentary as to make the possibilities very uncertain. Information on this last group of laws will be found in Appendix B.

† Ohio, Texas, New Jersey, New Hampshire, Minnesota, Michigan, Massachusetts and Utah.

 is reference made to a recount. The law is vague and incomplete in nearly all of these States. In some of these, including Michigan, where the suffrage amendment is declared to have been counted out, application for a recount must be made in each voting precinct. To have secured redress in Michigan, provided the fraud was widespread, as it is believed to have been, it would have been necessary to have secured definite evidence of fraud in a probable 1,000 precincts and to have instituted as many cases. This would have consumed many months and would have demanded thousands of dollars.

In some States the courts decide what the redress shall be, but where such provision exists, no assurance is given by the law that such redress will include a correction of the returns. In at least seven States, * the applicants must pay all costs if they fail to prove their case a provision amounting to a penalty imposed upon those who try to enforce the law.

* Illinois, Michigan, Nebraska, New Jersey, West Virginia, Minnesota, Utah.

The penalties for bribery range from $5 to $2,000 and from thirty days' to ten years' 25 imprisonment, but only one state (Ohio) provides in definite terms for punishment of bribery as a part of the penalty in an election contest. In most cases proof of bribery does not throw out the vote of briber of bribed, nor does an action to throw out purchased votes in contest cases bring with it automatically punishment of the purchased voter. This omission from the contest provisions presupposes that these bribery cases would be separate actions. Thirty-two states in clear terms disfranchise (or give the Legislature power to disfranchise) bribers and bribed, but few make provision for the method of actually enforcing the law, and upon inquiry the Secretary of State of many of these states reported that, so far as he knew, no man had ever been disfranchised for this offense. This was true of states which have been notorious for political corruption.

From Ohio alone has evidence been found of the actual enforcement of the disfranchisement provision. In this state nearly 1,800 bribed voters of Adams County were disfranchised in 1910 for scandalous and well-remembered corruption but in 1915 they were 26 restored to citizenship. These cases reveal a disgraceful provision in the Ohio law, by which the briber is given immunity if he will turn State's evidence on the bribed; the vote-buyer may purchase votes by the thousands with perfect safety provided that when suspected he will deliver up a few of the bought by way of example.

With a vague, uncertain law to define their punishment in most states, and no law at all in twenty-four states, as a preliminary security, corrupt opponents of a woman suffrage amendment find many additional aids to their nefarious acts. A briber must make sure that the bribed carries out his part of the contract. Whenever it is easy to check up the results of the bribe, corruption may reign supreme with little risk of being found out. A study of some of the recent suffrage votes gives significant food for reflection. It shows how the form, color and arrangement of the ballot may help the corrupt politician to organize ignorant voters to do his will. In Georgia and Louisiana no party names are printed on the official ballot and emblems only are used. In almost half our states, though the party name 27 is used also, the emblem is the real guide. New York does not even relegate this emblem to the top of the column. The emblem is placed before the name of each candidate, so that the illiterate voter can make no mistake in recognizing the sign of the machine which controls his

vote. Scarcely more than a dozen states have the headless ballot * which makes it impossible for politicians to make corrupt use of the illiterate voter.

* Oregon, Nevada, South Carolina, Florida, Colorado, California, Maryland, Minnesota, New Jersey, Massachusetts, Mississippi, Nebraska, Pennsylvania.

In Wisconsin suffrage referendum the suffrage ballot was separate and pink. It was easy to teach the most illiterate how to vote "No" and to check up returns with considerable accuracy. In New York there were three ballots. The official ballot had emblems which easily distinguished it. The other two were exactly alike in shape, size and color and each contained three propositions: those which came from the constitutional convention and the other those which came from the Legislature. The orders went forth to vote down the constitutional provisions and it was done by a 28 majority of 482,000, or nearly 300,000 more than the majority against woman suffrage. On the ballot containing the suffrage amendment, which was No. I, there was proposition No. 3, which all the political parties wanted carried and to which no one objected. It could easily be found by all illiterates as it contained more lines of printing, yet so difficult was it to teach ignorant men to vote "Yes" on that one proposition that, despite the fact that orders had gone forth to all the state that No. 3 was to be carried, it barely squeezed through.

In Pennsylvania there are no emblems to distinguish the tickets and on the large ballot the suffrage amendment was difficult to find by an untutored voter. In probable consequence Pennsylvania polled the largest proportional vote for the amendment of any eastern state. In Massachusetts the ballot was small and the suffrage amendment could be easily picked out by a bribed voter. In Iowa the suffrage ballot was separate and yellow while the main ballots were white.

In the North Dakota referendum the regular ballot was long and complicated and the suffrage 29 ballot separate and small. It was easy to teach the dullest illiterate how to vote "No." It might be said that it would be equally easy to teach him to vote "Yes." True, but suffragists never bribe. Both the briber and the illiterate are allies of the opposition.

A referendum on a non-partisan issue has none of the protection accorded a party question. Election boards are bi-partisan and each party has its own machinery, not only of election officials but watchers and challengers, to see that the opposing party commits no fraud. The watchfulness of this party machinery, plus an increasingly vigilant public opinion, has corrected many of the election frauds which were once common and most elections are now probably free from all the baser forms of corruption. When a question on referendum is sincerely espoused by both the dominant parties it has the advantage of the watchfulness of both party machines and is doubly safeguarded from fraud. But when such a question has been espoused by no dominant party it is utterly at the

mercy of the worst forms of corruption. The election officers have even been 30 known to wink at irregularities plainly committed since it was no affair of theirs. Or, they may even go further and join in the entertaining game of running in as many votes against such an amendment as possible. This has not infrequently been the unhappy experience of suffrage amendments in corrupt quarters.

Honest election officers, respecting “the will of the majority” as the sovereign of our nation, would protect honesty in elections, regardless of their own or their party's views, but unhappily that high standard is not universal.

Surely, the method of taking the vote and of safeguarding the honesty of elections should be the most important and fundamental of all questions in a republic. Such laws ought to be preliminary to all other laws. Yet as a matter of fact the laxity and ambiguity of many state election laws and the utter inadequacy of provisions for enforcement are almost unbelievable. The contemplation of the actual facts seriously reflects upon the intelligence and good faith of the successive lawmakers of our land.

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With no one on the election board whose special business it is to see that honesty is upheld, a suffrage amendment must face further hazards through the fact that most states do not permit women, or even special men watchers, to stand guard over the vote and the count upon such questions.

When it is remembered that immigrants may be naturalized after a residence of five years; that when naturalized they automatically become voters by all our state constitutions; that in eight states * immigrant voters are not even required to be citizens; that the right to vote is limited by an educational qualification in only seventeen states, and that nine of these are Southern, with special intent to disfranchise the Negro while allowing the illiterate White to vote; that evidence exists to prove that there is an unscrupulous body ready to engage the lowest elements of our population by fraudulent processes to oppose a suffrage amendment; that there is no authority on the

* The number of states which permitted men to vote on “first papers” was formerly fifteen. The following eight states still perpetuate this provision: Arkansas, Delaware, Indiana, Kansas, Missouri, Nebraska, South Dakota, Texas.

32 election board whose business it is to see that an amendment gets a “square deal”; that the method of preparing the ballot is often a distinct advantage to a corrupt opposition; and that when fraud is committed there is practically no redress provided by election laws, it ought to be clear to all that state constitutional amendments when unsponsored by the dominant political parties which control the election machinery, must run the gauntlet of intolerably unjust and unfair

conditions. When suffragists have been fortunate enough to overcome the obstacles imposed by the constitution of their states and a referendum to the male voters has been secured, they must immediately enter upon the task of surmounting the infinitely greater obstructions of the election law. They make their appeal to the public upon the opposition that a majority of independent voters is to decide their question. Instead, they may discover that in a determining number of precincts the taking of the actual vote is a game in which the cards are stacked against them. One woman who had watched at a precinct all day in a suffrage 33 amendment election, said "Something went out of me that day which never came back—and that was pride in my country. At first I thought it was disappointment produced by the defeat of the woman suffrage amendment, but when I had recovered and could think calmly, I knew it was not that. I was still patient and still willing to go on working, struggling, sacrificing, for my right to vote; but I could not forget that I lived in a land which tolerated the things I saw that day." The women who know cannot rise to "The Star-Spangled Banner" without a "lump in their throats," for they recognize the terrible fact that hidden under the beautiful pretense of democracy is a hideous menace to our national liberties, which no political party, no legislature, no congress, has dared to drag out into the daylight of public knowledge.

Bear these items in mind and remember that Congress enfranchised the Indians, assuming its authority upon the ground that they are wards of the nation; that the Negroes were enfranchised by Federal amendment; that the constitutions of all 34 states not in the list of the original thirteen, automatically extended the vote to men; that in the original colonial territory, the chief struggle occurred over the elimination of the land-owning qualifications and that a total vote necessary to give the franchise to non-landowners did not exceed fifty to seventy-five thousand in any state.

Let it also not be forgotten that the vote is the free-will offering of our forty-eight states to any man who chooses to make this land his home. Let it not be overlooked that millions of immigrant voters have been added to our electorate within a generation, men mainly un-educated and all moulded by European traditions, and let no man lose sight of the fact that women of American birth, education and ideals must appeal to these men for their enfranchisement. No humiliation could be more complete, unless we add the amazing fact that political leaders in Congress and legislatures are willing to drive their wives and daughters to beg the consent of these men to their political liberty.

The makers of the Federal Constitution 35 foresaw the necessity of referring important and intricate questions to a more intelligent body than the masses of the people and so provided for the amendment of the Constitution by referendum to the legislatures of the several states. Whys should women be denied the privilege thus established? The United States is one land and one people All the states have the same institutions, customs and ideals.

Woman suffrage has been caught in a snarl of state constitutional obstructions, inefficient election laws and the misapplied theory of States Rights. It is a combination which has so far retarded the normal progress of the movement in this democratic land that other countries have already outstripped it. Under these circumstances Congress should extricate the woman suffrage question from this tangle by way of honorable reparation for the injustices unintentionally put upon the only unenfranchised citizens left in our Republic, and women should insist upon their enfranchisement by amendment to the Federal Constitution as their self-respecting duty.

CHAPTER IV. THE STORY OF THE 1916 REFERENDA

Constitutional amendments were submitted to the voters of the three states in 1916, namely, Iowa, where the vote was taken June 5th on Primary Day; South Dakota and West Virginia, where the vote was taken at the general election in November. More than one influential newspaper editorially discussed the returns with the comment that “the people” of three states had refused to extend the suffrage to women. An investigation unveils some ugly facts and raises significant questions.

In 1882 a prohibition constitutional amendment was adopted by a large majority in Iowa and was promptly set aside by the supreme court upon a technicality. The wet and dry question has been a vexed political issue ever since. The state now has prohibition by statutory enactment. A constitutional amendment 37 is pending, having passed the Legislature of 1914, and is due to pass the Legislature of 1916. The “wets” believing that women would generally support the proposed prohibition amendment were extremely active in opposing the suffrage amendment. Although the suffragists kept their question distinctly separate from prohibition, the wet and dry issue, it was generally admitted, would prove a determining factor.

Every judge of the Supreme Court, the United States Senators, the Governor, most of the men prominent in Republican and Democratic politics, most of the clergymen, most of the press and every woman's state organization espoused the suffrage amendment.

Men familiar with Iowa politics advised the suffrage campaigners early and late and all the time between that it was unnecessary to conduct an intensive campaign as “everybody believed in it.”

Yet despite this omnipresent optimism thousands of women gave every possibility of their lives for months before to arouse public sentiment, instruct and acquaint the men and women of the state concerning the question.

The amendment was lost by about 10,000 votes. Were four of the ninety-nine counties (Dubuque, Clinton, Scott and Des Moines counties) lying along the Mississippi River, not included in the returns, the state would have been carried for woman suffrage. It is instructive to inquire what kind of population occupied the four counties which defeated it. The following table gives the answer:

Iowa Counties Total Population Total Native Parentage Total Foreign and Foreign Parentage Total German, Austrian, Russian and of such Parentage Dubuque 57,450 24,024 33,426 14,566 Clinton 45,394 19,116 26,278 11,494 Scott 60,000 24,104 35,896 20,119 Des Moines 36,145 17,769 18,376 7,828

The vote on woman suffrage was 162,679 yes and 173,020 no. The “yes vote” of the above four counties was 8,061; the “no vote” 18,941. Subtract these totals from the totals of the state vote and 154,618 “yes” and 154,079 “no” remains, giving a majority of 539 for woman suffrage.

Once more in the history of suffrage referenda 39 a foreign and colonized population decided the issue. Was the election an honest one? That is a question of interest to Iowa just now. The returns revealed some suspicious facts. Nearly 30,000 more votes were cast on the suffrage proposition than in the primary. Where did they come from? The president of the W.C.T.U., Mrs Ida B. Wise Smith, employed a detective after the election. His investigation covered forty-four counties and was not confined to those wherein woman suffrage was lost. The findings have not been given to the public in their entirely, but they were conclusive enough to cause an injunction suit to be filed against the Board of Elections and the Legislature to restrain them from accepting the official returns.

Registration was necessary for the amendment, not for the primary, yet thousands of unregistered votes apparently were cast upon the amendment. All good election laws provide that a definite number of ballots shall be officially issued to each precinct; that the number of those deposited in the ballot box, the number spoiled and those unused shall not only tally 40 with the number received, but the unused ones must be counted, sealed, labelled and returned with the certificate recording the count. This is the law of Iowa; but the report of the investigation, as given to the press, shows that in thirty-five counties out of the forty-four investigated no tally list was used and there was nothing by which to check in order to determine the correctness of the number on the certificate. In many cases no unused ballots were returned. The poll lists did not tally with the number of votes and even a recount could not reveal whether fraud or carelessness had led to irregularity.

Despite the fact that the Iowa law provides that a definite number of ballots and the same number of each kind is to be distributed to each precinct the separate suffrage ballots in a number of cases

were reported by election officials as not having arrived until the voting had been in progress for some time; and in others they gave out an hour before the polls closed.

Forty-seven varieties of violations of the election law are alleged to have been committed. 41 Do these indicate wilful fraud of mere ignorance and carelessness? Just now no one seems prepared to answer. Meantime Iowa, one of the most intelligent and progressive states in the nation, stands at the bar of public opinion accused of incapacity to conduct an honest election. How she will defend herself, what reparation she will make to her women, and what steps she will take to insure clean elections and better enforcement of her election law in the future are problems which await the Legislature. That body cannot refuse to take action of some without inviting the suspicion that her legislators prefer conditions which lend themselves to the base uses of election manipulators whenever they may care to avail themselves of them.

On November 7, 1916, woman suffrage and prohibition amendments were voted upon in South Dakota. It was the first time these two questions have gone to referendum in the same election and the results furnish interesting data for comparison.

Certain facts tel a story which should make progressive, patriotic Americans and fair-minded Congressmen reflect.

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Prohibition was carried by a majority of 11,469; woman suffrage was lost by a majority of 4,664. Prohibition was lost in thirteen counties; in one of these, Lawrence, which lies in the hearth of the mining country, prohibition was lost by two votes, and woman suffrage was carried.

In all the others a large foreign population was the dominant power. Had nine of the sixty-eight counties of the state not been included in the returns woman suffrage would have been carried.

The total “yes” vote on woman suffrage was 51,687; the “no” vote 56,351. * The total “yes” vote of these nine counties was 4,877; the “no” vote was 10,569. Subtracting these county totals from the state totals the record would stand 46,810 “yes” votes and 45,782 “no” votes.

* The figures here used are those given to the press by the County Boards of Election. The final returns were not available.

Who then are the voters of nine counties who kept the women of an entire state 43 disfranchised? The following table presents the answer:

Counties Total Population Total Native Parentage Total Foreign and Foreign Parentage Total German, Austrian Russian, or of Such Parentage Bon Homme. 11,061 3,448 7,613 4,759 Brule

6,451 3,008 3,443 1,556 Charles Mix. 14,899 6,387 8,512 2,757 Campbell 5,244 600 4,644 3,491 Douglas 6,400 2,017 4,383 1,644 McCook 9,589 4,068 5,521 1,691 Hutchinson 12,319 2,671 9,648 7,515 McPherson 6,791 1,152 5,639 4,889 Turner 13,840 4,206 9,634 4,432

The large “no” vote in several counties was due to the same character of population. The total population is 583,888, the population of foreign birth or foreign parentage is 243,835. South Dakota is one of the eight remaining states where foreigners may vote on their “first 44 papers” and citizenship is not a qualification for a vote.

The returns offer still other food for reflection. Hutchinson county, for example, carried prohibition and lost woman suffrage. It gave 584 dry votes; 510 wet votes. It gave 432 “yes” votes on woman suffrage and 1,583 “no” votes. Thus 921 more votes were cast on the suffrage proposition than on the prohibition question. The people in this county are German-Russians and exceedingly ignorant. Apparently they were not intelligent enough to be lined up to vote “no” on both questions. Is it not likely that these votes were intended to be “wet” and that they made a mistake and picked No. 6 instead of No. 7? If not, why not?

The largest group of the foreign population of these counties are German-Russians. They migrated from Germany and found a home in Russia some 230 or more years ago, in order to escape conscription. When Russia began to enforce conscription about 1888 the entire group came to America and settled in colonies in the Western states which at the time offered free lands. They were totally illiterate then. 45 They had not progressed as Germans in their own country had done but being clannish had remained at the point of development reached at the date of their migration. They are still clannish and have not yet escaped from the mental habits of the Middle Ages. These are the men who have denied American women the vote in South Dakota. That the women of South Dakota in very large numbers wanted the vote no one questions. During the campaign six women in Sioux Falls published an appeal to voters not to support the amendment as they did not wish to vote. Shortly after an appeal to the voters of the same city was published and was signed by 3,000 women. In every county of the state the women manifested their interest by doing all they knew how to do.

West Virginia was the first Southern state to submit a referendum on woman suffrage and the vote was taken November 7, 1916. The amendment was defeated by the largest proportional majority any suffrage amendment ever received. Unlike Iowa and South Dakota, where all the educated classes with notable exceptions believe in woman suffrage, West Virginia 46 probably has many conscientious doubters. Arguments and excuses which did service in the West twenty-five years ago were brought forward as though just formulated. The illiteracy of the state is appallingly high and the illiterate is universally an antiwomen suffragist.

The ever present prohibition issue again played an important if not a determining part. A prohibition law was voted in by an immense majority in 1912, but the undismayed “wets” propose to secure a resubmission if possible. They apparently regarded the woman suffrage amendment as an outer defense to be taken before the march on the main prohibition fort could be begun; and every “wet,” high and low, was on duty. The “drys” who would do well to study Napoleon's rule of strategy, that is, “find out what your enemy doesn't want you to do, and then do it,” were much disturbed as to what St. Paul would think were he here, and concluded not to be over hasty about giving the women the vote.

At the Democratic convention an anti woman suffragist spoke. The applause in the gallery 47 and in the standing groups filling the outside aisles was uproarious and clearly represented an organized, carefully planted claque. The leaders were an ex-brewer, an ex-saloonkeeper and the chief liquor lobbyist of the state. It was evident that they were there to intimidate the party, and they did. The Democrats threw a bouquet to the women in the form of a plank and then quietly repudiated it. Practically the same thing happened in the Republican convention. They, too, endorsed a plank and “double-crossed.” There was apparently no difference between the two dominant parties on that score. Men who had always been pronounced suffragists weakly confessed themselves afraid to speak for woman suffrage in the campaign lest votes be lost for their party. Political campaigners who went into the state, with the exception of Senator Borah and Raymond Robins, were told not to mention suffrage, and they obeyed. The wets apparently had the state literally by the throat and in order to save votes the great fundamental principle of “government by the people” was refused a public hearing. Election Day came. Women poll 48 workers reported from many parts of the state that drunken hoodlums were marched in line into the precinct, saying boldly that they were going to vote “agin the——women.” The women workers testified with remarkable unanimity that their opposition was chiefly “riffraff and illiterate negroes and that it was under the direction of well-known ‘wets.’” Even an excise commissioner under pay of the National Government worked against woman suffrage all day in one precinct.

A premonition of what might happen appeared in September, when Judge John M. Woods of the circuit court instructed a grand jury to investigate the political situation in Berkely county. He declared, as reported by the press, that election conditions had become intolerable and that in his judgment one-third of the votes in the county were purchasable. Elections, he said, had degenerated into “an auction wherein offices went to the highest bidder.”

It was not surprising, therefore, that the cry of fraud arose from many localities as soon as the election was over, and was so insistent that 49 the Governor called a special session of the Legislature for the announced purpose of an investigation into the charges. Colonization, bribery,,

repeating and every known form of corruption was alleged to have been employed. One of the chief newspapers of the state declared that the election scandals had surpassed all that had gone before.

The Legislature met but the Governor did not proceed with his proposed investigation. No explanation was given, but to the onlooker it was clear that one of two reasons, or perhaps both, was the cause of silence on the part of the chief lawmaking body of the state—either the lifted curtain would reveal "the pot calling the kettle black," or so extensive and noxious a mass of corruption was known to exist that no means were available for correction of the wrongs perpetrated.

That money was used many women were willing to testify. For what purpose it was used, who furnished it and who were the actual bribers were questions not so readily answered. In one city it was reported "that warrants were out after the elect of the city and that this was 50 true in nearly every ward of the city." The warrants were based upon the alleged use of money.

Other women poll workers reported that men boldly asked whether they would be paid, and if so, how much. When they found there was no reward for suffrage votes they scornfully but frankly confessed that they could do better on the other side. Irregularities were numerous. The amendment was ordered by the state officials printed on the main ticket, but one county so far disobeyed instructions as to print the amendment on a separate ballot, yet the vote was accepted. The returns on the amendment were withheld for many days and in several counties for weeks.

A few straw from the election show the way the wind blew in West Virginia. In only four counties is the per cent. of illiteracy among males of voting age less than 6 per cent. The returns in these counties are found in the following table:

51 Percent Illiteracy Voting Age Males County For Suffrage Amendment Against Suffrage Amendment 5.5 Brooke 1,041 907 Carried 5.8 Morgan 443 1,098 2½ to 1 against 4.7 Ohio 4,513 6,014 1 1/3 to 1 against 5.3 Wood 3,260 3,960 1¼ to 1 against

The returns from the five counties having the highest per cent. of illiteracy are as follows:

Percent Illiteracy Voting Age Males County For Suffrage Amendment Against Suffrage Amendment 26.2 Lincoln 466 3,213 7 to 1 against 26.4 Boone 678 1,828 3 lacking 6 votes to 1 against 27.7 Logan 856 2,774 3¼ to 1 against 28.2 Mingo 712 2,609 3 2/3 to 1 against 29.7 McDowell 1,436 4,832 3 1/3 to 1 against

In the first group the negro vote is under 5 per cent. of the whole. In the second this is also true of Boone and Lincoln counties. The number of negro males of voting age is nearly 6 per cent. in Logan county, 11.2 per cent. in Mingo county and 34.1 per cent. in McDowell county.

It is a matter of interest to observe that the counties giving the largest majority against were Clay, 6 to 1; Grant, 7 to 1; Hardy, 7 2/3 to 1; Lincoln, 7 to 1; Raleigh, 5 to 1, and that in none of these is the negro male population of voting age in excess of 5 per cent, White illiteracy is high, the lowest in this group being that found in Grant county, 13-3 per cent.

Had there been an honest election and a fair count in West Virginia, it is possible, even probable, that woman suffrage would have been defeated, but the fact remains that no human being can know that, since the amendment went down to defeat in an election that can only be described as "The Shame of West Virginia."

In all three states the pending amendments were caught in the toils of the "wet and dry" issue. The "wets" obsessed by the idea that woman suffrage is "next door to prohibition" used their entire machinery to defeat the amendments, while the "drys" regarded the amendments as distinctly separate questions. These conditions may be regarded as the inevitable hazards of a campaign. It is, however, not at all cleat that the amendments were defeated 53 in any one of the three states by the honest "will of the majority." In none of them were women permitted to serve as watchers over their amendment. In Iowa well established proof of wilful or careless violations of laws throws doubt over the returns, while in West Virginia the suspicion of fraud rests upon the entire election. In Iowa four and in South Dakota nine counties colonized by people of foreign birth or parentage deprived the women of the state of their vote.

A Federal amendment ratified by the legislatures of the several states would secure to the women of South Dakota and Iowa the rights for which American and Americanized men have voted. The entire western or most American part of South Dakota has been twice carried for suffrage, that is, in 1914 and 1916. One county, Harding, adjacent to Wyoming, has been carried for woman suffrage in the six referenda on the question, the first one being held in 1890.

The only real argument against the Federal amendment thus far advanced is that one group of states which want woman suffrage may 54 force it upon another group which does not want it. That argument works both ways. *A group of counties* which want woman suffrage may be deprived of it for years because another group of un-Americanized, foreign-born citizens do not want it. The first is said to be the principle of "American sovereignty," the second may fairly be called the principle of "foreign sovereignty."

CHAPTER V. FEDERAL ACTION AND STATE RIGHTS Henry Wade Rogers

Judge of the United States Circuit Court of Appeals, New York City, and Professor in the Yale University School of Law.

I do not propose to discuss the subject of woman suffrage in the abstract. I am content with saying as regards the general question that in a republic which theoretically is founded upon the principle that government derives its just powers from the consent of the governed I think it illogical, unreasonable and an injustice to deny the vote to adult women who are citizens. With that statement I shall address myself to the suggestion of the National American Woman Suffrage Association that Congress should propose to the States an amendment to the Constitution which shall in effect provide that no State shall deny to any person the right to vote on account of sex. And as respects that suggestion. I shall deal with a single phase of the matter. It seems to be supposed 56 in some quarters that if such an amendment were to be adopted it would involve a breach of faith with the dissenting States, or violate some unwritten principle of local self-government, or conflict with the historic doctrine of State Rights.

I have no hesitancy in saying that I have for years believed and still believe that there is a constitutional doctrine of State Rights which cannot be safely or rightfully ignored. Many of the foremost men in both parties share that belief. It must be admitted, however, that this doctrine sometimes has been so perverted, misapplied and carried to such extreme limits as seriously to prejudice many worthy and intelligent citizens against its true merit and value. This fact makes it all the more necessary on the part of those whose would save the doctrine from absolute repudiation to be careful when and how and to what purpose it is invoked.

There has recently been published a book entitled “Woman Suffrage by Constitutional Amendment.” The author of that book, the Hon. Henry St. George Tucker of Virginia, was at one time a member of Congress, and has 57 been president of the American Bar Association. He was invited to deliver a course of five lectures, in 1916, before the School of Law of Yale University on the subject of “Local Self-Government.” In one of the lectures woman suffrage by Federal Amendment was discussed and they theory was advanced that the attempt to bring about the right of suffrage by an amendment to the Constitution of the United States was opposed to the genius of the Constitution and subversive of the principle of local self-government. In his opinion, woman suffrage by Federal Amendment is contrary to the rightful demarcation of the powers of the Federal and State governments under the Constitution of the United States.

I may remark in passing that the title of the book is liable to mislead the public into thinking that Mr. Tucker was invited to Yale to discuss woman suffrage, whereas the fact was that that was only an incident in his discussion of Local Self-Government.

But is woman suffrage by Federal Amendment contrary to the genius of the Constitution and contrary to the rightful demarcation of the powers of the Federal Government?

58

In considering the question involved it is to be noticed in the first place that a difference exists between the Articles of Confederation and the Constitution. In the Articles of Confederation it was in the Thirteenth Article expressly provided that no alteration should be made in any of the Articles "unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State." This provision was an element of weakness and recognized as such by the men who sat in the Constitutional Convention of 1787. As the Articles constituted a league between independent states it was deemed necessary to make it incapable of alteration except by unanimous consent of the states in order to preserve to each state all of its rights.

When the convention of 1787 met to agree upon a Constitution to submit to the States one of the questions they had to consider was whether it should be made capable of amendment. They agreed that it was the part of wisdom to provide that the States might modify the system of government the Constitution 59 established when in the progress of time to do so seemed desirable. Mr. Madison accordingly proposed what with some modifications became the Fifth Article.

The Congress was given power by that Article to propose amendments by a vote of two-thirds of both Houses and amendments so proposed were to become valid to all intents and purposes as parts of the Constitution when ratified by three-fourths of the several States. This is not the only method by which the Constitution may be amended. For it is provided that the States may themselves propose amendments through a convention called by two-thirds of the States, and it is also provided that proposed amendments may be submitted for ratification to conventions in the several States instead of to the Legislatures of the States if Congress so directs.

When the Constitution of a State is amended care must be taken to see to it that the amendment proposed does not involve a violation of the Constitution of the United States. For a constitution adopted by the people of a State in so far as it violates the Constitution of the United States is void, for exactly the same reason 60 that an Act passed by a State Legislature is void if it is contrary to some provision in the Constitution of the United States. This is so because the Constitution of the United States in the Sixth Article directs that "This Constitution * * shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

But any amendment with a single exception, which is proposed by Congress, no matter what it may be, if it has received the two-thirds vote of both Houses and has been ratified by the Legislatures of

three-fourths of the States, or of three-fourths of the conventions in the several States, according as Congress has submitted it in the one way or the other, is valid irrespective of any provision that can be found in any State Constitution or law. The one exception to which reference has been made is that no change can be made which would deprive a State of its right to equal representation in the Senate. As it is, the Senate is composed of two Senators from 61 each state. New York and Nevada, the one with a population of 9,113,614, and the other with a population of 81,875 are entitled to equal representation in that body, and that equality of representation cannot be destroyed by any amendment not assented to by all the States. The reason is that the Constitution expressly declares in the Fifth Article—the one which deals with amendments—"that no State, without its consent, shall be deprived of its equal suffrage in the Senate." This provision was incorporated into the Constitution at the suggestion of Roger Sherman of Connecticut. Certain other restrictions were imposed which now have become unimportant, but which at the time were of the greatest possible importance. It was provided that no amendment was to be made prior to the year 1808 which should prohibit the States from further importation of slaves, and that no capitation or other direct tax should be laid unless in proportion to the census or enumeration of the inhabitants of the states in which three-fifths only of the slaves were included. So we see that the founders withdrew from 62 the possibilities of amendment the subjects regarding which they were unwilling amendments should be made. The understanding of the States therefore must have been that as respects all subjects not so withdrawn the right of amendment might be exercised whenever the States desired to exercise it. Whenever they do see fit to exercise it they are not breaking faith with each other, or doing anything wrongfully.

The mode of amending the Constitution is in strict accordance with the doctrine of State Rights. The amending power is not to be exercised by the collective people of the United States acting as a majority. It can only be exercised by three-fourths of the States acting as States in their sovereign capacity. If three-fourths of the States desire to amend the instrument then the one-fourth must submit to the will of the three-fourths. There is no principle in the doctrine of State Rights which is violated when the Constitution is amended by the three-fourths, for all the states have agreed that the three-fourths shall possess the power to do so and that the minority will consent to be bound by action so taken. The 63 principle that the minority must be submit to the majority is a principle which the States apply to the government of their local communities and to the people of their several commonwealths. And it is a principle which the States as sovereigns have agreed shall be applied to themselves in their relations to each other and to the Federal Government. In creating the amending power the framers of the Constitution were careful to remove it from the people of the nation and to lodge it in the State sovereignties. That is all that the believers in the doctrine of State Rights asked. They could not wisely ask, and they did not ask, more. They only asked that in so

important a matter as the amendment of the fundamental law the minority should not be compelled to submit to a mere majority, but only to three-fourths if the whole.

If it be assumed simply for the purpose of this discussion, that the amendment of the Constitution is not wholly a political question, no one can seriously contend that the amendment the National American Woman Suffrage Association urges violates any principle of law, written or unwritten. Mr. Tucker makes no 64 such claim. His argument, as I understand it, is that woman suffrage by Federal Amendment is a departure from the original thought of the makers of the Constitution; that they left the subject of suffrage along with most other subjects to be regulated by State action and that their decision upon that question was wise and should not be disturbed. The same argument exactly was made against the Thirteenth, Fourteenth and Fifteenth Amendments and without effect. It can be made against any amendment which can be proposed which deprives the States of any power which they now possess.

When the Constitution was adopted it is true it did not confer the right of suffrage upon any class, but left the subject to each state to regulate in its own way. The members of the House of Representatives were to be chosen by the people of the several States and it was simply provided that "the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." Senators were to be chosen by the 65 State Legislatures. The President an Vice-President were to be chosen by electors, who were to be appointed in each state "in such manner as the Legislature thereof may direct." These were at the time very wise regulations, for they showed, as James Wilson, a member of the Constitutional Convention, said, the most friendly disposition toward the governments of the several States, and they tended to destroy the seeds of jealousy which might otherwise spring up with regard to the National Government. At that time the framers of the constitution did not deem it wise to limit in any respect the control of the states over the subject of suffrage. There was then no uniformity regarding the suffrage in the several states. A property qualification was usually prescribed, but the amount of property it was necessary to hold varied considerably in different states. For instance, in Maryland all freemen, above 21 years of age, having a freehold of fifty acres of land in the county in which they resided, and all freemen having property in the state above the value of thirty pounds current money and who had resided in the 66 county one year, could vote. In New Jersey "all inhabitants" of full age worth "fifty pounds, proclamation money clear estate within that government," could vote. In New York" every male inhabitant of full age" who had resided within the county for six months immediately preceding the day of election could vote if he had been a freeholder possessing a freehold of the value of twenty pounds within the county or had rented a tenement therein of the yearly value of forty shillings, and had been rated and actually paid taxes to the state. In a number of the States the right to vote was restricted to taxpayers. In Pennsylvania every freeman of 21 years

who had resided in the state two years next before the election and within that time had paid a State or a county tax could vote.

This is today a wide divergence in the qualifications required in the various states to entitle one to vote. In a few States there are educational qualifications, as in California, Connecticut, Massachusetts, Washington and North Carolina. In some States one cannot vote unless he has paid certain taxes, almost 67 always poll taxes. In certain States Indians who are not members of any tribe can vote. And in a number of the States every male of foreign birth, 21 years of age, who has declared his intention to become a citizen according to the naturalization laws of the United States can vote.

These differences exist because the Constitution remains, so far as this subject is concerned, as it was originally adopted, except that the Fifteenth Amendment provides that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude." It is, however, an anomalous condition that the right of citizens of the United States to vote remains wholly dependent on the laws of the States, subject only to the restriction that in the regulations the States establish they cannot discriminate against any citizen on account of race, color or previous condition of servitude. If woman suffrage is a sound principle in a republican form of government, and such I believe it to be, there is in my opinion no reason 68 why the States should not be permitted to vote upon an Amendment to the Constitution declaring that no citizen shall be deprived of the right to vote on account of sex.

CHAPTER VI OBJECTIONS TO THE FEDERAL AMENDMENT

I. States Rights. This Objection is Urged by ALL Opponents of Woman Suffrage, but is Either a Barricade to Defend Themselves from the Necessity of Exposing the Fact That They Have no Reasons, or is a Play to Postpone Woman Suffrage as Long as Possible. By a Few it is Urged Conscientiously and With Conviction.

That there are many problems whose treatment belongs to appropriately to state governments that any infringement of that right by the Federal Government would be an act of tyranny, no American will question. But assuredly woman suffrage is not one of these. One by one classes of men have been granted the vote until women are the only remaining unenfranchised class. States have set up various 70 restrictive qualifications so that criminality, idiocy, insanity, pauperism, drunkenness, foreign birth are accepted as ordinary causes of disfranchisement. Yet not one of these conditions is common to all the states. The foreigner votes on his first papers in eight states and a five years' residence will usually secure his naturalization and a consequent vote in any states. The criminal,

idiot and insane are not denied a vote in several states, and in most a large class of ignorant un-American men with no comprehension of our problems our history, or ideals, are conspicuous voters on election day. Millions of new voters have entered our country and without the expenditure of time, money or service have received the vote since the pending Federal Amendment was first introduced.

For two generations groups of women have given their lives and their fortunes to secure the vote for their sex and hundreds of thousands of other women are now giving all the time at their command. No class of men in our own or any other country has made one-tenth the effort nor sacrificed one-tenth as much 71 for the vote. The long delay, the double dealing, the broken faith of political parties, the insult of disfranchisement of the qualified in a land which freely gives the vote to the unqualified, combines to produce as insufferable a tyranny as any modern nation has perpetuated upon a class of its citizens. The souls of women which should be warm with patriotic love of their country are growing bitter over the inexplicable wrong their country is doing them. Hands and heads that should be busy with other problems of our nation are withheld that they may get the tools with which to work. Purses that should be open to many causes are emptied into suffrage coffers until this monumental injustice shall be wiped away. Woman suffrage is a question of righting a nation-wide injustice, of establishing a phase of unquestioned human liberty and of carrying out a proposition to which our nation is pledged; it therefore transcends all considerations of states rights. This objection comes chiefly from Southern Democrats, who claim that it is a form of oppression for three-fourths of the states to foist upon one-fourth measures of 72 which the minority of states do not approve. Yet the provision for so amending the Constitution was adopted by the states and has stood unchallenged in the Constitution for more than a century. If it be unfair, undemocratic or even unsatisfactory, it is curious that no movement to change the provision has ever developed. The Constitution has been twice amended recently and it is interesting to note that it happened under a Democratic Administration. More, the child labor and eight-hour bills, while not constitutional amendments, are subject to the same plea that no state shall have laws imposed upon it without its consent. Both measures were introduced by Southern Democrats. The pending Federal Prohibition Amendment was also introduced by a Southern Democrat and is supported by many others. Upon consideration of these facts, it would seem that “states rights” is either a theory to be invoked whenever necessary to conceal an unreasoning hostility to a measure or that those who advance it are guilty of extremely muddy thinking.

The Constitution of the United States as now 73 amended provides that no male citizen subject to state qualifications shall be denied the vote by any state. Were all the state constitutions amended so as to enfranchise women, the word male would still stand in the National Constitution. Men and women would still be unequal, since the National Constitution can impose a penalty upon a

state which denies the vote to men, but none upon the state which discriminates against women. A woman comes from Montana to represent that state in Congress. The State of Montana has done its utmost to remove her political disabilities, yet should she cross the border of her state and live in North Dakota, she loses all that Montana gave her. Not so the male voter. Enfranchised in one state, he is enfranchised in all (subject to difference of qualification only). The women of this nation will never be content with less protection in their right to vote than is given to men and there is no other possible way to secure that protection except through amendment to the National Constitution. No single state, nor the forty-eight collectively, can grant that protection except through the Federal Constitution.

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As granting to half the population of our country the right of consent to their own government, whose expenses they help to pay, is a question of fundamental human liberty, Congress and the legislatures should be proud to act and to add one more immortal chapter to America's history of freedom.

II. Southern Members of Congress Very Generally Urge That They Oppose the Federal Amendment Because it Will Confer the Vote Upon the Negro Women of Their Respective States; and That Will Interfere With White Supremacy in the South.

It is difficult to believe this objection to be sincere, since facts do not support the contention. The acts are that woman suffrage secured by Federal Amendment will be subject to whatever restrictions may be imposed by state constitutions (provided those restrictions are in accord with the National Constitution) in precisely the same way as woman suffrage secured by state constitutional amendment. No larger number of negro women can be enfranchised by Federal Amendment than will be 75 enfranchised by State Amendment. If the women of the South are ever to be enfranchised, it, must be by (1) Federal Constitutional Amendment, or (2) State Constitutional Amendment. If their franchise is obtained by the former method, it will come by the votes of white men in Congress and legislature; i by the second, they will be forced to appeal to voting Negroes to elevate them to their own political status. One would suppose the first would be the preferable method from the Southern viewpoint. It is possible that behind this commonly spoken objection, lies a hope and belief that Southern women will remain disfranchised forevermore. A man unfamiliar with political history, psychology, and the science of evolution might cherish such a belief in fancied security, but ideas cannot be shut outside the borders of a state. There is no Southern state in which women of the highest families are not giving their all in order to propagate this cause, and they are doing it with so noble a spirit and so eloquent an appeal that final surrender of the citadel of prejudice is only a question of time. No one has 76 ever questioned the “fighting ability” of the South. That ability is not confined to men. Courage, intelligence, conviction and willingness to sacrifice characterize the

suffrage movement in every state, and the South is no exception. The women of that section will vote; the question is how long must they work, how much they sacrifice to win that which has so freely been granted to men of all classes?

White supremacy will be strengthened, not weakened, by woman suffrage. In the fifteen states south of the Mason and Dixon line are:

8,788,901 negro women,

4,316,565 negro women, or

4,472,336 more white than negro women.

The total negro population is 8,294,274, and white women outnumber both negro males and females by nearly half a million. In two states only, South Carolina and Mississippi, are there more negro than white women, and in these states there are more negro men than white men. In South Carolina, voters must read own and pay taxes on $300 worth of property. In Mississippi, voters must read the Constitution. 77 The other four states of the "black belt"—Georgia, Florida, Alabama and Louisiana—impose an educational test. Women voters would be compelled to submit to the same qualifications. In the other nine states white women exceed the total negro population. Woman suffrage in the South would so vastly increase the white vote that it would guarantee white supremacy if it otherwise stood in danger of overthrow. If a sly dread of female supremacy is troubling the doubter he may find comfort in the rather astonishing fact that white males over 21 are considerably in excess of white females over 21 in all except Maryland and North Carolina; negro females over 21 exceed negro males in Alabama, Tennessee, Georgia, South Carolina, North Carolina and Virginia, but the restrictions in these states of property ownership represented by tax receipts, education and various other tests, would fall more heavily upon women than men, and thus admit fewer women than men to the vote. If the South really wants White Supremacy, it will urge the enfranchisement of women. The following table offers insuperable proof:

78 WHITE 21 Years and Over NEGROES 21 Years and Over STATES Per Cent. of Negroes in Population All Ages Male Female Male Female Delaware 15.4 52,804 50,160 9,050 8,281 Maryland 17.9 303,561 309,897 63,963 63,899 District of Columbia 28.5 75,765 81,622 27,621 34,449 Virginia 32.6 363,659 353,516 159,593 164,844 North Carolina 31.6 357,611 358,583 146,752 159,236 South Carolina 55.2 165,769 162,625 169,155 181,264 Georgia 45.1 353,569 343,187 266,814 269,937 Florida 41.0 124,311 105,662 89,659 72,998 Kentucky 11.4 527,661 506,299 75,694 73,413 Tennessee 21.7 433,431 419,646 119,142 122,707 Alabama 42.5 298,943 284,116 213,923 217,676 Mississippi 56.2 192,741 180,787 233,701 231,901 Arkansas 28.1 284,301 248,964 111,365 102,917 Louisiana 43.1 240,001 222,473 174,211 172,711 Texas

17.7 835,962 722,063 166,393 161,959 Missouri 4.8 919,480 874,997 52,921 48,057 Oklahoma 8.3 393,377 311,266 36,841 30,208 West Virginia 5.3 315,498 270,298 22,757 14,667 79

Speaking of the probable enforcement of the National Constitution against the "Grandfather clause" in Southern constitutions, Walter E. Clark, Chief Justice of the Supreme Court of North Carolina, said:

"In North Carolina such a decision would readmit to the polls 125,000 negro votes. What preparation have we made to meet such a possible result? I know of but one remedy. The census shows that the white population of North Carolina is seventy per cent. and the colored population thirty per cent. It follows that the white adult women of North Carolina are more in numbers than the negro men and negro women combined. *The votes of 260,000 white women can be relied on to stand solid against any measure or any man who proposes to question Anglo-Saxon supremacy.*

"I am not intimating that the admission of the white women to the polls will secure democratic supremacy (they will not impair it), nor that it will prejudice the republican element. The equal suffrage movement has never proceeded on party lines and the women would scorn to be admitted unless they were as free in their choice of party measures and candidates as the men. But what I am saying is that if the negroes are readmitted by a decision of the Federal Court to suffrage, the 260,000 votes of the white women of the State will be one solid obstacle to any measure that would impair either for them or their children the continuance of white supremacy."

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III. Women Do Not Want to Vote and Hence it is Unfair to Thrust the Vote Upon Them by Federal Amendment.

We have two classes of voters in the United States, young men who automatically become voters at twenty-one, and naturalized citizens. No one among them has ever been asked whether he wishes the vote. It was "thrust upon them" all as a privilege which each would use or not as he desired. To extend the suffrage to those who do not desire it is no hardship, since only those who wish the privilege will use it. On the other hand, it becomes an intolerable oppression to deny it to those who want it. The vote is permissive, not obligatory. It imposes no definite responsibility; it extends a liberty. That there are women who do not want the vote is true, but the well-known large number of qualified men who do not use the vote, indicates that the desire to have someone else assume the responsibility of public service is not confined to women. It is an easy excuse to say "wait until all the women want it," but it is a poor rule which doesn't work both ways. Had it been necessary 81 for members of Congress to wait until all men wanted the vote before they had one for themselves, we should be living in an unconstitutional monarchy. More, had it been necessary for women to wait until all women approved of college or even public school education for girls, property rights, the

right of free speech, or any one of the many liberties now enjoyed by women, but formerly denied them, the iniquities of the old common law would still measure the privileges of women, and high schools and colleges would still close their doors to women.

A certain way to test whether any class of people want the vote is to note the numbers of those who use it when granted.

As men and women voters do not use separate boxes and as initials are often employed by both sexes in registration, election officials invariably reply to queries as to the number of women actually voting in their respective states, that positive figures are not obtainable. Yet the testimony, while lacking definite statement, is overwhelming that women in all lands vote in about the same proportion as men. 82 Women in Illinois, not being possessed of complete suffrage rights, have voted in separate boxes, and figures are therefore obtainable. The report from the City of Chicago for 1916 as submitted by the Chief Clerk of the Board of Election Commissioners is as follows:

Registration

Men Women Total 504,674 303,801 808,475

Votes Cast Nov. 7

Men Women Total 487,210—965% 289,444—95.2% 776,654—96%

Votes Cast—Democratic

Men Women Total 217,328 133,847 351,175

Votes Cast—Republican

Men Women Total 235,328 141,533 377,201

Progressive and Socialist

48,278

Although New York City is nearly two and a half times as large as Chicago, the registration of the latter exceeded that of New York by 69,307.

The following is quoted from an official statement issued by the California Civic 83 League on what the women of California have done with the vote:

“There has been some attempt on the part of those opposed to women voting to make it appear that in San Francisco particularly, women were slow to register and loth to vote. The fact is always suppressed that there are never less than 132 men to every 100 women in the city and that women

therefore should properly be only forty-three per cent. of the total number of voting adults. At the last mayoralty election the women unquestionably re-elected the incumbent as against Eugene Schmitz of graft-prosecution fame, who tried to 'come back.' In this election women constituted thirty-seven per cent. of the total registered vote and the women of the best residence districts voted in the proportion of forty-two to forty-four per cent. of the total vote cast in those precincts; while in the downtown, tenderloin and dance-hall districts women constituted only twenty-seven per cent. of the registration and negligible portion of the vote. These proportions have been substantially maintained in minor elections since, and were slightly increased in the National election of November, 1916, when they comprised thirty-nine per cent. of the registration and voted within two per cent, as heavily as men."

From no state comes the report that women have not used their vote. The evidence that they do use it has been so largely distributed through the press, that more definite proof seems unnecessary, even were it possible to 84 secure it. The following bits of testimony taken from press reports are of interest:

In Wyoming, out of 45,000 registered voters, 20,000 are reported as women. But Wyoming has 219 men to every 100 women of voting age. Therefore to compare favorably with Wyoming's 20,000 women voters there should the 53,800 men.

In Montana, one-third of a registration of 255,000 is made up of women. Montana has 189.6 men to every 100 women. As there were only 81,741 women of voting age in Montana in 1910, the present number, 85,000, must mean that nearly every women in the state voted in 1916.

About 40% of Utah's 130,000 registration is made up of women. Utah has 6 men of voting age to every 5 women, 20% more men than women.

In Idaho, out of a registration of 95,000, there are 40,000 women. Idaho has more than half as many again men as women. Therefore to have a fifty-fifty representation at the 85 polls, Idaho should have registered 60,000 men instead of 55,000 to match its 40,000 women.

IV. Constituency has Instructed Against Suffrage.

This objection has urged by members in whose states there have been referenda on the subject in recent years with adverse results. Members of Congress are apportioned among the several states according to population and are constitutionally obligated to represent women as well as men. As the electors of no constituency have voted solidly against woman suffrage, such objectors are accepting instructions from less than half their adult constituents and often from less than one-

fourth. Women have had no opportunity to speak for themselves. As a matter of very suggestive fact, thirty-five members of Congress, who upon interview have expressed opposition to the Federal Amendment, were elected by minorities. Some of these represent states which have had a referendum on woman suffrage and were elected by a smaller number of total votes than their respective districts gave the suffrage amendment. These are such curious 86 facts, that it is difficult to believe in the sincerity of the objection. That men and elements which have contributed money and work to secure the election of a member of Congress instruct him how to vote is more believable. For the sake of the common welfare of the American people, it is well, that the number of such members is probably few.

V. Political Expediency. The South professes to fear the increased Negro vote; the North, the increased Foreign vote; the rich, the increased labor vote; the conservative, the increased illiterate vote. The Republicans since the recent presidential election fear the increased Democratic vote; the Democrats fear the women voters' support was only temporary. The "wet" fears the increased dry vote; the "dry" the increased controlled wet vote. Certain very numerous elements fear the increased Catholic vote and still others the increased Jewish vote. The Orthodox Protestant and Catholic fear the increased free-thinking vote and the free-thinkers are decidedly afraid of the increased church vote. Labor fears the increased influence of the capitalistic 87 class, and capitalists, especially of the manufacturing group, are extremely disturbed at the prospect of votes being extended to their women employees. Certain groups fear the increased Socialist vote and certain Socialists fear the "lady vote." Party men fear women voters will have no party consciousness and prove so independent as to disintegrate the party. Radical or progressive elements fear that women will be "stand-pat" partisans. Ballot reformers fear the increased corrupt vote and corruptionists fear the increased reform vote. Militarists are much alarmed lest women increase the peace vote and, despite the fact that the press of the country has poured forth increasing evidence that the women of every belligerent country have borne their full share of the war burden with such unexpected skill and ability that the authorities have been lavish in acknowledgment, seem certain that women of the United States will prove the exception of the world's rule and show the white feather if war threatens.

Ridiculous as this list of objections may appear, each is supported earnestly by a considerable 88 group, and collectively they furnish the basis of opposition to woman suffrage in and out of Congress.

The answer to one is the answer to all.

Government by "the people" is expedient or it is not. If it is expedient, the obviously *all* the people must be included. If it is not expedient, the simplest logic leads to the conclusion that the classes

to be deprived of the franchise should be determined by their qualities of unfitness for the vote. If education, intelligence, grasp of public questions, patriotism, willingness and ability to give public service, respect of law, are selected as fair qualifications for those to be entrusted with the vote and the opposite as the qualities of those to be denied the vote, if follows than men and women will be included in the classes adjudged fit to vote, and also in those adjudged unfit to vote. Meanwhile the system which admits the unworthy to the vote provided they are men, and shuts out the worthy provided they are women, is so unjust and illogical that its perpetuation is a sad reflection upon American thinking.

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The clear thinker will arrive at the conclusion that women must be included in the electorate if our country wishes to be consistent with the principles it boasts as fundamental. The shortest method to secure this enfranchisement is the quickest method to extricate our country from the absurdity of its present position.

VI. The Low Standards of Citizenship which lead to controlled votes, bribery and various forms of corruptions, will be accentuated by woman suffrage with the doubling of every dangerous element, hence any effort to postpone its coming is justifiable. Woman suffrage will increase the proportion of *intelligent voters.* According to the Commissioners of Education there are now one-third more girls in the high schools of the country than boys. In 1914, the latest figures, 64,491 boys were graduated from the high schools of the United States and 96,115 girls. In the normal schools the educational report for 1915 states that 80 per cent. of the pupils were girls. The Census of 1910 reports a larger number of illiterate men than illiterate women.

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Woman suffrage would increase the *moral* vote. Only one out of every twenty criminals are women. Women constitute a minority of drunkards and petty misdemeanants, and in all the factors that tend to handicap the progress of society women form a minority; whereas in churches, schools and all organizations working for the uplift of humanity, women are a majority. In all American states and countries that have adopted equal suffrage the vote of the disreputable woman is practically negligible, the slum wards of cities invariably having the lightest woman vote and the respectable residence wards the heaviest. Woman suffrage would increase the number of *native born voters* as for every 100 foreign white women immigrants coming to this country there are 129 men, while among Asiatic immigrants the men outnumber the women two to one, according to the Census of 1910.

Woman suffrage would help to *correct election procedure.* In all states where women vote, the polling booths have been moved into homes, church parlors, school houses or other similar respectable

places. Women serve as 91 election officials and the subduing influence of woman's presence elsewhere has had its effect upon the elections. Women greatly increase the number of competent persons who can be drawn upon as election officials. No class of persons in the nation is so well trained as school teachers for this work. The presence of women as voters and officials would in itself eliminate certain types of irregularity and go a long way toward establishing a higher standard of election procedure. Woman suffrage cannot possibly make political conditions worse, since all the elements which combine to produce those conditions are less conspicuous among women than men. On the other hand the introduction of a new class possessing a very large number of persons who would unwillingly tolerate some of the conditions now prevailing offers evidence that a powerful influence for better things would come with the woman's vote.

VII. Prohibition Has Outstripped Suffrage, Therefore Suffrage Sentiment is Less Strong.

It should be remembered that prohibition 92 may be obtained by statutory enactment, a privilege denied woman suffrage; that it has been largely established by local option, another privilege denied woman suffrage. These facts account for the larger success as indicated by relative territory covered by prohibition and woman suffrage.

APPENDIX A

The following Statement Shows the Extent of Suffrage Enjoyed by Women in Other Lands:

The Australian Provinces granted municipal suffrage to women as follows: New South Wales, 1867; Victoria, 1869; West Australia, 1871; South Australia, 1880; Tasmania, 1884; Queensland, 1886. They granted full suffrage to women as follows: South Australia, 1887; West Australia, 1899; New South Wales, 1992; Tasmania, 1903; Queensland, 1905; Victoria, 1908.

Full suffrage was granted to the women of The Isle of Man, 1892; New Zealand, 1893; Finland, 1906; Norway, 1907; Denmark, 1915; Iceland, 1916.

Canadian Provinces extended municipal suffrage to women as follows: Ontario, 1884, to widows and spinsters assessed for not less than $400, married women entitled to vote on some propositions; New Brunswick, 1886, to women and spinsters rate payers; Nova Scotia, 1887, to all women rate payers; Manitoba, 1888, to all woman rate payers; British Columbia, 1888, widows and spinsters rate payers; Alberta, 1888, widows and spinsters rate payers; Saskatchewan, 1888, widows and spinsters rate payers; Prince Edward Island, 1888, widows and spinsters property holders; Quebec, 1892,

widows and spinsters properly holders. The full suffrage was granted to all women in the Provinces of Manitoba, Saskatchewan, Alberta and British Columbia in 1916.

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South Africa— Municipal suffrage was extended to women as follows: In The Transvaal, in 1854, to burghers' wives; in 1903 to white women on a property qualification; in Cape Colony, 1882, to all women on a property qualification; in Orange River Colony, 1904, to all women resident householders.

Sweden— Municipal suffrage for unmarried women, School Board and Ecclesiastical Franchise (without eligibility to office), 1862; School Board and Poor Law (with eligibility), 1889; eligibility to municipal and church councils, and extension of suffrage rights to married women, 1909.

In England and Wales the first extension of suffrage to women was granted in 1934. Since that time various extensions of suffrage to men and to women have taken place. The first woman suffrage was given to widows and spinsters. The disability of married women was removed in 1900, and English and Welsh women now enjoy suffrage in all elections upon the same terms as men with the sole exception of the right to vote for members of Parliament.

Scotland—1872— First extension of suffrage to women to elect School Boards (with eligibility). 1881—Municipal suffrage for unmarried women (with eligibility). 1900—Disability of married women in municipal elections removed. 1907—Town and County Council eligibility for married and unmarried established.

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Ireland—1837— First extension of suffrage to women to elect Poor Law Guardians. 1887—Municipal suffrage granted the women of Belfast. 1894—Municipal suffrage extended to other cities. 1911—Town and County Council eligibility for married and unmarried women established.

APPENDIX B

(In the table below, the 36 male suffrage states are grouped under classifications which represent, as far as can be represented in a table, the various degrees of difficulty met in the amending clauses of State Constitutions.)

A.—Amendment passed by the Legislature or Constitutional Convention: Delaware: Amendments are not put to the referendum vote. They must pass two legislatures by a two-thirds majority each

time. The Legislature sits biennially. A Constitutional Convention can also pass amendments without reference to the people.

B.—Passed by majority one Legislature and majority vote of people on the referendum or by constitutional convention with referendum: Missouri—Biennial Legislature. Initiative petition also possible. South Dakota—Biennial. Constitutional Convention hard to call.

C.—Large Legislative vote necessary: Florida, three fifths, biennial. Georgia, two-thirds, annual. Maine, two-thirds, biennial. Michigan, two-thirds, biennial. Initiative petition also possible. North Carolina, three-fifths, biennial. 97 Ohio, three-fifths, biennial. Initiative petition also possible. West Virginia, two-thirds, biennial.

D.—Same as C., but no, or infrequent Constitutional Conventions: Louisiana, two-thirds, biennial, no Constitutional Convention. Texas, two-thirds, biennial, no Constitutional Convention. Maryland, three-fifths, biennial, 20 years interval between Constitutional Conventions.

E.—Difficult States: Alabama—Legislature: three-fifths vote of one Legislature (quadrennial). People: Majority of all votes cast at the election. Iowa—Legislature: Majority of two Legislatures (biennial). People: Majority of all voting for representatives. Minnesota—Legislature: Majority vote of one Legislature (biennial). People: Majority of votes at the election. New York—Legislature: Majority of two Legislatures (annual). People: Majority voting on amendment. Virginia—Legislature: Majority of two Legislatures (biennial). People: Majority of people voting on amendment. Oklahoma—Legislature: Majority vote of one Legislature (biennial). Initiative petition possible. People: Majority voting at election. North Dakota—Legislature: Majority of two Legislatures (biennial). Initiative petition possible. People: Majority voting on the amendment. No Constitutional Convention. 98 South Carolina—Legislature: Two-thirds of two Legislatures (annual).—One before submission to people; the other after ratification by them. People: Majority voting for representatives. Wisconsin—Legislature: Majority of two Legislatures (biennial). People: Majority voting at the election.

F.—Very Difficult States: Arkansas—Legislature: Majority vote of one Legislature (biennial). People: Majority of all voting at election. Only three amendments at once. No Constitutional Convention. Connecticut—Legislature: Majority vote of one Legislature; two-thirds vote a second Legislature (biennial). People: Majority votes of the people on the amendment. No Constitutional Convention. Kentucky—Legislature; three-fifths vote of one Legislature (biennial). People: Majority of people voting on the amendment. Not more than two amendments at once. Massachusetts—Legislature: Majority in Senate and two-thirds House in two Legislatures (annual). People: Majority voting on the amendment. No Constitutional Convention. New Jersey—Legislature: Majority of two Legislatures (annual). People: Majority voting on amendment. Same amendment can be submitted only once

in five years. No Constitutional Convention. Mississippi—Legislature: Two-thirds vote of one Legislature; majority of a second, after the 99 referendum vote (quadrennial). People: Majority voting at the election. No Constitutional Convention. Pennsylvania—Legislature: Majority of the two Legislatures (biennial). People: Majority of people voting at election. Same amendment can be submitted only once in five years. No Constitutional Convention. Rhode Island—Legislature: Majority of two Legislatures (annual). People: Three-fifths of all voting at election. No Constitutional Convention. Tennessee—Legislature: Majority vote in one Legislature, and a two-thirds vote in a second (biennial). People: Majority of all voting for representatives. Same amendment can be submitted only once in six years.

G.—Most Difficult States: Vermont—Legislature: Majority in House and two-thirds in Senate in one Legislature; majority of both houses in a second (biennial). People: Majority voting on the amendment. No Constitutional Convention. Constitution can be amended only once in ten years. New Hampshire—Constitutional Convention alone can propose amendment. This convention is held once in seven years. People: Two-thirds majority vote on amendment. Illinois—Legislature: Two-thirds vote of one Legislature (biennial). People: Majority voting at the election. Only one amendment at a time. Same amendment only once in four years. 100 Indiana—Legislature: Majority vote of two Legislatures (biennial). People: Majority of voters in state. While one amendment awaits action no other can be proposed. No Constitutional Convention. New Mexico—Legislature: Three-fourths vote of one Legislature (biennial). People: Three-fourths of those voting at election; two-thirds from each county.