

## **Congressional reports in favor of an amendment to the national constitutional prohibiting the disfranchisement of United States citizens on account of sex**

To Anna H. Shaw From: Susan B. From the library of Anna h. Shaw

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION

SECTION I NUMBER 99 SENATOR SUMMERS, SPEECH OF 1859 and REPORT AND HEARINGS TO 1902

### **Congressional Reports IN FAVOR OF AN AMENDMENT TO THE NATIONAL CONSTITUTION PROHIBITING THE DISFRANCHISEMENT OF UNITED STATES CITIZENS ON ACCOUNT OF SEX.**

*Resolved*, —That the right of citizens of the United States to vote shall not be denied or a abridged by the United States, or by any State, on account of sex.

A DELEGATION from the National Woman Suffrage organization has appeared before committees of the Senate and House of every Congress since 1869, asking for a Sixteenth Amendment to the National Constitution which shall prohibit the disfranchisement of United States citizens on account of sex. Eleven favorable reports have been made— five from Senate, six from House Committees.

The first, in 1871, was signed by Representatives Benjamin F. Butler, Mass., and William A. Loughridge, Ia. This is one of the ablest and most comprehensive statements ever made in favor of the constitutional right of woman to the franchise. It traces her status from the common law of England, through court decisions and legislative enactments, down to the present, and says: A question of this kind should be met fairly, investigated in that generous and liberal spirit characteristic of the age, and decided upon principles 2 of justice, of right, and of law. It is claimed by many that to concede to woman the right of suffrage would be an innovation upon the laws of nature, and upon the theory and practice of the world for ages, and especially an innovation upon the common law of England, which was originally the law of this country, and which is the foundation of our legal fabric. The question is to be decided by the Constitution and the fundamental principles of our government, and not by the usage and dogma of the past. It is a gratifying fact that the world is advancing in political science, and gradually adopting more liberal and national theories of government. Citizenship in Turkey or Russia is essentially different in its rights and privileges from citizenship in the United States. In the former, citizenship means no more than the right to protection of absolute rights, and the "citizen" is a subject; nothing more. Here, in the language of Chief Justice Jay, there are no subjects. All, native-born and naturalized, are citizens of the highest class; here, all citizens are sovereigns, each citizen bearing a portion of the supreme sovereignty, and

therefore it must necessarily be that the right to a voice in the government is the right and privilege of a citizen as such. Could a State disfranchise and deprive of the right to a vote all citizens who have red hair; or all citizens under six feet in height? All will consent that the States could not make such arbitrary distinctions the ground for denial of political privileges; that it would be a violation of the first article of the Fourteenth Amendment; that it would be a bridging the privileges of citizens. And yet the denial of the elective franchise to citizens on account of sex is equally as arbitrary as the distinction on account of stature, or color of hair, or any other physical distinction.

In a state of nature, before governments are formed, each person possesses a natural right to defend his liberty, his life and his property from the aggressions of his fellow men. When he enters into a free government he does not surrender that right, but agrees to exercise it, not by brute force, but by the ballot. The right of self-protection, it will not be denied, exists in all, equally, in a state of nature, and the substitute for it exists equally in all citizens after a free government is formed, for the free government is by all and for all.

The people "ordained and established" the Constitution. Such is the preamble. "We, the people." Can it be said that the people acquire their privileges from the instrument that they themselves establish? Does the creature extend rights, privileges and immunities to the creator? No; the people retain all the rights which they have not surrendered; and if the people have not given to the government the power to deprive them of their elective franchise, they possess it by virtue of citizenship.

The second report, in 1879, signed by Senators George F. Hoar, Mass., John H. Mitchell, Ore., and Angus Cameron, Wis., is an unanswerable argument for woman suffrage, declaring in part: 3 The people of the United States and of the several States have founded their political institutions upon the principle that all men have an equal right to a share in the government. The doctrine is expressed in various forms. The Declaration of Independence asserts that "all men are created equal" and that "governments derive their just powers from the consent of the governed." The Virginia bill of rights, the work of Jefferson and George Mason, affirms that "no man or set of men is entitled to exclusive or separate emoluments or privileges from the rest of the community except in consideration of public services." The Massachusetts bill of rights, the work of John Adams, besides reaffirming these axioms, declares that "all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected for public employment."

Our fathers failed in three particulars to carry these principles to their logical result. They required a property qualification for the right to vote and to hold office. They kept the negro in slavery. They excluded women from a share in the government. The first two of these inconsistencies have been

remedied. There are certain qualifications of age, of residence, and, in some instances, of education, demanded; but these are such as all sane men may easily attain.

Either the doctrines of the Declaration of Independence and the bills of rights are true, or government must rest on no principle of right whatever, but its powers may be lawfully taken by force and held by force by any persons on class who have strength to do it, and who persuade themselves that their rule is for the public interest. Either these doctrines are true, or you can give no reason for your own possession of the suffrage except that you have got it. If this doctrine be sound, it follows that no class of person can rightfully be excluded from their equal share in the government, unless they can be proved to lack some quality essential to the proper exercise of political power.

The objection of inexperience in public affairs applies, of course, alike to every voter when he first votes.—If it be valid, it would have prevented any extension of the suffrage and would exclude from the franchise a very large number of masculine voters of all ages.

That women are quite generally dependent on the other sex is true. So it is true that men are quite generally dependent on the other sex. It is by no means true that the dependence of either on the other affects the right to the suffrage. Capacity for military duty has no connection with capacity for suffrage. It will scarcely be proposed to disfranchise men who are unfit to be soldiers by reason of age or bodily infirmity. The argument that women are without the power to enforce the laws which their numerical strength may enable them to make, proceeds from the supposition that it is probable that all the women will range themselves upon one side in politics and all the men on the other. Such opposition flatly contradicts the other arguments drawn from the dependence of women and from their alleged unwillingness to assume political burdens.

#### 4

The sixth, eighth and ninth reasons of the committee are the same proposition differently stated. It is that a share in the government of the country is a burden, and one which, in the judgment of a majority of the women of the country, they ought not to be required to assume. If any citizen deem the exercise of this franchise a burden, and not a privilege, such person is under no constraint to exercise it. The committee concede that women ought to be clothed with the ballot in any State where any considerable part of the women desire it. This is a pretty serious confession. They say that on the vital, fundamental question whether the institutions of this country shall be so far changed that the number of persons in it who take a part in the government shall be doubled, the judgment of women ought to be decisive. If woman may fitly determine this question, for what question of public policy is she unfit? What question of equal importance will ever be submitted to her decision?

The next argument is that by the present arrangement the administration of justice is so far perverted that one-half the citizens of the country have an advantage from the sympathies of juries and judges which "would warrant loud complaint" on the part of the other half. Certainly it is a grave defect in any system of government that it does not administer justice impartially, and the existence of such a defect is a strong reason for preferring an arrangement which would remove the feeling that women do not have fair play, or for so composing juries that, drawn from both sexes, they would be impartial between the two.

The final objection of the committee is that "such a change should be made, if at all, by the States. Three-fourths of the States should not force it upon the others. Whenever any considerable part of the women in any State wish for the right to vote, it will be granted without the intervention of Congress." Who can doubt that when two-thirds of Congress and three-fourths of the States have voted for the change, a considerable number of women in the other States will be found to desire it, so that according to the committee's own belief, it can never be forced by a majority on unwilling communities? It is the duty of Congress to propose amendments to the Constitution whenever two-thirds of both Houses deem them necessary. Certainly an amendment will be deemed necessary, if it can be shown to be required by the principles on which the Constitution is based, and to remove an unjust disfranchisement from one-half the citizens of the country.

The third report, in 1882, was signed by Senators Elbridge G. Lapham, N. Y., Thomas W. Ferry, Mich., Henry W. Blair, N. H., and Henry B. Anthony, R. I. It gives a brief history of the progress of the movement for woman suffrage up to date, with names and opinions of many of the distinguished people endorsing it, and declares for the submission of a Sixteenth Amendment, saying: 5 It is the opinion of the best informed men and women, who have devoted more than a third of a century to the consideration and discussion of the subject, that an amendment to the Federal Constitution, analogous to the Fifteenth Amendment of that instrument, is the most safe, direct and expeditious mode of settling the question. Petitions, from time to time, signed by many thousands, have been presented to Congress, and there are now upon our files seventy-five petitions representing eighteen different States. Two years ago, treble the number of petitions, representing over twenty-five States, were presented.

If Congress should adopt the pending resolution, the question would go before the intelligent bodies who are chosen to represent the people in the legislatures of the various States, and would receive a more enlightened and careful consideration than if submitted to the masses of the male population, with all their prejudices, in the form of an amendment to the constitutions of the several States. We think the time has arrived for the submission of such an amendment to the legislatures of the States.

The report for 1883 was signed by Representative John D. White, Ky., for the Select Committee of the House, and submitted the following arguments:

I. There are vast interests in property vested in women, which are affected by taxation and legislation, without the owners having voice or representation.

II. Unjust discriminations are made against women who are compelled to earn a livelihood by work of hand or brain. By conferring upon such the right of suffrage, their condition would be greatly improved.

III. The questions of social and family relations affect as many women as men. Giving to women a voice in the enactment of laws pertaining to divorce, the custody of children and the division of property, would be merely recognizing an undeniable right.

IV. Municipal regulations in regard to houses of prostitution, of gambling and of liquor traffic, might be shaped very differently were women allowed the ballot.

V. If women had a voice in legislation, the momentous questions of peace and war might be settled with less bloodshed.

VI. Finally, there is no condition in life, of rich or poor; no question, moral or political; no interest, present or future; no ties, foreign or domestic; no issues, local or national; no phase of human life, in which the mother is not equally interested with the father, the daughter with the son, the sister with the brother. Therefore the one should have equal voice with the other in molding the destiny of this nation.

Believing that these considerations are so important as to challenge the attention of all patriotic citizens, and that the people have a right to be heard in the only authoritative manner recognized by the Constitution, we report the accompanying resolution with a favorable recommendation in order that the people, through the legislatures of their respective States, may express their views.

The report of 1884, signed by Senators Thomas W. Palmer, Mich., Henry W. Blair, N. H., Elbridge G. Lapham, N. Y., Henry B. Anthony, R. I., recommends the submission of a Sixteenth Amendment. This was followed Feb. 6, 1885, by Senator Palmer's great speech on the resolution before the Senate, in the course of which he said: In considering the objections to this extension of the suffrage we are fortunate in finding them grouped in the adverse report of the minority of your committee, and also in confidently assuming that all is contained therein in the way of argument or protest which is left to the opponents of this reform after thirty-seven years of discussion. I wish every Senator would

examine that report and note how many of its reasoning are self-refuting and how few even seem to warrant further antagonism.

They cite the physical superiority of man, but offer no amendment to increase the voting power of a Sullivan or to disfranchise the half, the lame, the blind or the sick.

They regard the manly of the family as its only proper representative, but would not exclude the adult bachelor sons.

They urge disability to perform military service as fatal to full citizenship, but would hardly consent to resign their own rights because they have passed the age of conscription, or question those of Quakers, who will not fight, or of professional men and civic officials, who, like mothers, are regarded as of more use to the State at home.

They are dismayed by a vision of women in attendance at caucuses at late hours of the night, but doubtless enjoy their presence at routs and entertainments until the early dawn.

The object that many women do not desire the suffrage, and that some would not exercise it. It is probably true that many slaves did not desire emancipation in 1863, and there are men in most communities who do not vote, but we hear of no freedman to-day who asks reenslavement, and no proposition is offered to disfranchise all men because some neglect their duty.

I share no fears of the degradation of women by the ballot. I believe rather that it will elevate them. I believe the tone of our politics will be higher, that our caucuses will be jealously guarded and our conventions more orderly and decorous. I believe the polls will be freed from the vulgarity and coarseness which now too often surround them, and that the polling booths, instead of being in the least attractive parts of a ward or town, will be in the most attractive. I believe the character of candidates will be more closely scrutinized, and that better officers will be chosen to make and administer the laws. I believe that the casting of the ballot will be invested with a seriousness—I had almost said a sanctity—second only to a religious observance.

If the right of the governed and the taxed to a voice in determining by whom they shall be governed and to what extent, and for what purposes they may be taxed, is not a natural right, it is nevertheless a right to the establishment of which by the fathers we owe all that we possess of liberty. They declared taxation without representation to be tyranny, and grappled with the most powerful nation of their day in a seven years' struggle for the overthrow of such tyranny.

It is claimed that the necessities of parties compel subserviency to the lawless and vicious classes in our cities, and that, without the addition of a counterbalancing element, the enactment and enforcement of wholesome statutes will soon be impossible. Fortunately that needed element is not far to seek. It stands at the door of the Congress urging annexation. In its strivings for justice it has cried aloud in petitions from the best of our land, and more than one-third of the voters of five States have endorsed its cause. Its advocates are no longer the ridiculed few but the respected many.

Our heroic and semi-barbarous ages have closed and slumber in history. The great questions of the future conduct of our people are to be economic and social. The day has come when the counsel and service of women are required by the highest interests of the State, and who shall gainsay their conscription?

We place the ballot in the keeping of immigrants who have grown middle-aged or old in the environment of governments dissimilar to the spirit and purpose of ours, and we do well; because the responsibility accompanying the trust tends to examination, comparison and consequent political education; but we decline to avail ourselves of the aid of our daughters, wives, and mothers, who were born and are already educated under our system, proud of our common history, tenacious of our theories of human rights and solicitous for our future progress.

The education of the people of a whole State on this particular question is a much more laborious and expensive work than an appeal to the several legislatures. The subject would be more likely to receive intelligent treatment at the hands of the picked men of a State, where calm discussion may be had, than at the polls where prejudice and tradition oftentimes exert a more potent influence than logic and justice.

I do not ask the submission of this amendment, nor shall I urge its adoption because it is desired by a portion of the American women, although in intelligence, property and numbers that portion would seem to have every requisite for the enforcement of their demands; neither are we bound to give undue regard to the timidity and hesitation of that possibly larger portion who shrink from additional responsibilities; but I ask and shall urge it because the nation has need of the co-operation of women in its direction.

## 8

The members of the House Judiciary Committee who reported favorably, in 1884, were Thomas B. Reed, Me., Ezra B. Taylor, O., Moses A. McCoid, Ia., Thomas M. Browne, Ind. Their report is a masterpiece of satire and logic, and says in part: No one who listens to the reasons given by the superior class for the continuance of any system of subjection can fail to be impressed with the

noble disinterestedness of mankind. When the subjection of persons of African descent was to be maintained, the good of those persons was always the main subject. When it was the fashion to beat children, to regard them as little animals who had no rights, it was always for their good that they were treated with severity, and never on account of the bad temper of their parents. Hence, when it is proposed to give to the women of this country an opportunity to present their case to the various State legislatures to demand of the people of the country equality of political rights, it is not surprising to find that the reasons on which the continuance of the inferiority of women is urged, are drawn almost entirely from a tender consideration of their own good. The anxiety felt lest they should thereby deteriorate, would be an honor to human nature were it not an historical fact that the same sweet solicitude has been put up as a barrier against every progress which women have made since civilization began.

If suffrage be a right, if it be true that no man has a claim to govern any other man except to the extent that the other man has a right to govern him, then there can be no discussion of the question of woman suffrage. No reason on earth can be given by those who claim suffrage as a right of manhood which does not make it a right of womanhood also. If the suffrage is to be given man to protect him in his life, liberty and property, the same reasons urge that it be given to woman, for she has the same life, liberty and property to protect. If it be urged that her interests are so bound up in those of man that they are sure to be protected, the answer is that the same argument was urged as to the merging in the husband of the wife's right of property, and was pronounced by the judgment of mankind fallacious in practice and in principle. If the natures of men and women are so alike that for this reason no harm is done by suppressing women, what harm can be done by elevating them to equality? If the natures be different, what right can there be in refusing representation to those who might take juster views about many social and political questions?

It is sometimes asserted that women now have a great influence in politics through their husbands and brothers. This is undoubtedly true. But that is just the kind of influence which is not wholesome for the community, for it is influence unaccompanied by responsibility. People are always ready to recommend to others what they would not do themselves. If it be true that women cannot be prevented from exercising political influence, is not this only another reason why they should be steadied in their political action by that proper sense of responsibility which comes from acting themselves?

We conclude then that every reason which in this country bestows the ballot upon man is equally applicable to the proposition to bestow the ballot upon woman, that in our judgment there is no foundation for the fear that woman will thereby become unfitted for all the duties she has hitherto performed.

The report of 1886 was signed by Senators Henry W. Blair, N. H., Thomas W. Palmer, Mich., Jonathan Chace, R. I., Thomas M. Bowen, Colo. After declaring that there has been in all history no such struggle for rights as that made by women, it concludes: We insist earnestly that the real question is not whether woman shall be enfranchised, but whether the sense of the great American law-making power shall be taken; whether the people who can vote shall hear the petition of the disfranchised half of the community to be allowed the exercise of the fundamental right of freemen; shall one-half the citizens of the United States who are not free be heard by the other half who govern the whole, on their petition to be allowed the exercise of their own judgment and conscience in making the laws which fix their destiny? It is no answer to this just demand to tell woman that in our opinion she has no right to vote; that she is unfit to vote; that she is too good or that she is too bad to vote; that she cannot fight, or that she is too much an angel or is incompetent; that not until they all desire to vote shall any one of them be allowed to vote; that we can perform that duty and exercise that right, and will discharge for her the functions of thought, conscience, and will. Nor can we reply to her that the suffrage is a matter wholly within the jurisdiction of the States. Even if it were, it would still be competent and desirable for her to petition for the cession of the right, that it may be locked up in the impregnable provisions of the National Constitution, safe from the adverse action and fluctuations of feeling in the several States.

The favorable report from the House Committee in 1886 bore the signatures of Ezra B. Taylor, O., W. P. Hepburn., Ia., Lucien B. Caswell, Wis., A. A. Ranney, Mass. It advocated suffrage for women, saying: Give woman the ballot and she will have additional means and inducements for a broader and better education, including a knowledge of public affairs, which she will not fail to avail herself of to the uttermost; give her the ballot and you add to her means of protection to her person and estate.

## 10

Man has not been consciously unjust to woman in the past, nor is he now; but he believes that she is in her true sphere, not realizing that he has fixed her sphere, and not God, as he imagines. This is as true of the barbarian as of the Christian, and no more so. If the "unspeakable Turk" should be solicited to open the doors of his harem and let the in-mates become free, he would be indignant, doubtless, and would swear by the beard of the Prophet that he never would so degrade lovely woman, who, in her sphere, was intended to be the solace of glorious, superior man.

Yet, a man advances, woman is elevated, and her elevation in turn advances him. No liberty ever given her has been lost or abused or regretted. Where most has been given her she has become best. Liberty never degrades her; slavery always does. For her own good, therefore, she needs the ballot.

Woman's vote is needed for the good of others. She is an enemy of foreign war or domestic turmoil; she is a friend of peace and home. Her influence for good in many directions would be multiplied if she possessed the ballot. She desires the homes of the land to be pure and sober; with her help they may become so. Without it what is the force in this regard?

Politics must be purified or we are lost. To govern this great nation wisely and well is not degrading service: to do it, all the wisdom, ability, and patriotism of all the people is required. No great moral force should be unemployed.

The first discussion and vote in the United States Senate on a Sixteenth Amendment occurred Jan. 25, 1887. The affirmative was championed by Senators Blair, N.H., Dolph, Ore., Hoar, Mass.; the opposition by Senators Brown, Ga., Eustis, La., Vest and Cockrell, Mo. <sup>\*</sup>; the vote stood—16 ayes, 34 nays, absent 26.

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<sup>\*</sup> *Yeas:* Blair, Bowen, Cheney, Conger, Cullom, Dolph, Farwell, Hoar, Manderson, Mitchell of Oregon, Mitchell of Pennsylvania, Palmer, Platt, Sherman, Teller, Wilson of Iowa. *Nays:* Beck, Berry, Blackburn, Brown, Call, Cockrell, Coke, Colquitt, Eustis, Evarts, George, Gray, Hampton, Harris, Hawley, Ingalls, Jones of Nevada, Mahone, McMillan, McPherson, Morgan, Morrill, Payne, Pugh, Saulsbury, Sawyer, Sewell, Spooner, Vance, Vest, Waltball, Whitthorne, Williams, Wilson of Maryland. *Absent:* Aldrich, Allison, Butler, Camden, Cameron, Chace, Dawes, Edmunds, Fair, Frye, Gibson, Gorman, Hale, Harrison, Jones of Arkansas, Jones of Florida, Kenna, Maxey, Miller, Plumd, Ransom, Riddleberger, Sabin, Stanford, Van Wyek, Voorhees. Among the absentees, Senators Chace, Dawes, Plumb and Stanford publicly announced that they would have voted “aye:” Butler and Jones of Arkansas that they would have voted “nay.”

The Senate report for 1890 was signed “Henry W. Blair, for Charles B. Farwell, Ill., Edward O. Wolcott, Colo., James B. Allen, Wash., the majority of the committee.” It close as follows: We report this resolution favorably not merely because of our belief in the abstract right of women to vote under any form of government 11 where the right belongs to men, but upon the broader ground that the spirit of the Constitution under which we live requires that, however individual members of your committee or of the legislative power may differ as to the right or property of the exercise of the suffrage by woman, those who do believe in woman suffrage should be given the opportunity, under the forms of the Constitution, to seek its amendment, so that it may confer upon her that privilege which, under the existing construction of the Constitution, is denied to her.

To deny the submission of this joint resolution to the action of the legislatures of the States is, in our view, analogous to the denial of the right of justice in the courts. It is to say that no plaintiff shall bring his suit; no claimant of justice shall be heard. Whatever may be the result to the friends

of woman suffrage when they reach the legislatures of the States it is, in our belief, the duty of Congress to submit the joint resolution and give them the opportunity to try their case.

In 1890, for the first time, the House Judiciary brought in a majority report in favor of a Sixteenth Amendment, which was presented by Lucien B. Caswell, Wis., and said in part: It cannot be denied but the women of this country are a most conspicuous part of those who are governed by our laws. They constitute one-half of the people, and are citizens with an individuality in the States equal to men, except in the one particular of disfranchisement. And the question is presented whether we will remove that barrier and place them on an equality with men, or whether we will continue them in their shorn condition, with property and homestead rights in the States, as well as on the public domain, without a vote or voice in making laws to protect their possessions.

The disfranchisement of twelve millions of people, who are citizens of the United States, should command from us an immediate action. If the women of this country are unjustly deprived of a right so essential to complete citizenship in a republic as the elective franchise, common justice requires that we should submit the proposition for a change in the fundamental law to the State legislatures, where the correction can be made.

The committee report the resolution back from back to the House, with a recommendation that it pass.

In 1893 Senator Francis E. Warren, of Wyo., where women had been voting for twenty-four years, presented the majority report in favor of a Sixteenth Amendment for George F. Hoar, Mass., Matthew S. Quay, Pa., John B. Allen, Wash. After setting forth the reasons why women should be enfranchised, and describing 12 the conditions where women already possess the ballot, it concludes: The majority of the members of this committee believing that equal suffrage, regardless of sex, should be the legitimate outgrowth of the principles of a republican form of government, and that the right of suffrage should be conferred upon the women of the United States, earnestly recommend the passage of the amendment submitted herewith.

No petitions for human liberty have equalled in the number of signatures those presented to Congress during the past thirty years by the women of the nation asking for their enfranchisement. They urge the submission of a Sixteenth Amendment in order that this question may be taken before the legislature of the various States, instead of having to depend upon the slow process of gaining the consent of the masses of voters in each separate State. Not a step in the progress of women—higher education, increased property rights, larger industrial opportunities—could have been gained if it had depended upon the individual votes of a majority of the men. It would be only



an act of simple justice for Congress to grant their prayer and permit them to refer the final decision to the legislatures of their respective States.

Respectfully submitted by the official board of the National American Woman Suffrage Association.

ELIZABETH CADY STANTON, *Honorary President.*

SUSAN B. ANTHONY, *President.*

Rev. ANNA HOWARD SHAW, *Vice-President-at-Large.*

RACHEL FOSTER AVERY, *Corresponding Secretary.*

ALICE STONE BLACKWELL, *Recording Secretary.*

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