

SOUTH DAKOTA.

about end of March  
E  
early 1/2 1909  
during which part of Miss Clay's visit to Pierre

The day I arrived in Pierre I went directly to see Mrs. Jeffries and found her in a very irritated frame of mind. When I learned the cause of her wrath I was much inclined to side with her, and I said at once that I would have nothing to do with a tax-payers' bill unless I received instructions to the contrary, from the National. I then went to confer with the Legislative Committee, consisting of Mrs. Fitch, Mrs. Pettigrew and Miss Bower and we spent a good deal of the night going over the situation. I found it was much more of a tangle than I had realized could be possible, and that instead of feeling angry at the Committee, they were entitled to the most kindly sympathy; for they were struggling against tremendous odds, and doing the very best they knew how.

Mrs. Fitch had interviewed the men whom the Business Committee had instructed her to see, including the Governor, Lieut.-Governor, Speaker etc. and had made her report. She had no authority to act further, as Mrs. Pickler was the State President, and Chairman of the Legislative Committee. Mrs. Pickler was absorbed in her sick husband, and thought there was no hurry about introducing the bill as she wrote Mrs. Fitch it would be all right if the bill were introduced by the 20th. She did not authorize Mrs. Fitch to ask her father to prepare the bill and introduce it at once, and as Mrs. Fitch did not want to exceed her authority, she awaited instructions. Mrs. Fitch very much desired to be in Pierre at the opening of the session, but could not afford to pay her own expenses, and no provision had been made by the State Association for Legislative expenses. She had twenty-eight dollars remaining from the amount

appropriated by the National, and she wrote asking if she might use

that to go to Pierre before Miss Shaw's

SOUTH DAKOTA.

My reports from South Dakota have been so fragmentary that I feel, now the

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reply came, the W.C.T.U. Legislative Committee, which has been introducing a Suffrage measure every year since the last campaign, thought this year that they would at least stir up things, by introducing a Tax-payers bill.

Mrs. Jeffries thinks they hurried the bill in on purpose to get ahead of the Suffrage Association, and I will admit that she has some ground for her belief, for I think they did try to get the bill in without letting Mrs. Jeffries know about it, for the W.C.T.U. have a horror of Mrs. Jeffries having anything to do with any Legislative work with which they are connected. The truth is, it is just as impossible for Mrs. Jeffries and W.C.T.U. women to work together as it would have been for Mrs. Stanton to work with W.C.T.U. women. Mrs. Jeffries is entirely too broad for them. She has quarrelled with them, and quarrelled with her church, and gone out of it, and while I regard her as an able progressive woman, and feel very much more comfortable with her than I do with W.C.T.U. women *generally* I can understand how they feel that they, from their ~~own~~ standpoint religiously, cannot work with her. So I think she has a right to feel aggrieved that they slipped the bill in unbeknown to her; but I am sure they did not know that any body else was preparing to work for the Suffrage Association, and had no idea that the National was behind any work. Mrs. Simmons told me that Mrs. Pickler had phoned to her to come to her home before she left for Pierre, but the night before a blizzard raged, and she did not get there. She supposed afterward that it was probably this work that she had wanted to talk to her about.

But the complication arose from the fact that the W.C.T.U. selected the same men, Mrs. Fitch's father-in-law in the House, and her brother-in-law in the Senate, to introduce their bill, and the men supposed it was the bill of the Suffrage Association. Mr. Fitch was surprised to find it a tax-payers' bill, and asked these women if it was the bill that all the women wanted, and they, not knowing what the Suffrage Association was preparing to do, replied that it was, as they had the authority to act for their entire organization.

As soon as Senator Andrews and Mr. Fitch introduced their bills, they started in to work for them, and by the time that Mrs. Fitch

had received Miss Shaw's instructions to use the money for legislative work, and had gotten to Pierre, Senator Andrews had the bill ready to pass in the Senate. In the meantime Mrs. Jeffries had written to Miss Shaw asking if the National would appropriate fifty dollars for Mrs. Pettigrew's expenses, and Miss Shaw had replied in the affirmative, so that Mrs. Pettigrew arrived at about the same time Mrs. Kitch did, and by that time Mrs. Tickler had waked up and sent Miss Sewer fifty dollars for her expenses. If all this had been done two weeks earlier, the complication would have been avoided. But it wasn't.

Every member of the Legislative Committee was agreed that they did not want a taxpayers bill, and Mrs. Kitch went right to her relatives about it. But after they had spent a week in devoting themselves to the bill to the exclusion of almost any other measure, they did not relish the idea of being made the butt of ridicule over a "quarrel among the women", for in the meantime the newspapers had gotten hold of it that "there was a row among the women over the bill".

Now the Suffrage Association could not afford to have a row with the W.C.T.U. for the Suffrage Association is a mighty insignificant affair in that state, and nearly all its members are W.C.T.U. women. The W.C.T.U. is unusually strong, and if it had come to a show-down, the Suffrage Association simply would not have been in it. The Suffrage Committee conferred with the Governor, whose wife and sister are W.C.T.U. women, and the sister, Mrs. Albert, lobbied for the bill, and his advice was that the women must keep an undivided front, or they would not only lose everything, but the suffrage bill would be made a football for years to come. The Speaker took the same position. Besides, these men figured it out that since the bill provided that any woman who paid any sort of tax could vote, it would enfranchise 95% of the women, and they could use their votes to enfranchise the other 5%. It must be understood that these women of the Committee had not the slightest idea that the National had any objection to taxpayers suffrage. They had read in Progress that Miss Shaw had addressed the Hearing in Michigan, and that taxpayers suffrage had been granted in that state. So they had no idea but that the National would be glad to have them accept the situation instead of having a row and running the chance of losing everything.

~~labor is but slightly organized in~~

Labour is but slightly organized in South Dakota, there being only two or three small Miners' Unions in the Black Hills, and a few weak Trades Unions in Sioux Falls, and the women had not even thought of Labour Unions. Still, because of their own desire for a full suffrage measure they did ask some members if they would introduce it, but they found no one who wanted to, after Mr. Kitch had done all the work he had in the House, and when Senator Andrews had it ready for passage in the Senate. So, very much in opposition to the desire of Mrs. Jeffries, Mrs. Waldron, Mrs. Brecken and Mrs. Cole, who are all strong, splendid women, the Committee, reinforced by a telegram from Mrs. Rickler went to work for the bill; and at the time of my arrival they were sure of the Senate, and they thought they had a majority in the House.

I did not feel that it was wise for me, as a National representative to place the National in a position of antagonism to the majority of the officers and Legislative Committee of the Suffrage Association, the State W.C.T.U., the Governor, the Speaker, and the men who had introduced the bill. I felt that if we forced another bill in at this time, and the whole thing were lost, the National would be forever blamed for it. Moreover, it would hopelessly divide the Suffrage Association and the two factions would never be able to work together again, and we would have such a situation as we have in Kansas. So I asked the two factions to come together in a meeting, and let each side state its position, and we would try to arrange a truce. This they did, and after I had stated that the National does not assume to dictate to a state, but that it could not help in any measure for class suffrage, I asked them to consider this proposition: That the Legislative Committee be instructed to prepare a full suffrage bill, but to hold it in abeyance until we saw what would develop in the House; in case the taxpayers bill was defeated, to push it right in; or to be ready to work for an amendment for full suffrage in case opposition to the taxpayers clause developed; and that the Association should not put itself on record as endorsing the taxpayers bill, but let the Committee go on interviewing members on the bill as it stood, and get some idea of the feeling in regard to taxpayers suffrage or universal suffrage.

After a good deal of discussion they agreed to this. But the

funny thing about it was that each side consented to me privately about how dreadfully the other acted, while all the time I was rejoicing on how nicely each side had behaved, considering how intensely each side felt. Both factions were perfectly courteous to me, and while the Legislative Committee well knew that I would give them ~~no~~ *no* advice or assistance on the bill as it stood, yet they gave me all the information that came to them from day to day, and kept me in touch with the whole situation, and took me to the Governor and *Speaker*, and gave me all the attention they could have given to their most ardent assistant *so* that my relations with all factions, including the N.C.T.U. were most amicable.

It was not long before the press began to attack about the taxpayers clause. Then the members began to say to the Committee that a full suffrage measure would be more popular. Then they asked them if they wouldn't just as soon have it amended to a full suffrage measure. The N.C.T.U. were quite willing that it should be amended, so all Committees presented *a* united front for amendment, and it went through with a large majority.

But when it came to a final vote, it was a different matter. These stolid Norwegians lined up almost to a man against us, and we lost by six votes. Our best friends expressed *surprise*. The Governor, the Speaker, Mr. Fitch and Senator Andrews all thought it would *pass*. Governor Tenney then made it a personal matter and spent the next morning sending for the insurgent Republicans. He changed enough votes to get a reconsideration. But when the Stalwarts found that he had done this, they lined up against him, and pulled enough Democrats with them to defeat a re-consideration.

The New York Antis had been on the alert, and a funny circumstance occurred. They sent a telegram to the "Chairman of the Suffrage Committee". Neither house had a suffrage committee, and Mrs. Fitch was the only one known in town as "Chairman of the Suffrage Committee". So the telegram was delivered to her. Then came the Antis literature addressed in the same way. She told the Chairman of the Committee that had our bill in charge about it and he said it would stay in the postoffice, and it did. I guess the post office must have notified the Antis, for when the Remonstrant came, it was addressed to each member, and it came the next morning after the vote had been taken.

As we get a slightly better vote on the re-consideration that we did the day before, Rose Bower was not slow to make a press article on the fact that we got a better vote after the Remonstrant appeared than before.

After this experience, disappointing as it may be to those of us who had hoped much, I am more than ever impressed that South Dakota is a state that is worth while. It has the best "after the battle" situation that I have ever seen. Without any bracing or even suggestion from me, Mrs. Cattigrew and Miss Bower began making plans for the organization of the Black Hills district, and I think Miss Bower will go as soon as the Legislature adjourns. She is doing press work during the session. They are doing this wholly upon their own resources, Mrs. Cattigrew furnishing Miss Bower a room for headquarters in her own home, and both depending upon collections for their expenses. Both are donating their time. Mrs. Fitch is preparing a speech, and although she is tied with little children, she intends to do some work in her own county and district. These are all women of much ability. Mrs. Fitch is young and inexperienced, and gets very nervous when things don't go her way. But she has ability, and with experience will make an excellent legislative worker. She certainly can see into political things.

Miss Bower has the press instinct, and she has a style which is all her own, and she has the facility of "getting in" where angels fear to tread. I was greatly astonished to find the Sioux Falls Argus Leader and Sioux Falls Press, that would not pay any attention to Mrs. Catt or myself, running Rose Bower's articles with attractive headlines, and she has had complimentary letters from both these papers. They are the leading dailies of the state.

Then Miss Bower is an accomplished whistler and a good cornetist, and she is invited upon swell programs, and draws big audiences. So with Mrs. Cattigrew to make the speeches, I feel that we have no better set of women in any state in which I have worked, to push for a campaign two years hence.

Instead of sending a national worker to them I think it would be very valuable for the National to make it possible for these women to cover the state, and I do not know of any other state more promising. We get a good vote in the House and an overwhelming one in the Senate; what we most need now is

in that state is a suffrage backing outside of the W.C.T.U. and this ought to be built up in the next two years; and while some of these women are W.C.T.U. women, and some are not, yet with all of them, suffrage comes first, and if we could only make it possible for them to do suffrage work, they would grow more and more into the larger ideas of suffrage.

Mrs. Pettigrew is a broad-minded woman of pleasing personality, who makes an excellent speech, and whose devotion to suffrage is first above all other issues. She is a Congregational minister, and a college bred woman. She gave up her charge while rearing her children, preaching only occasionally. I was much pleased with her address, and heard most favorable expressions from all sides. If they can get Mrs. Pettigrew elected State President, with such women as Miss Bower, Mrs. Fitch, Mrs. Jeffries, Mrs. Cole and Mrs. Breeden back of her, there certainly will be splendid work done if they can raise the wherewithal.

At the time that the amendment was pending I received a telegram from Miss Shaw saying that the National would not back the Legislative Committee for work for a tax-payers bill. Soon after Mrs. Pettigrew received a letter obliging the financial obligation on a certain date. But I knew that Miss Shaw did not know that an amendment was pending, and I felt that it would be disastrous for the state committee to leave at that critical time. So I took it upon my own responsibility to hold the Committee until the vote was taken on the amendment. The additional expense of Mrs. Pettigrew was \$9.20; of Mrs. Fitch was \$13.40. I made myself personally responsible for the payment. If the Business Committee feel that I was justified I will present these bills; if they do not, I will pay them myself.

Laura Gregg



## ARE WOMEN PEOPLE?

SOME REMARKS ON THE CONSTITUTIONAL RIGHT OF CITIZENS  
OF THE UNITED STATES TO VOTE.  
BY VERE GOLTHWAITE?#717 OLD SOUTH BLDG,  
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The government of the United States was formed upon a plan different in one important particular from any that had previously existed.

It was the first to create such a direct and specific relation between a citizen of one state, and the General Government, as to authorize him to call upon the combined power of all the states to resist an act of the state of which he was a citizen.

It was the first to derive its sole power directly from the individuals, the first to be created wholly in their name and for their benefit.

McCoullockvs.Maryland, 4 Wheaton, 316 Storey on the Constitution, Vol.I, Page 212, Federalist 38-39.

There was nothing in the previous history of the world corresponding to that provision in the Federal Constitution which says that "The United States shall guarantee to every state in the Union a Republican form of government".

Storey on the Constitution, Vol.I,p.16, Works of James Wilson, V.I.P.266.

In fact a careful study of the previous governments of the world will demonstrate that the so-called republics, preceding the adoption of the Constitution of the United States, were not republics according to the American conception of that word.

This is perhaps due to the fact that the establishment of the earlier governments of the world were the result of fraud, force, violence or accident, while that of the United States was the deliberate and voluntary act of a people at peace with the world and themselves, constituting, so far as we know, the first instance in history of a nation, unassailed from without and unconvulsed from within, calmly and deliberately assembling to decide upon a system of government for themselves and their posterity .

Story on the Constitution, Vol.I, p.194, De Tocqueville on Am.Democracy, Vol.I, p.III.

That the founders of our government were familiar with the history and the operation of all pre-existing governments, and that they gave to each the careful and wise consideration the occasion required is now fully conceded.

Story on the Constitution, Vol.I, Elliot's Debates, Vol.I.

That they created and intended to create the distinct and specific relation between a citizen and the state above referred to, and that such a relation must exist between a citizen and a state in a government formed upon a plan such as ours, deriving "Its just powers from the consent of the governed", and operated by the voice of a majority of the people, is also beyond dispute.

Webster on the Constitution, Federalist 22, Story on the Constitution, Vol.I.

The important inquiry therefore arises: Can a citizen of the United States call in the power of the Federal Government to resist the act of a single state of which he is a citizen, from enforcing against him a law which is not enforced in that state against all other citizens of the same state and of the United States residing in such state in like manner and with like effect.

Let us see to what conclusion an impartial discussion of the question will lead us.

In the formation of our government, three great principles were necessarily adopted and constantly followed.

The first of these was the doctrine that all just powers of governments are derived from the consent of the governed. Declaration of Independence, Story on the Constitution, Vol. I, p. 213, Federalist 22, Webster on the Constitution.

The second that every citizen has a right of equal representation in the legislative assembly of the state and nation and, Federalist 22, Wilson's Works, Vol. I, Declaration of Independence, Elliott's Debates.

The third that the voice of a majority of the people should rule.

Webster's Great Speeches, Vol. I, p. 228 - Story on the Constitution.

These found lodgment in the Declaration of Independence and that instrument, speaking of the rights of the people in relation thereto, said,

"He, (King George) has refused to pass other laws for the accommodation of large districts of people, unless the people would relinquish the right of representation in the legislature, A RIGHT INES - TIMABLE TO THEM, AND FORMIDABLE TO TYRANTS ONLY", an assertion which has yet to be successfully denied. Declaration of Independence.

Upon these three great principles our government was founded. The Declaration of Independence and the Constitution of the United States says John Quincy Adams, are but parts of one consistent whole yet says he, there are still philosophers, even in our own country, who deny the principles asserted in the Declaration as self evident truths, who deny the natural equality and inalienable rights of man, who deny that all the just powers of government are derived from the consent of the governed. Harper's Enc. of U.S. History, Federalist No. 22.

And the Supreme Court of the United States has decided that this same theory was also strictly adhered to in the formation of the government of the states, as well, for after the adoption of the Declaration of Independence all who did not desire to adhere to the cause of the people had a reasonable time to withdraw their property and themselves from the territory. Talbot vs. Janson, Dallas 3, 133.

It is plain, therefore, that what is meant then by a republican form of government such as the Federal Constitution guarantees to every state in this Union, and such as is intended they should forever maintain, is a form of government based upon the three great principles just enumerated. Of this we are informed by Oliver Ellsworth himself a chief justice of the Supreme Court of the United States and a member of the Convention that framed the Constitution. "In republics" says he, "IT IS A FUNDAMENTAL PRINCIPLE THAT THE MAJORITY GOVERN AND THAT THE MINORITY COMPLY WITH THE GENERAL VOTE". And speaking further on the question of the right of a state to interfere with the voice of the majority he continues, "How contrary then to republican principles, how humiliating is our present situation. A single state can rise up and put a veto on the most important public measures. We have seen this actually take place. A single state has controlled the general voice of the Union; a minority, a very small minority, has governed us SO FAR IS THIS FROM BEING CONSISTENT

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3.

WITH REPUBLICAN PRINCIPLES THAT IT IS IN EFFECT THE WORST SPECIES

<sup>OF</sup> SPECIES OF MONARCHY"

Webster's Great Speeches, V.I.p.228, Bryses American Commonwealth, V.2-p.561.

This makes the meaning of the term, " Republican form of government" perfectly clear and the duty to conform to it by giving each citizen a vote or voice in the affairs of the government equally plain. That the consent of the governed is the first and foremost principle of any free government needs no argument. In fact, it is this very element that distinguishes a free government from a despotic one. All authorities are agreed upon this.

Thus we are told by so unexpected an authority as Edward I of England, that, " IT IS A MOST JUST LAW THAT WHAT AFFECTS ALL SHOULD BE APPROVED BY ALL?", and Lord Shaftsbury says very pointedly, "THAT NO PEOPLE IN A CIVILIZED STATE CAN POSSIBLY BE FREE WHEN THEY ARE OTHERWISE GOVERNED THAN BY SUCH LAWS AS THEY THEMSELVES HAVE CONSTITUTED, OR TO WHICH THEY HAVE FREELY GIVEN THEIR CONSENT". Works of James Wilson, V.I.p.180-81.

So also Hooker, Barbeyac, Grotius, Rutherford, Webster, and the Supreme Court of the United States agree with this view.

Authorities to this same purpose, says Mr. Justice Wilson, might without end, be heaped upon authorities from law books, but he adds;- I forbear to trouble you with any more of them--- Let us rather have recourse to what I may properly call a perpetual standing authority on this very important subject,- the writ for choosing members of Parliament. It commands the sheriff of each county ~~to~~ to summon two knights, the most fit and discreet of the county and two citizens from every city, and two burgesses from every borough within the county, to be chose according to law.

"So that said knights shall have full and sufficient power for themselves, and the commonalty of the said county, and the said citizens and burgesses for themselves and the commonalty of the said cities and boroughs, severally FROM THEM, TO DO AND CONSENT TO THOSE THINGS, WHICH BY FAVOR OF GOD, SHALL HAPPEN TO BE, ORDAINED BY THE COMMON COUNSEL OF THE KINGDOM", so that for default of such power, or through improvident election of said knights, citizens or burgesses, the said affairs remani nôt undone".

This demonstrates exactly the principle of the consent of the governed under which our Constitution was framed and shows conclusively the ancient and very high authority from which it was taken, though no one pretends that the theory, thus so well established by the laws of England, was ever carried into effect there, or elsewhere for that matter, until the establishment of the United States, but it will be observed that the writ directs the members to have full and sufficient powers FOR their constituents, lest "for default of such powers"--- "the said affairs remain not undone", thus showing that under a form of government such as ours, nâ citizen can represent another in the legislative assemblies of the state or nation, without first having obtained the consent of those he represents. By whom then and how must this consent be give? In the light of all history, and the purpose of our free institutions, there can be but one answer to this question.

Before the Declaration of Independence every person owed allegiance to the King of England; this they admitted, though they denied the right, and disputed the power of the British Parliament to tax them without first granting them the ~~power~~ right of direct representation in that body. When, therefore, they finally renounced their allegiance and acquired their independence, they acquired at the same time their political freedom, and with it the right to institute such forms or form of government for themselves and their posterity as to them might seem most likely to effect their safety and happiness. This they first sought to accomplish by the formation of a government of Confederat~~ed~~ ~~States~~ ~~which~~ ~~flourished~~ ~~for~~ ~~a~~ ~~time~~ ~~under~~ ~~the~~ ~~Articles~~ ~~of~~ ~~Confederation~~, but that form of government having soon proved disastrous to their peace, and almost to their existence, they voluntarily abolished it and instituted another and better one which proved to be the first republican government on earth. That government is the one under which we now live, and which differed, as I have said, from any that had previously existed in this: that it derives its sole power not from the states but from the individuals and from them by their consent only.

This maxim or principle of the consent of the governed is the keystone of that arch which spans the entire frame work of our government. Can any one doubt, then, that this consent must be given by all, by each of those who, in the language of the Constitution are expressly made citizens and that the standard of qualification for that purpose must be the same for every citizen. There can be no discrimination between citizens of the United States by the several states with respect to this important right, not can there be any by the several states among their own citizens if the right to full and equal representation is to be recognized, or the guarantee of a republican form of government contained in the Federal Constitution in any sense carried out, FOR THERE IS BUT ONE WAY BY WHICH THE CITIZEN CAN GIVE HIS CONSENT, OR DESIGNATE HIS REPRESENTATIVE AND THAT IS BY THE EXERCISE OF HIS RIGHT OF SUFFRAGE.

Is that a republican form of government then, which denies to a large portion and a very respectable portion too, of its most intelligent and patriotic citizens this important right? I mean its adult female population- its women. Is a state government, which denies to half its citizens this right such a republican form of government as was contemplated by the guarantee in the Federal Constitution, and if so where is the line to be drawn. If a state can deny to half its citizens the right of suffrage and still meet the requirement of the Federal Constitution, why can it not, upon the same principle, deny the right to three fourths of them, or if to three fourths why not to four fifths and if to four fifths why not to all of them, and thus become a state in which no right of suffrage what ever exists, and yet claiming to come ~~within~~ within the form and spirit of the guarantee contemplated by the Federal Constitution.

5.

If this should be done, what would be come of the United States? The states are not only bound to have formed a republican government when admitted but must promise to maintain it.

Is it not plain to the mind of every enlightened statesman that the very existence of the Federal Government itself depends upon the preservation by the states of that specific and exact form of republican government contemplated by the framers of the Constitution? What would become of the United States if the several states should suddenly change their form of government to that of an aristocracy, and though the change to such a form by the method here indicated, may be slow, it is none the less certain.

Story on the Constitution, Vol. 2, p. 594. Montesquien Book 9, ch. 12. Federalist No. 21.

It is not true that the guarantee in the Federal Constitution was intended more particularly to protect the states from external violence than from internal destruction. It is quite as essential to the interest of the people that they be protected from the one as from the other.

Story on the Constitution Vol. 1, p. 216 etc.

As early as 1837 Abraham Lincoln, speaking of the danger that threatened the Federal Government, said: "At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never. All the armies of Asia, Europe and Africa combined, with all the treasure of the earth (our own excepted) in their military chest with a Bonaparte for a commander, could not by force take a drink from the Ohio, or make a track on the Blue Ridge in a trial of a thousand years."

"At what point then is the approach of the danger to be expected? I answer, if it ever reach us, IT MUST SPRING UP AGAINST US; it can not come from abroad. If destruction be our lot we must ourselves be its author and finisher. AS A NATION OF FREEMEN WE MUST LIVE THROUGH ALL TIME OR DIE BY SUICIDE".

Works of Abraham Lincoln. Vol. 1, p. 9.

Does not this language apply with equal force to that internal danger which now threatens the destruction of the State Governments and ultimately the Nation?

By what right is this privilege denied to innumerable citizens?

By what right is it denied to women of full age, sound mind and absolute legal qualification, except for sex? Women are "people", this has never been denied, they are persons, the Supreme Court has decided that many times.

Miner vs. Happersett, 21 Wal. 162, Yamataya vs. Fisher 189 U.S. 86. They are citizens by virtue of the Constitution itself, the 14th Amendment says, "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the states wherein they reside." "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Is not the right to vote one of the privileges of the citizen?

Article 14, Amendment U.S. Constitution.

They are taxed and thus compelled to contribute to the support of a government in the affairs of which they have no voice, either in directing or restraining, and yet man says they are represented? Are they represented?

Let us see what is embraced in the word "Representative", and what the duty of the representative is to those represented.

"To the legitimate energy and weight of true representation" says Mr. Justice Wilson, "two things are essentially necessary. First, THAT THE REPRESENTATIVE SHOULD EXPRESS THE SAME SENTIMENTS?, WHICH THE REPRESENTED IF POSSESSED OF EQUAL INFORMATION WOULD EXPRESS.

Second, THAT THE SENTIMENTS OF THE REPRESENTATIVES THUS EXPRESSED SHOULD HAVE THE SAME WEIGHT AND INFLUENCE AS THE SENTIMENTS OF THE CONSTITUENTS WOULD HAVE, IF EXPRESSED PERSONALLY."

"To accomplish this ~~second~~ first object he adds, "ALL ELECTIONS OUGHT TO BE FREE".

To accomplish the second, "ALL ELECTIONS OUGHT TO BE EQUAL". IN A FREE GOVERNMENT IT IS ~~ESSENTIAL~~ OF ESSENTIAL IMPORTANCE TO ASSERT THE RIGHT OF SUFFRAGE".

If the foregoing sentiments of Judge Wilson who was first in promoting and foremost in supporting these principles are true of one citizen why are they not equally true of another?

"It has been asserted that the test as to whether the government was free or despotic is not how the laws are administered but what powers might legally be exercised by those in whose hands the reins of government are placed.

This is not to be determined by the number ~~of~~ who exercise power for if the large class of citizens are according to the form and theory of the Constitution of the Union legally vested with competent power over another large class of citizens, what element of despotism is lacking. Chicago Legal News Nov. 4, 1893.

It was contended by the Colonists as a principle and proved by them as a fact, that the British Parliament had no authority over them, because they, having migrated hither, had no vote or voice in the election of the members of that Parliament. Why does not this principle apply with equal force to those qualified citizens of this country today? who are denied the right of franchise, i.e., to our adult female citizens who come within the requirements of the law, as to age, education, morals and patriotism?

Representation, says a member of the Federal Convention, IS A CHAIN BETWEEN THE PEOPLE AND THOSE TO WHOM THEY HAVE COMMITTED THE EXERCISE OF THE POWER OF THE GOVERNMENT". Elliott's Debates, Supra.

This implies in the "people" a right and a capacity to thus commit that power. And what means have ever been employed to accomplish this purpose, except the exercise of the right of suffrage? The "People" are here necessarily clothed with authority to commit the power of government to their representatives. This can only be accomplished by a vote. The women are "people"; they are citizens, and "the citizens are equally entitled to participate in the advantages of the government under which they live" says Vattel. Therefore women have a right to vote.

Vattel's Law of Nations, Vol. I, p. 101.

Do our citizens enjoy this right?

Let us suppose two citizens standing before the ballot box about to cast their ballot for the person they desire to represent them in the law making assembly of the state or nation, and let us suppose the following conversation to occur between the election commissioner and them.

Election Commissioner.

"What is your name?"

Citizen No. I.

"Smith".

"Are you 21 years of age?"

"Yes, sir."

"Are you a citizen of the United States?"

"Yes sir."

"Ever convicted of a felony?"

"No sir".

"Can you read the Constitution?"

"Yes sir".

"Pay taxes?"

"Yes sir".

"Very well. YOU MAY ENTER and vote, there is no law to prevent you. Our government would not be republican in form nor free in any sense if, upon such facts it undertook to deny you the absolute and universal right of suffrage."

Now Citizen No.2 appears.

Election Commissioner.

"What is your name?"

"Smith".

"Are you a citizen of the United States?"/

"Yes sir".

"Are you 21 years of age?"/

"Yes sir".

"Are you a citizen of this state?"

"Ever been convicted of felony?"

"No sir".

"Can you read the Constitution?"

"Yes sir."

"Pay taxes?"

"Yes sir".

"You can not vote, you have no right here whatever under our law".

"Why do you not permit me to vote upon the same conditions of legal qualifications that Citizen No.1 possessed?"

"Because your name is Mary and his is John. In other words, because you are a female citizen and he is a male".

Does such a method contain the first element of justice? Does it in any sense put into operation the fundamental principles of a republican form of government? Does it give a voice to the majority? Does it in any sense carry out the theory of equal representation as embodied in the Constitution? Does it carry out the theory that every individual in this Union is equally entitled to a voice in the affairs of government? A right to nominate their representative, to give that consent from which the government derives all its JUST powers.

Indeed, those who are unable by reason of incapacity to nominate their representatives, such as infants, idiots, and persons non compos mentis, are in theory directly represented by the agency of those nearest and dearest to them, who are qualified to nominate their representatives and do so. But what of those innumerable citizens, the adult females just mentioned? Is this the measure of their right under the National Constitution?

The question here discussed, has never been squarely decided by the Supreme Court of the United States. The nearest approach to it was in the important case of *Miner vs. Happersett*, reported in the 21st of Wallace U.S. Supreme Court Reports at page 162-1894.

"This action" says the report in that case, "was brought in the state courts of Missouri by the plaintiff, a person who would have been entitled to vote under the Constitution and laws of Missouri, SAVE FOR THE FACT THAT SHE WAS A WOMAN". Thus admitting at the outset her absolute legal qualification and hingeing the entire objection to her exercise of the right of suffrage on the single fact that she was a woman.

But the Court, in this case, it seems to me, avoided the direct question raised, for after declaring not only that women were citizens under the Fourteenth Amendment, but that they were such at

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the time of the adoption of the Constitution, a fact never before known, for the Constitution nowhere defines a citizen, and after deciding that "IF THE RIGHT OF SUFFRAGE IS ONE OF THE NECESSARY PRIVILEGES OF A CITIZEN OF THE UNITED STATES, THEN THE CONSTITUTION AND LAWS OF MISSOURI, CONFINING IT TO MEN, ARE IN VIOLATION TO THE CONSTITUTION OF THE UNITED STATES AS AMENDED, AND CONSEQUENTLY VOID."

It adds, "The direct question is, therefore, presented whether all citizens are necessarily voters."

This was plainly NOT the question raised, for no one contends that ALL citizens are necessarily voters. For example, an idiot is a citizen, yet no one claims for him the right to vote, for the reason THAT HE IS NOT QUALIFIED TO EXERCISE THAT RIGHT. The same rule applies with equal force to persons under twenty one years of age. No one ~~could~~ would claim that a child two years of age should be allowed to vote, nor that lunatics, nor that persons non compos mentis should do so, for the same reason, and yet they are each of them citizens of the United States and of the respective states wherein they reside.

THE QUESTION WAS AND IS, WHETHER THE RIGHT TO VOTE IS NOT ONE OF THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES QUALIFIED TO EXERCISE THAT RIGHT INTELLIGENTLY. Can a state lawfully permit one citizen possessing certain legal qualifications, ~~to~~ to vote, and at the same time lawfully deny another citizen, possessing the same qualifications, the exercise of a like privilege. We think it can not.

True, the Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere; but looking elsewhere and considering the meaning and object of citizenship, it would seem that the right of suffrage was not only ONE of all those privileges or immunities but THE ONE around which ALL OTHERS revolve.

For, "In the United States a citizen is not merely an inhabitant or one who has the freedom or immunities of the city IF HE HAS THE RIGHT TO ELECT OR BE ELECTED AND TO HOLD LANDS, HE IS A CITIZEN. WITHOUT THIS HE CAN SCARCELY BE ENTITLED TO THAT CHARACTER."  
Homes on Statesmanship V.I., p.158.

"AND THE SPECIAL CHARACTERISTIC OF A CITIZEN" says Aristotle, "IS THAT HE SHARES IN THE ADMINISTRATION OF JUSTICE AND IN OFFICES."  
Aristotle, Political Maxims. P.56.

In Miner vs. Happersett, supra, the Court said the Fourteenth Amendment, operated if at all, THROUGH THE STATE AND STATE LAWS AND NOT DIRECTLY UPON THE CITIZEN. But the same court said, more than fifty years before, speaking through its greatest Chief Justice, John Marshall, that our government "is ordained and established IN THE NAME OF THE PEOPLE, PROCEEDED DIRECTLY FROM THE PEOPLE AND ACTS DIRECTLY ON THE PEOPLE AND FOR THEIR BENEFIT." "IN FORM AND SUBSTANCE" he adds, "IT emanates from them". Its powers are GRANTED BY THEM" and are to be exercised DIRECTLY ON THEM AND FOR THEIR BENEFIT".  
Storey on the Constitution V.I., p. 214, McCulloch vs. Maryland 4 Wheaton 316.

Thus we have seen from the decisions of the Supreme Court itself that women are "people"; that they are persons, that they are citizens of the United States and of the states wherein they reside, and that they are entitled to vote, "save for the fact that they are women" and that "if the right of suffrage is one of the necessary privileges of a citizen of the United States, then, the Constitution and laws of "any state in the Union confining it to men" is in violation of the Constitution of the United States as amended and consequently void".

This narrows the issue and leaves only the single question of whether the right of suffrage is one of the privileges or immunities of citizens of the United States qualified to exercise that right. If not, then by what ~~authority~~ authority do men exercise, ~~much~~ much less claim, this exclusive right? If it is not a necessary privilege in one citizen, thus qualified, how can it be in another? Nothing is plainer



than that it is and must be the same in every citizen qualified to exercise it. If it is not a privilege in a female citizen it can not be such in a male, both being equally qualified to exercise that right. Who then, and what department of our government, is vested with the power to determine this question and upon what principle is it to be determined? There is only one answer to this inquiry.

The Constitution of the United States has vested the Supreme Court of the United States, AND THAT COURT ALONE, with the important power to determine what the privileges and immunities of the citizens are, and the principle upon which the Court should act, if it is to serve its purpose, is that which forms the basis of our government, THE CONSENT OF THE GOVERNED AND THE RULE OF THE MAJORITY. Story on the Constitution.

These purposes are enumerated in the preamble to the Constitution and are as follows:)

"We, the PEOPLE OF THE UNITED STATES, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare AND SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY, do ordain and establish this Constitution for the United States of America."

These are ponderous words and from them will be observed that after the people declared their intention of "forming a more perfect union" i.e. a union of individuals and not of states, the next great purpose of the government was "to establish justice". This purpose the Supreme Court of the United States and that Court alone, was authorized to carry out.

Can that Court in the exercise of this important duty do less than construe the Constitution to mean that male and female citizens POSSESSING THE SAME LEGAL QUALIFICATIONS ARE ENTITLED TO THE SAME PRIVILEGES?

Can it do less than hold that a female citizen possessing the same legal qualifications a male is required to possess in order to vote, must also be entitled to exercise that privilege?

In answering this question it is necessary to ascertain how far women have contributed to, or been connected with the government.

First, then, THERE COULD NOT BE A NATION WITHOUT WOMEN.

They are a necessary part of the body politic.

The very idea of a political community, such as a nation is, implies an association of persons of BOTH SEXES for the promotion of THEIR GENERAL WELFARE, and it has been held by the Court to which we refer that "Each one of the persons associated becomes a member of the nation formed by the association, owes his allegiance and is entitled to its protection. Allegiance and protection are in this connection reciprocal obligations. The one is a compensation for the other- allegiance for protection and protection for allegiance." *Minor vs. Happersett, supra.*

What does protection mean in the sense here used?

Does it mean more to one citizen than to another? Does it mean that a male citizen is entitled to more protection or to different protection than a female citizen? Does it mean protection of property and property rights in one citizen and none in the other, or does it mean any distinction between the nature and extent of the protection granted or privilege enjoyed by the citizens?

The same law surrounds each, the same duty to obey and respect the laws devolves upon each, each of them is obliged to pay taxes to support the government, each must pay the same penalty for any violation or infraction of the laws made by the government agents.

Each of them is a member of the body politic-a stockholder as it were in a great corporation. How can there be any distinction

made between them in their political rights, unless it be based upon disqualification?

The government of the United States was formed by the authority of the PEOPLE OF THE UNITED STATES. The women were a part of that people, and as such became entitled to every right possessed by any other citizen, and to the exercise of it upon exactly the same conditions. As Webster said, "the maintenance of the Constitution does not depend upon the plighted faith of the states, as it is, to support it, it relies upon individual duty and obligation. The Constitution of the United States creates direct relations between this government and individuals. The government may punish individuals for treason and all other crimes of the code, when committed against the United States. It has power also to tax individuals in any mode and to any extent". All this applies to women.

The people surrendered that power to the Federal Government in return for the right to participate in the making and abolishing of the laws. The women were a part of the people who thus surrendered that power. What did they get in return? The men got the right to vote, to make the laws by which they are taxed, but what did the women get? They only got the right to pay such taxes as the men saw fit to impose upon them, and yet "The Constitution utters its behests in the name and by the authority of the people", says Webster, "but it does not exact from the states any plighted public faith to maintain it". "On the contrary it makes its own preservation depend upon individual duty and obligation". Webster on the Constitution.

Women are under as much obligation to the government as men, and the government is under exactly the same obligation to them.

No state authority can dissolve the duty existing between the United States and individuals. From this it would seem clear that the duty of the Court to one citizen is no more and no less than to another.

But it will be contended that the Constitution reserves to the states the right to regulate the franchise. This may be true, but if so, it argues for, rather than against, our contention. The very fact, if it be a fact, that the Constitution reserves to the states the right to regulate the franchise among the citizens implies the ~~right of~~ existence of that right in the citizen.

It follows, therefore, that the United States must protect its citizens from any discrimination by the several states touching on this important right.

The subject of suffrage was simply remitted to the states by the Constitution, if remitted at all, to be regulated by them, not to be limited or restricted.

More than this would be inconsistent with the idea of the supremacy of the Federal Government.

Francis Miner in Miner vs. Happersett.

This view has been taken by the greatest men of our time. Thus Rob't. G. Ingersoll, one of the greatest thinkers of modern times and one who has been rightly called "the greatest genius of the Western World" said

1. The sovereignty of a state extends only to that which exists by its own authority.

2. The powers of the General Government were not conferred by the people of a single state; they were given by the people of the United States; and the laws of the United States, in pursuance of the Constitution, are supreme over the entire Republic.

3. The Constitution of the United States is the supreme law of each state.

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4. The United States is a government whose authority extends over the whole territory of the Union, acting upon all the states and upon all the people of all the states.

5. No state can exclude the Federal Government from the exercise of any authority conferred upon it by the Constitution, or withhold from it, for a moment, the cognizance of any subject which that instrument has committed to it.

6. It is the duty of Congress to enforce the constitution and it has been clothed with power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the General Government.

7. It is the duty of the government to protect every citizen of the United States in all his rights.-----

8. Every citizen when his privileges and immunities are invaded by the legislature of a state, has the right of appeal from such state to the Supreme Court of the Nation."

Dr. Herman E. Kittridge in Arena for Jan. 1904. Complete Works of Rob't G. Ingersoll, Vol. II, p. 40.

Besides, there can be no half way citizenship. WOMAN, AS A CITIZEN OF THE UNITED STATES, IS ENTITLED TO ALL THE BENEFITS OF THAT POSITION AND LIABLE TO ALL HER OBLIGATIONS OR TO NONE.

"The states then may regulate, but they have no right to prohibit the franchise to citizens of the United States. They may prescribe the qualifications, they may require that they shall be of certain age, of sound mind, etc., because these are conditions for the good of the whole and to which all may, sooner or later attain.

But to single out a class of citizens and say to them "Notwithstanding you possess all these qualifications, YOU SHALL NEVER VOTE, is a discrimination not to be sanctioned by the sole tribunal to whom the Constitution has entrusted the important duty of defining these rights. Francis Miner in History of Woman's Suffrage V. 2, p. 773.

This was the purpose and object of the framers of the Constitution as Madison tells us in the following language: "Should the people of any state, by any means, be deprived of the right of suffrage, it was judged proper that it should be remedied by the general government.

It was found necessary to leave the regulation of these, in the first place, to the state government as being best acquainted with the situation of the people SUBJECT TO THE CONTROL OF THE GENERAL GOVERNMENT, in order to enable it to produce uniformity to PREVENT ITS OWN DISSOLUTION. Were they conclusively under the control of the state government, he adds, "THE GENERAL GOVERNMENT MIGHT EASILY BE DISSOLVED".

Elliott's Debates, Vol. 2, p. 276.

So, in the Dred Scott decision the Superior Court says ;  
"If persons of the African race are citizens of a state and of the United States THEY SHOULD BE ENTITLED TO ALL THE PRIVILEGES AND IMMUNITIES IN EVERY STATE AND THE STATE CAN NOT RESTRICT THEM. For they would hold this immunity and privilege UNDER THE PARAMOUNT AUTHORITY OF THE FEDERAL GOVERNMENT TO MAINTAIN AND ENFORCE THEM, THE CONSTITUTION AND THE LAW OF THE STATE NOTWITHSTANDING. And if the states should limit or restrict them, or place the party in an inferior grade, this clause of the Constitution would be unmeaning and could have no operation and would give no rights to the citizen when in another state. HE WOULD HAVE NONE BUT WHAT THE STATE ITSELF CHOSE ALLOW HIM .  
Dred Scott vs Sanford, 19 Howard 405.

From this language it would seem that women who are citizens of the United States hold these privileges or immunities UNDER THE PARAMOUNT AUTHORITY OF THE FEDERAL GOVERNMENT, and its courts are bound to maintain and enforce them, the Constitution and laws of the state to the contrary notwithstanding.

Again, the first Article of the Federal Constitution says the House of Representatives shall be composed of members chosen every second year by the people. ~~There is not one word~~ of the several states. There is not one word as to sex. The electors must be of the people, that is all.

THIS CLAUSE IN THE CONSTITUTION ALONE? IT WOULD SEEM, GIVES THE WOMEN THE RIGHT TO VOTE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES. Besides, it is not unworthy of notice that women actually voted for many years after the Constitution was adopted. In New Jersey that privilege was granted to, and exercised by them until as late as 1807. Messages and State/~~Reports~~ Papers of the Presidents, Vol. 10.

The Courts have decided that a citizen of the United States owes a first duty or primary allegiance to the United States, and after that to the particular state of which he is a citizen. Talbot vs. Janson, 3 Dallas, 133, Allegiance cases 2 Hill, 3.0. 45.

This must be so, for otherwise what would be the citizen's duty in the event of a conflict between the state and Federal authorities? Suppose a state should rebel, as in '61, the citizen would be obliged to support the rebellious state, but the United States says to the citizens of that state, your FIRST duty is to the United States, for you are a citizen of the United States, and owe it a primary allegiance.

A citizen of the United States is a superior individual, from a political standpoint, to the citizen of a particular state. Yet when that same citizen asks the Government for the exercise of those privileges which are the very essence of citizenship, the Government says "You can not exercise the right of United States citizens unless that rebellious state against whom you lately arrayed yourself at our command, permits you to do so. We, the Federal Government, have no power to secure to you the enjoyment of those rights, that power is in the States alone".

Such a position, is at least an awkward one for the Government.

And yet that position was taken by the Supreme Court in the case of Miner vs. Happersett. It was there asserted that no citizen derived his right to vote directly from the Constitution or laws of the United States. But that assertion was false upon its face, and has not only been directly disproved but the converse has been fully established. For example, every disfranchised male slave derives his right to vote directly from the Constitution which annulled all state provisions against color.

Every Southern man, disfranchised because of having taken part in the war, has since been made a voter through United States laws.

Every naturalized foreigner secures his right to vote under the United States law. And this fact suggests another remarkable instance of the irregularity of State proceedings with respect to the right of citizens to vote. While the Supreme Court has thus far failed to discover in the Constitution any power to secure to citizens of the United States the right to vote, yet the operation of the States government has been so peculiar that in many of the States, FOREIGNERS are permitted to vote. ALIENS who have landed in this country and merely DECLARED THEIR INTENTION OF BECOMING CITIZENS may now vote in some States even before they have become citizens at all. Miner vs. Happersett.

If this power is admitted in the States, the destiny of this Republic is made to hinge upon a mere question of immigration. History of Woman's Suffrage Vol. 2, p. 740.

To conclude, it is a mistake to suppose that suffrage can be conferred by the State or Federal Government. Suffrage was never conferred by any Government upon its citizens. He holds that right by a higher title. In this country, Government is the source of power, but not of right. Such a right is vested in the individual and is personal and unalienable.

Governments or societies can only acquire the authority to regulate these rights or declare them forfeit for cause. The time, place and manner of their exercise may be under government control, but their origin or source is in the individual himself.  
Francis Miner vs. Happersett, Supra.

The Federal Government can not long exist if the state governments can at will disfranchise any number of its citizens. For if this power of the State is once admitted, the power of the Union is forever gone.

Objection has been made to the foregoing remarks on the ground that the Constitution was not framed, written or adopted with the understanding that women should vote or that it should provide for her the right of suffrage.

The answer to this is that the Constitution was not made to endure for a day, nor a year only, but for all time and the power of interpretation given by it to the Supreme Court was intended to provide and does provide, for the exact contingency here presented.

The framers of that instrument intended that the Constitution by interpretation, should extend its protection and apply its vital principles to such new conditions, necessities and wants of the people, as the lapse of time and human progress should make necessary, for the better accomplishment of those fundamental purposes for which the Government was established. Thus, there has been since the adoption of the Constitution many specific claims made under it and allowed by the Supreme Court of the United States by interpretation, which was not contemplated by the promoters of that instrument, because the occasion for their allowance had not yet arrived.

It might with as much force be argued that the Constitution was not intended to secure the rights of seventy six millions of people because they did not then exist within the Union or exercise jurisdiction over three million square miles of territory for the same reason.

The truth is, the framers of the Constitution intended it should be so construed as to provide for the most good for the greatest number and to accomplish the objects for which the government was founded, among which was, not only "TO SECURE THE BLESSINGS OF LIBERTY FOR THEMSELVES AND THEIR POSTERITY;" but to each of them, "TO ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILITY, and form a more perfect union of individuals for their MUTUAL welfare and happiness.

If therefore, justice is or may be, more completely established by construing the Constitution to extend the right of suffrage to female citizens such construction should be placed upon it.

It remains for the Justice of the Supreme Court of the United States, to whom the Constitution has entrusted the important power of ascertaining its meaning, to say whether "the ever changing needs and necessities of society" do not demand such a construction to be put upon it, and in default of such a decision, it remains for the fair and just minded citizens of all classes to do so and to express themselves accordingly.  
(I) Judge Le Baron B. Colt. Address before the American Bar Association, Aug. 27, 1903.

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