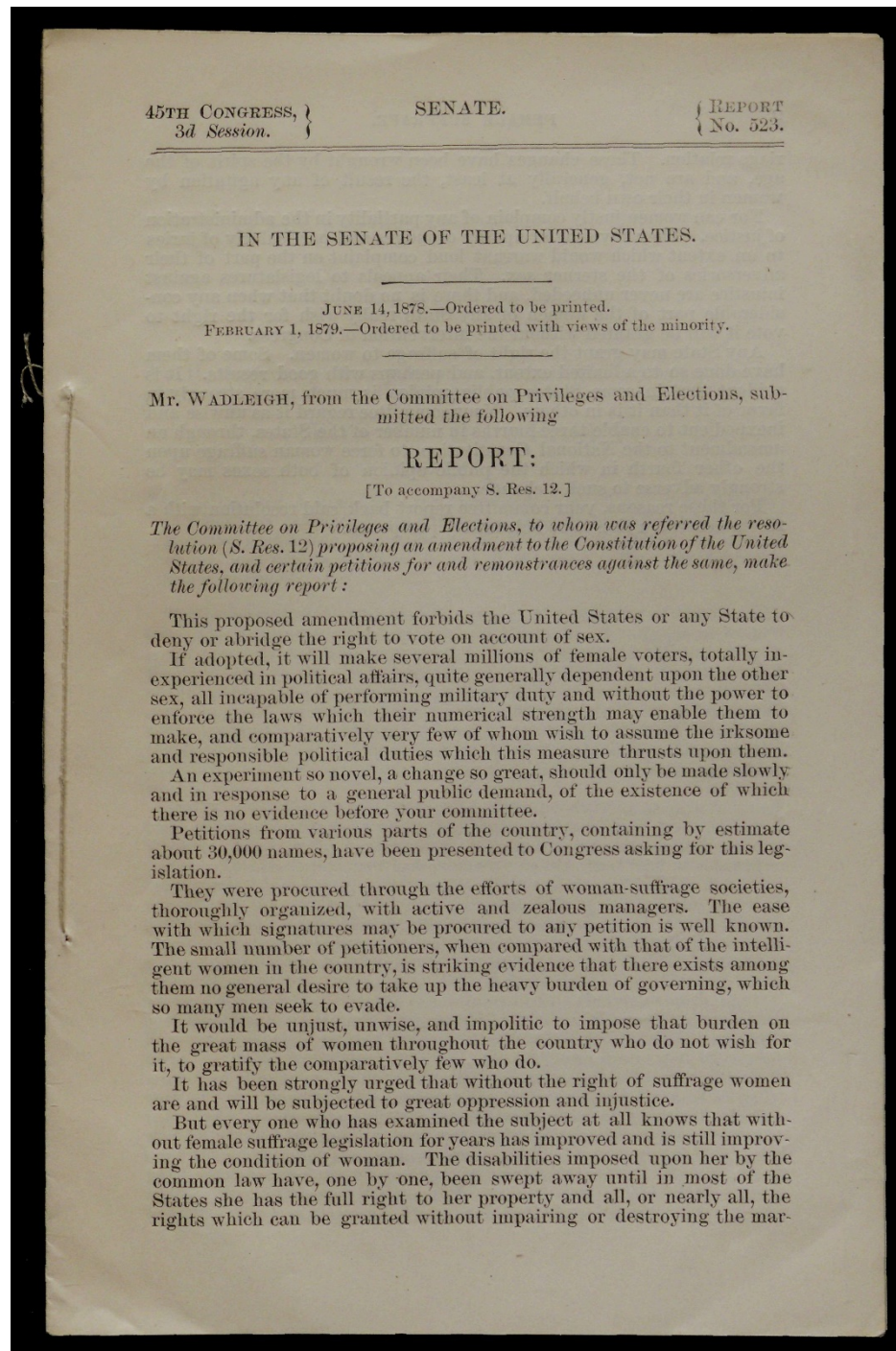


Mr. Wadleigh, from the Committee on Privileges and Elections, submitted the following report to accompany bill S. Res. 12, 1879

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Bainbridge Wadleigh, Mr. Wadleigh, from the Committee on Privileges and Elections, submitted the following report to accompany bill S. Res. 12, 1979.

(The Gilder Lehrman Institute of American History, GLC06081, p.1)

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Transcript

45TH CONGRESS, SENATE. Report

3d Session. No. 523

IN THE SENATE OF THE UNITED STATES.

JUNE 14, 1878.—Ordered to be printed.

FEBRUARY 1, 1879.—Ordered to be printed with views of the minority.

Mr. WADLEIGH, from the Committee on Privileges and Elections, submitted the following REPORT:

[To accompany S. Res. 12.]

The Committee on Privileges and Elections, to whom was referred the resolution (S. Res. 12) proposing an amendment to the Constitution of the United States, and certain petitions for and remonstrances against the same, make the following report:

This proposed amendment forbids the United States or any State to deny or abridge the right to vote on account of sex.

If adopted, it will make several millions of female voters, totally in-experienced in political affairs, quite generally dependent upon the other sex, all incapable of performing military duty and without the power to enforce the laws which their numerical strength may enable them to make, and comparatively very few of whom wish to assume the irksome and responsible political duties which this measure thrusts upon them.

An experiment so novel, a change so great, should only be made slowly: and in response to a general public demand, of the existence of which there is no evidence before your committee.

Petitions from various parts of the country, containing by estimate about 30,000 names, have been presented to Congress asking for this legislation.

They were procured through the efforts of woman-suffrage societies, thoroughly organized, with active and zealous managers. The ease with which signatures may be procured to any petition is well known. The small number of petitioners, when compared with that of the intelligent women in the country, is striking evidence that there exists among them no general desire to take up the heavy burden of governing, which so many men seek to evade.

It would be unjust, unwise, and impolitic to impose that burden on the great mass of women throughout the country who do not wish for it, to gratify the comparatively few who do.

It has been strongly urged that without the right of suffrage women are and will be subjected to great oppression and injustice.

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But every one who has examined the subject at all knows that without female suffrage legislation for years has improved and is still improving the condition of woman. The disabilities imposed upon her by the common law have, one by one, been swept away until in most of the States she has the full right to her property and all, or nearly all, the rights which can be granted without impairing or destroying the marriage relation. These changes have been wrought by the spirit of the age, and are not, generally at least, the result of any agitation by women in their own behalf.

Nor can women justly complain of any partiality in the administration of justice. They have the sympathy of judges and particularly of juries to an extent which would warrant loud complaint on the part of their adversaries of the sterner sex. Their appeals to legislatures against injustice are never unheeded, and there is no doubt that when any considerable part of the women of any State really wish for the right to vote it will be granted without the intervention of Congress.

Any State may grant the right of suffrage to women. Some of them have done so to a limited extent, and perhaps with good results. It is evident that in some States public opinion is much more strongly in favor of it than it is in others. Your committee regard it as unwise and inexpedient to enable three-fourths in number of the States, through an amendment to the National Constitution, to force woman suffrage upon the other fourth in which the public opinion of both sexes may be strongly adverse to such a change.

For these reasons, your committee report back said resolution with a recommendation that it be indefinitely postponed.

[3]

45TH CONGRESS, SENATE. Report 5237
3d Session. Part 2.

IN THE SENATE OF THE UNITED STATES.
FEBRUARY 1, 1879.—Ordered to be printed.

Mr. HOAR, from the Committee on Privileges and Elections, submitted the following as the VIEWS OF THE MINORITY.

[To accompany the foregoing report.]

The undersigned, a minority of the Committee on Privileges and Elections, to whom was referred the resolution proposing an amendment to the Constitution prohibiting discrimination in the right of suffrage on account of sex, and certain petitions in aid of the same, submit the following minority report:

The undersigned dissent from the report of a majority of the committee. The demand for the extension of the right of suffrage to women is not new. It has been supported by many persons in this country, in England, and on the Continent, famous in public life, in literature, and in philosophy. But no single argument of its advocates seems to us to carry so great persuasive force as the difficulty which its ablest opponents encounter in making a plausible statement of their objections. We trust we do not fail

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in deference to our esteemed associates on the committee when we avow our opinion that their report is no exception to this rule.

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 are entitled to exclusive or separate emoluments or privileges from the rest of the community, but 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." These principles, after full and profound discussion by a generation of statesmen, whose authority upon these subjects is greater than that of any other that ever lived, have been accepted by substantially the whole American people as the dictates alike of practical wisdom and of natural justice. A hundred years of experience has strengthened their hold upon the popular conviction. 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 [4] government. The first two of these inconsistencies have been remedied. The property test no longer exists. The fifteenth amendment provides that race, color, or previous servitude shall no longer be a disqualification. 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.

This report is not the place to discuss or vindicate the correctness of this theory. In so far as the opponents of woman suffrage are driven to deny it, so far, for the purposes of an argument addressed to the American people, they are driven to confess that they are in the wrong. This people are committed to the doctrine of universal suffrage by their constitutions, their history, and their opinions. They must stand by it or fall by it. The poorest, humblest, feeblest of sane men has the ballot in his hand, and no other man can show a better title to it. Those things wherein men are unequal—intelligence, ability, integrity, experience title to public confidence by reason of previous public service—have their natural and legitimate influence under a government wherein each man's vote is counted, to quite as great a degree as under any other form of government which ever existed.

We believe that the principle of universal suffrage stands to-day stronger than ever in the judgment of mankind. Some eminent and accomplished scholars, alarmed by the corruption and recklessness manifested in some of our great cities, deceived by exaggerated representations of the misgovernment of the Southern States by a race just emerging from slavery, disgusted by the extent to which great numbers of our fellow-citizens have gone astray in the metaphysical subtleties of financial discussion, have uttered their eloquent warnings of the danger of the failure of universal suffrage. Such utterances from such sources have been frequent. They were never more abundant than in the early part of the present century. They are, when made in a serious and patriotic spirit, to be received with the gratitude due to that greatest of public benefactors—he who points out to the people their dangers and their faults. But popular suffrage is to be tried not by comparison with ideal standards of excellence, but by comparison with other forms of government. We are willing to submit our century of it to this test. The crimes that have stained our history have come chiefly from its denial, not from its establishment. The misgovernment and corruption of our great cities have been largely due to men whose birth and training have been under other systems. The abuses attributed by political hostility to negro governments at the South—governments from which the intelligence and education of the State

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held themselves sulkily aloof—do not equal those which existed under the English or French aristocracies within the memory of living men. There have been crimes, blunders, corruptions, follies in the history of our republic. Aristides has been banished from public employment, while Cleon has been followed by admiring throngs. But few of these things have been due to the extension of the suffrage. Strike out of our history the crimes of slavery, strike out the crimes, unparalleled for ferocity and brutality, committed by an oligarchy in its attempt to overthrow- universal suffrage, and we may safely challenge for our national and State governments comparison with monarchy or aristocracy in their best and purest periods.

Either the doctrine of the Declaration of Independence and the Bills of Rights is 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 person or 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 persons 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.

A person who votes helps, first, to determine the measures of government; second, to elect persons to be intrusted [sic] with public administration. He should, therefore, possess, first, an holiest desire for the public welfare; second, sufficient intelligence to determine what measure or policy is best; third, the capacity to judge of the character of persons proposed for office; and, fourth, freedom from undue influence, so that the vote he casts is his own, and not another's. That person or class casting his or their own vote, with an honest desire for the public welfare, and with sufficient intelligence to judge what measure is advisable and what person may be trusted, fulfills every condition that the State can rightfully impose.

We are not now dealing with the considerations which should affect the admission of citizens of other countries to acquire the right to take part in our government. All nations claim the right to impose restrictions on the admission of foreigners trained in attachment to other countries or forms of rule, and to indifference to their own, wherever they deem the safety of the state requires.

We take it for granted that no person will deny that the women of America are inspired with a love of country equal to that which animates their brothers and sons. A capacity to judge of character, so sure and rapid as to be termed intuitive, is an especial attribute of woman. One of the greatest orators of modern time has declared, "I concede away nothing which I ought to assert for our sex when I say that the collective womanhood of a people like our own seizes with matchless facility and certainty on the moral and personal peculiarities and character of marked and conspicuous men, and that we may very wisely address ourselves to her to learn if a competitor for the highest honors has revealed that truly noble nature that entitles him to a place in the hearts of a nation."

We believe that in that determining of public policies by the collective judgment of the state which constitutes self-government, the contribution of woman will be of great importance and value. To all questions into the determination of which considerations of justice or injustice enter she will bring a more refined moral sense than that of man. The most important public function of the State is the provision for the education of youths. In those States in which the public-school system has reached its highest excellence, more than 90 per cent. of the teachers are women. Certainly the vote of the women of the State should be counted in determining the policy which shall regulate the school system which they are called to administer.

It is seldom that particular measures of government are decided by direct popular vote. They are more often discussed before the people after they have taken effect, when the party responsible for

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them is called to account. The great measures which go to make up the history of nations are determined not by the voters but by their rulers, whether those rulers be hereditary or elected. The plans of great campaigns are conceived by men of great military genius, and executed by great generals. Great systems of finance come from the brain of statesmen who have made finance a special study. The mass of the voters decide to which party they will intrust power. They do not determine particulars. But they give to parties their general tone and direction, and hold them to their accountability. We believe that woman will give to the political parties of the country a moral temperament which will have a most beneficent and ennobling effect on politics.

Woman also is specially fitted for the performance of that function of legislative and executive government which, with the growth of civilization, becomes yearly more and more important—the wise and practical economic adjustment of the details of public expenditures. It may be considered that it would not be for the public interest to clothe with the suffrage any class of persons who are so dependent that they will, as a general rule, be governed by others in its exercise. But we do not admit that this is true of women. We see no reason to believe that women will not be as likely to retain their independence of political judgment, as they now retain their independence of opinion in regard to the questions which divide religious sects from one another. These questions deeply excite the feelings of mankind, yet experience shows that the influence of the wife is at least as great as that of the husband in determining the religious opinion of the household. The natural influence exerted by members of the same family upon each other would doubtless operate to bring about similarity of opinion on political questions as on others. So far as this tends to increase the influence of the family in the state, as compared with that of unmarried men, we deem it an advantage. Upon all questions which touch public morals, public education, all which concern the interest of the household, such a united exertion of political influence cannot be otherwise than beneficial.

Our conclusion, then, is that the American people must extend the right of suffrage to woman or abandon the idea that suffrage is a birth-right. The claim that universal suffrage will work mischief in practice is simply a claim that justice will work mischief in practice.

Many honest and excellent persons, while admitting the force of the arguments above stated, fear that taking part in politics will destroy those feminine traits which are the charm of woman, and are the chief comfort and delight of the household. If we thought so we should agree with the majority of the committee in withholding assent to the prayer of the petitioners. This fear is the result of treating the abuses of the political function as essential to its exercise. The study of political questions, the forming an estimate of the character of public men or public measures, the casting a vote which is the result of that study and estimate, certainly have in themselves nothing to degrade the most delicate and refined nature. The violence, the fraud, the crime, the chicanery, which, so far as they have attended masculine struggles for political power, tend to prove, if they prove anything, the unfitness of men for the suffrage, are not the result of the act of voting, but are the expressions of coarse, criminal, and evil natures, excited by the desire for victory. The admission to the polls of delicate and tender women would, without injury to them, tend to refine and elevate the politics in which they took a part. When, in former times, women were excluded from social banquets, such assemblies were scenes of ribaldry and excess. The presence of women has substituted for them the festival of the Christian home. The majority of the committee state the following as their reasons for the conclusion to which they come :

First. If the petitioners' prayer be granted it will make several millions of female voters.

Second. These voters will be inexperienced in public affairs.

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Third. They are quite generally dependent on the other sex.

[7] Fourth. They are incapable of military duty.

Fifth. They are without the power to enforce the laws which their numerical strength may enable them to make.

Sixth. Very few of them wish to assume the irksome and responsible duties which this measure thrusts upon them.

Seventh. Such a change should only be made slowly and in obedience to a general public demand.

Eighth. There are but thirty thousand petitioners.

Ninth. It would be unjust to impose "the heavy burden of governing, which so many men seek to evade, on the great mass of women who do not wish for it, to gratify the few who do."

Tenth. Women now have the sympathy of judges and juries "to an extent which would warrant loud complaint on the part of their adversaries of the sterner sex."

Eleventh. Such a change should be made, if at all, by the States. Three fourths of the States should not force it on the others. In any State in which "any considerable part of the women wish for the right to vote, it will be granted without the intervention of Congress."

The first objection of the committee is to the large increase of the number of the voting population. We believe, on the other hand, that to double the numbers of the constituent body, and to compose one-half that body of women, would tend to elevate the standard of the representative, both for ability and manly character. Macauley, in one of his speeches on the reform bill, refers to the quality of the men who had for half a century been members for the five most numerous constituencies in England—Westminster, Southwark, Liverpool, Bristol, and Norwich. Among them were Burke, Fox, Sheridan, Romilly, Windham, Tierney, Canning, Huskisson. Eight of the nine greatest men who had sat in Parliament for forty years, sat for the five largest represented towns.

To increase the numbers of constituencies diminishes the opportunity for competition. Size is itself a conservative force in a republic. As a permanent general rule the people will desire their own best interest. Disturbing forces, evil and selfish passions, personal ambitions, are necessarily restricted in their operation. The larger the field of operation, the more likely are such influences to neutralize each other.

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 impossible so to measure this dependence as to declare that man is most dependent on woman or woman upon man. It is by no means true that the dependence of either on the other affects the right to the suffrage.

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Capacity for military duty has no connection with capacity for suffrage. The former is wholly physical. It will scarcely be proposed to disfranchise men who are unfit to be soldiers by reason of age or bodily infirmity. The suggestion that the country may be plunged into wars by a majority of women who are secure from military dangers is not founded in experience. Men of the military profession and men of the military age are commonly quite as eager for war as non-combatants, and will here-after be quite as indifferent to its risks and hardships as their mothers and wives.

The argument that women are without the power to enforce the laws which their numerical strength may enable them to make proceeds upon 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 supposition flatly contradicts the other arguments drawn from the dependence of women and from their alleged unwillingness to assume political burdens. So men over fifty years of age are without the power to enforce obedience to laws against which the remainder of the voters forcibly rebel. It is not physical power alone, but power aided by the respect for law of the people on which laws depend for their enforcement.

The sixth, eighth, and ninth reasons of the committee are the same propositions 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 deems the exercise of this franchise a burden and not a privilege, such person is under no constraint to exercise it. But if it be a birth-right, then it is obvious that no other person than that of the individual concerned can rightfully restrain its exercise. 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. 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 is to be, and 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? What has become of the argument that women are unfit to vote because they are dependent on men, or because they are unfit for military duty, or because they are inexperienced, or because they are without power to enforce obedience to their laws?

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. If this be true, it is doubtless due to an instinctive feeling on the part of juries and judges that existing laws and institutions are unjust to women, or to the fact that juries composed wholly of men are led to do injustice by their susceptibility to the attractions of woman. But 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. The prevention of unjust discrimination by States against large classes of people in respect to suffrage is even admitted to be matter of national concern, and an important function of the national constitution and laws. It is the duty of Congress to propose amendments to the Constitution whenever two-thirds of

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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 dis-franchisement from one-half the citizens of the country. The constitutional evidence of general public demand is to be found not in petitions, but in the assent of three-fourths of the States through their legislatures or conventions.

The lessons of experience favor the conclusion that woman is fit for a share in government. It may be true that in certain departments of intellectual effort the greatest achievements of women have as yet never equaled the greatest achievements of men. But it is equally true that in those same departments women have exhibited an intellectual ability very far beyond that of the average of men, and very far beyond that of most men who have shown very great political capacity. But let the comparison be made in regard to the very thing with which we have to deal. Of men who have swayed chief executive power, a very considerable proportion have attained it by usurpation or by election, processes which imply extraordinary capacity on their part as compared with other men. The women who have held such power have come to it as sovereigns by inheritance, or as regents by the accident of bearing a particular relation to the lawful sovereign when he was under some incapacity. Yet it is an undisputed fact that the number of able and successful female sovereigns bears a vastly greater proportion to the whole number of such sovereigns, than does the number of able and successful male sovereigns to the whole number of men who have reigned. An able, energetic, virtuous king or emperor is the exception and not the rule in the history of modern Europe. With hardly an exception the female sovereigns or regents have been wise and popular. Mr. Mill, who makes this point, says:

We know how small a number of reigning queens history presents in comparison with that of kings. Of this smaller number a far larger proportion have shown talents for rule, though many of them have occupied the throne in difficult periods. When to queens and empresses we add regents and viceroys of provinces, the list of women who have been eminent rulers of mankind swells to a great length. Especially is this true if we take into consideration Asia as well as Europe. If a Hindoo principality is strongly, vigilantly, and economically governed; if order is preserved without oppression; if cultivation is extending and the people prosperous, in three cases out of four that principality is under a woman's rule. This fact, to me an entirely unexpected one, I have collected from a long official knowledge of Hindoo governments.

Certainly history gives no warning that should deter the American people from carrying out the principles upon which their governments rest to this most just and legitimate conclusion. Those persons who think that free government has anywhere failed, can only claim that this tends to prove, not the failure of universal suffrage, but the failure of masculine suffrage. Like failure has attended the operation of every other great human institution, the family, the school, the church, whenever woman has not been permitted to contribute to them her full share. As to the best example of the perfect family the perfect school, the perfect church, the love, the purity, the truth of woman is essential, so they are equally essential to the perfect example of the self-governing state.

GEO. F. HOAR.
JOHN H. MITCHELL.
ANGUS CAMERON.
.S. Rep. 523- 2