

MAINE STATE LEGISLATURE

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AN ADDRESS
GIVEN BEFORE THE
COMMITTEE ON JUDICIARY

OF THE
MAINE LEGISLATURE

FEBRUARY 18, 1909

BY
GEORGE H. ALLAN

IN FAVOR OF THE
EXTENSION OF THE SUFFRAGE TO WOMEN



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Mr. Chairman and Gentlemen of the Judiciary Committee:

The subject, to which we call your attention this afternoon, is a resolve submitting for your consideration a proposed amendment to the Constitution of our State extending the right of suffrage to women.

Its basis is Section 1 of Article II of the Constitution of Maine, which declares that "Every male citizen of the United States, of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives in the town or plantation where his residence is so established."

It is with pardonable pride, Mr. Chairman, that we appear here today in behalf of the Maine Woman Suffrage Association to urge the adoption of this resolution.

In performing this pleasant duty I want to say at the outset, that while I am not insensible of the numerical strength of the opposition to this movement, I feel that *our contention* is not without support. The petitions presented to the House are evidence of this fact. The Maine Woman Suffrage Association, also, through whose efforts this resolution was introduced, is composed of hundreds, and considering the ramifications of its work throughout the social fabric of our State, I might say thousands, of capable, intelligent and loyal women who earnestly desire the privilege of the ballot. They come, Mr. Chairman, from all walks of life. They represent our churches, our secret societies and our charitable organizations. They are large property holders and taxpayers in the cities and towns in which they live, and I submit are well fitted to perform the duties of citizenship on equal terms with men.

I wish to assure you, however, that this procedure is not altogether of their seeking. They have appealed to the courts to sustain

their interpretation of present laws, but have been defeated. They have sued for damages for refusal of election officers to allow them to deposit their ballots, but have lost again and again. They cannot invoke the initiatum or referendum clause of our Constitution, because it is not applicable to the Constitution itself. They are, therefore, obliged to resort to you and to you alone.

This practice, gentlemen, is not unfamiliar to you. Many times in our history has man appealed to the representatives of government for redress of grievances; many times, even, for the right of suffrage which he now enjoys. His success was boundless. In terms of Holy Writ, his cup has been well filled, pressed down, shaken together and running over. Subjection and inequality before the law gave way to equality and freedom. Not so with woman. While she admits with pride and acknowledges with gratitude the alleviations that have come to her through the courtesy of man, yet she asserts, that she is still

subject to that governing class from which man was absolved years ago, and of which, by virtue of his success in establishing a system of nearly universal manhood suffrage, he now forms a part.

Now, gentlemen, in order that you may not misunderstand the issues involved in the discussion of this question, I wish to call your attention to certain assertions that are fundamental.

First. Suffrage is the record of an idea, or better, perhaps, the act of registering the will of the individual by means of a ballot. To which we wish to add an essential fact heretofore overlooked, that the collective decision must be transformed into actual volition through appropriate social organs.

Second. If a democracy such as that under which we live stands for anything, it stands for political equality among its members.

Third. Woman is as much a part of a democracy as man.

That suffrage in the past has been

treated by our people solely as a matter of expediency cannot be denied. Says one authority: "It is a privilege bestowed by the State upon such of its citizens as are deemed capable of exercising it intelligently and for the common welfare." Justice Story defines it as, "A right derived from and regulated by each state according to its ideas of government." Story remarks, however, that the term, "people" and "state," are often made use of in constitutional law or discussions, to designate those who have a share in the government . . . and being for the time the repositories of sovereignty, they are considered and spoken of as the sovereign people.

Would I be exceeding bounds if I should suggest that such a practice might possibly be expected if we were living under a monarchical form of government where the term state is only a cognomen for a governing class. But in a democracy like ours, where each citizen, male or female, is supposed to have a common interest in

the public welfare, and the privileges of one are only limited by the corresponding privileges of others, it is not only inconsistent with common fairness but a relic of barbarism as well, to adhere to a rule that has placed our mothers, wives and daughters in the category of lunatics, idiots and convicted criminals? Do you wonder we claim redress? Do not your hearts burn within you at the thought? Can you justly censure a woman for objecting?

But, gentlemen, in times of trouble there is often a rift in the cloud, though we may not at first perceive it. Though the judicial powers of our country have defined the rule, social progress has stamped it as an expanding one. Its application, today is not the same as it was two centuries ago. Each period of struggle and agitation has extended its bounds. The receding tide has not carried back all the increment from the flood.

As you know, at the time of the organization of our state governments in 1776,

suffrage, which had been more extended than in the mother country, by general consent of the colonies became restricted. The age of twenty-one years was a universal qualification required, and was as fair as any arbitrary period for such a purpose could be. In Virginia, to cast a ballot it was necessary to be possessed of a certain freehold; in Pennsylvania, New Hampshire, and partially in North Carolina, only tax payers could vote.

At the time of the drafting of the United States Constitution the ideas relating to suffrage had broadened to such an extent as to threaten non-agreement to the new Constitution, and resulted in the qualification of the electors being left to the colonies themselves. The discussion is interesting, the arguments familiar. I quote some of them. Says Butler, a prominent member of the Constitutional Convention: "The abridgment of the right of suffrage will tend to revolution." "Ought not any man who pays a tax," says Ellsworth, "vote for the representative who lays and disposes of

the money?" Said Mason: "The true idea is that every man, having evidence of attachment to the state and permanent common interest in it, ought to share in all its rights and privileges." Says Dickinson in opposition: "The freeholders are the best guardians of liberty, and the restriction of the right to them is a necessary defence against the dangerous influence of the multitude without property and principle with which our country, like others, will abound." Said Madison: "In several of the states property-holding is now the qualification; in future times, a great majority of the people will not only be without property of any kind, but may combine under the influences of their common situation, in which case neither the right of property nor public liberty will be secure in their hands."

Gentlemen, what class of ideas survived the conflict that followed, those of Mason or of Madison? If of Madison, one would naturally expect that suffrage would not have been extended. If of

Mason, we should surely expect advance. What was the result? History tells us. Certain classes of our people soon discovered that other classes monopolized the powers of government, and by threat of revolution, disorder and riot, as Mason said would be the case, in later years, upheld by the power of promised votes to support a party machine, they demanded, and, step by step, obtained full manhood suffrage. Still later, under the rallying cry of the rights of man, our people struck off the chains of three millions of slaves, and made them voters with us, while our mothers, wives and daughters were seemingly forgotten. Our people extended the suffrage to aliens, who came to this country without property of any kind, to an extent that would have amazed Madison, could he have seen it, when, in the short space of five years, aye, five minutes, men were made voters, while our sons and ourselves, even, have had to live twenty-one years in this democracy to obtain such a knowledge of our methods of government, and form

such an attachment to the Constitution, as would fit us for the privilege of the ballot.

Gentlemen, standing here today in the presence of the spirit of those who by word and deed dedicated this Hall to the principle of democracy and human rights, I would ask you the question, Has the love of liberty weakened under the extension of the ballot? Have our people become less patriotic? Have they less interest in our common welfare? Is our government less strong at home or less respected abroad? If not, are the women of our country less capable of exercising the right intelligently and for the public welfare than the men? What is the logical inference from this policy of exclusion of women? There is only one that I note, that women, who are human beings as we are; that women, who are co-laborers with us; that women, who all over our land are organized and conduct social, religious and charitable organizations with a skill and efficiency that can hardly be equalled by man; that women, who help us to lay up and preserve the

fortunes that the prosperity of our country has bestowed upon us, are less worthy of the trust. Is my assertion true? I leave it to you to answer.

But I think I hear you say, as has been often said before by those opposed to our petition, that it was a matter of expediency in these cases, and not because women were not worthy of the trust; not because they were less capable of exercising it intelligently, or for the public welfare, but that in the case of a rapidly increasing population, if suffrage was limited, a large part of the men would feel that they were not represented in the government, and would become dissatisfied and discontented, and riot and revolt, as in Rhode Island in 1840 in the Dorr Rebellion. Gentlemen, from this reasoning there is but one conclusion; to accept it, I must amend my definition. Let me state it as amended: Suffrage is the natural sequence of riot and disorder, and, as a result, the capable and law-abiding woman, with a heart larger than that of man, who comes to you in accor-

dance with the laws that you have made, asking for bread, is given a stone; who comes to you asking for fish, is given a serpent. By it she is told to engage in riot and disorder, and suffrage will be her reward. Gentlemen, this is dangerous doctrine. Women have already discovered that they have rights and claim them as never before. It may be that riot and disorder will come; there are already evidences of its conception, and this Hall, even, may be the scene of its turbulent expression. If, on the other hand, women are worthy of the trust, if women are capable of exercising it intelligently and for the public welfare, which you do not deny, then the same logic unerringly points to suffrage for them on equal terms with men.

But you say that as most of the voters are men of families, the method used at present is in fact a system of household suffrage, so that each home has a share in political affairs; you say that women are represented by their influence with the voters to whom they are related, and there-

fore have no cause for discontent, no cause for riot and disorder. A splendid theory, I submit, but in practice an utter failure. While women have undoubtedly had influence in obtaining laws alleviating their condition, while at their request many inequalities in the laws have been removed, yet I submit that so far as any positive influence in making the laws is concerned they have had but little part.

Again, you say that women do not ask for it and therefore do not want it. Let me ask of you in return, when we came to you to be allowed to make contracts free from the consent of our husbands, did you require a large number to ask for it? When we came to you to be protected in our right of individual property did you ask for a large petition? When we asked of you such rights in your property as you had in ours, did you legislate in our favor because a great number of women asked for it? When we came to you and asked for equal guardianship of our children, did you demand numbers? No. Is, then, your pre-



sent argument consistent? Is it even fair? Is it not rather a subterfuge, which, after giving to women all civil rights, is used to justify the refusal to give them the political? Futhermore, if this argument is true, inasmuch as our people are generally indifferent to social pathology, provided their own interests are not directly affected, then, for instance, the men and women, who are working to abolish child labor from our midst will find in the indifference of the people an unanswerable argument in favor of its retention. If it is true, then the principle of graft in our municipalities and governments may be accepted as right.

But is there no demand for suffrage? Setting aside for a moment the petitions presented to this body, forgetting our representation today, if there is no demand for this privilege, why is man so busy stimulating opposition to the movement among women themselves? If there is no demand, why are paid lobbyists maintained in opposition? The truth is patent. Rational men and women do not perform

conscious acts without a reason. If there was not a large demand, there would be no need of stimulating activity in opposition. If there is no demand for this privilege, let me say, why are the North American Review, Harper's Magazine, Collier's Magazine, and other influential papers giving so much attention to the question?

But, gentlemen, admitting for the moment that woman does not ask for it. Is it surprising? Is not her condition the result of the power of man operating through numberless ages? Has she not been placed by man in a lower position than himself? Has not her rights and duties been separated from man's, and though traveling along the pathway of life in his company, even working for bread and clothes alone, yet so far as political duties are concerned an absolute nonentity.

Would I speak illogically to suggest that this separation has gone so far as to form a system of caste, not so strong perhaps as the case of Brahmin, who will

not associate with a member of a lower caste even to relieve from danger, but strong enough to debar woman not only from an active share in the government to which she is held responsible, but also to discourage, if not utterly to restrain, the outgoing of a noble desire to be allowed to become a productive factor in the moral and physical world, as true social progress intended she should.

Gentlemen, victims of such a system are usually silent. If they speak at all, it is but the bitter language of discontent. The hereditary fear of the power of man working through endless ages, has brought woman to believe that her position is natural and right. Gentlemen, are woman's rights none the less trespassed upon because she does not complain? Are her rights none the less violated because she believes the encroachment is to her advantage? Was slavery right because its adherents claimed that it was for the advantage of the slave?

But, gentlemen, we do not rest our case

upon these negations. We assert our right to the ballot upon more positive principles. We assert, that the possession of power of any kind will be used by its possessors for their own advantage and to the detriment of the weaker or less fortunate.

Now, gentlemen, note that the infringement of rights by those having power, either by direct physical force, or what is essentially the same thing, by laws enacted by means of that force, can only be checked by the use of corresponding force. Because the boy knows that his companion has strong muscles and the ability to use them, he is cautious about provoking him to action. That a strong navy is the best guaranty of peace, is generally admitted, and, inasmuch as the ballot is admittedly the representative of force under a democracy, carried out of course, by appropriate social organs, we must conclude that the right of suffrage will tend to restrain aggression by giving women the power to check any infringement. But even if it does not check it entirely, it will at least be

fair in this, that woman, equally with man, will have the opportunity to lawfully resist. Heretofore, this protection has been given by man alone. While we fully recognize the fact, and give man full credit for the courtesy shown, yet, I submit, in the words of Bryan, if man has accomplished so much standing on one leg, what can he not do standing on two?

Gentlemen, I have been reminded at this point that woman is weaker than man and can do but little to increase the weight of physical force necessary to protect her political rights. Let me remind you in return, that, when it can be said that the thousands of men, who, by reason of weakness and infirmity; who, by reason of old age and the hundred afflictions of life, are not justly entitled to the privilege of the ballot, then it can be said that women are not entitled to it. But further, under any form of government, certain force is necessary. The question is by whom shall it be applied? Even, under the principles of democracy all able-bodied men are not

designated to make the application. They cannot be, for the act would be that of a mob. The requisite force is applied by means of a police system, or perhaps an army establishment, recruited from the individuals best fitted to serve. If, then, it is unjust for woman to will because she cannot execute, is it not equally unjust for man?

Again, a democracy is an association sustained and directed by moral force. Under a system of equal suffrage the moral force of women will be more effective, for the governing forces of a democracy originate from the feelings, not of the whole people, but from those capable of effective action. It is the armed power that the despot fears, not the unarmed. I submit, when we can truthfully say that the injection of increased moral force into our political life will not be for the advantage of our State, coming as it must from an increased number of highly organized individuals, then we can just as truthfully say that woman is not entitled to the ballot, and should not have it.

But I am reminded that time is limited; there is much that I would like to say, but must leave it to others. Let me remind you in conclusion, that under present political conditions woman is no greater sufferer than man. She is half of mankind. Heretofore, dynamic social forces have been conserved by man alone. He does not desire, in fact, resents any suggestion of change. By his prejudice, political and moral duties are hindered; labor and production suffer from the same cause; they all stand in need of the help that woman can give. We submit that the vast complementary forces of woman should be utilized, and that she be allowed to take her place by man's side, as common members of a real commonwealth, founded on the rights of man, and not on the might of man.