

Voting: A Privilege or a Right?

ON VOTING: SIR WILLIAM BLACKSTONE

From: *Commentaries on the Laws of England*, 1765-1769

“The *true* reason of requiring any qualification, with regard to property, in voters, is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own. If these persons had votes, they would be tempted to dispose of them under some undue influence or other. This would give a great, an artful, or a wealthy man, a larger share in elections than is consistent with general liberty. If it were probable that every man would give his vote freely and without influence of any kind, then, upon the true theory and genuine principles of liberty, every member of the community, however poor, should have a vote in electing those delegates, to whose charge is committed the disposal of his property, his liberty, and his life. But, since that can hardly be expected in persons of indigent fortunes, or such as are under the immediate dominion of others, all popular states have been obliged to establish certain qualifications; whereby some, who are suspected to have no will of their own, are excluded from voting, in order to set other individuals, whose wills may be supposed independent, more thoroughly upon a level with each other. “

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ON VOTING: JOHN ADAMS

1776

“The same reasoning which will induce you to admit all men who have no property, to vote, with those who have, . . . will prove that you ought to admit women and children; for generally speaking, women and children have as good judgments, and as independent minds, as those men who are wholly destitute of property; these last being to all intents and purposes as much dependent upon others, who will please to feed. Clothe, and employ them, as women are upon their husbands, or children on their parents Depend upon it, Sir, it is dangerous to open so fruitful a source of controversy and altercation as would be opened by attempting to alter the qualifications of voters; there will be no end of it. New claims will arise; women will demand the vote; lads from twelve to twenty-one will think their rights not enough attended to; and every man who has not a farthing, will demand an equal voice with any other, in all acts of state. It tends to confound and destroy all distinctions, and prostrate all ranks to one common level.”

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ON VOTING: THOMAS PAINE

From *Dissertation on the First Principles of Government*, 1795

The true and only true basis of representative government is equality of rights. Every man has a right to one vote, and no more in the choice of representatives. The rich have no more right to exclude the poor from the right of voting, or of electing and being elected, than the poor have to exclude the rich; and wherever it is attempted, or proposed, on either side, it is a question of force and not of right. Who is he that would exclude another? That other has a right to exclude him.

That which is now called aristocracy implies an inequality of rights; but who are the persons that have a right to establish this inequality? Will the rich exclude themselves? No. Will the poor exclude themselves? No. By what right then can any be excluded? It would be a question, if any man or class of men have a right to exclude themselves; but, be this as it may, they cannot have the right to exclude another. The poor will not delegate such a right to the rich, nor the rich to the poor, and to assume it is not only to assume arbitrary power, but to assume a right to commit robbery.

Personal rights, of which the right of voting for representatives is one, are a species of property of the most sacred kind: and he that would employ his pecuniary property, or presume upon the influence it gives him, to dispossess or rob another of his property or rights, uses that pecuniary property as he would use fire-arms, and merits to have it taken from him.

Inequality of rights is created by a combination in one part of the community to exclude another part from its rights. Whenever it be made an article of a constitution, or a law, that the right of voting, or of electing and being elected, shall appertain exclusively to persons possessing a certain quantity of property, be it little or much, it is a combination of the persons possessing that quantity to exclude those who do not possess the same quantity. It is investing themselves with powers as a self-created part of society, to the exclusion of the rest.

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It is always to be taken for granted, that those who oppose an equality of rights never mean the exclusion should take place on themselves; and in this view of the case, pardoning the vanity of the thing, aristocracy is a subject of laughter. This self-soothing vanity is encouraged by another idea not less selfish, which is that the opposers conceive they are playing a safe game, in which there is a chance to gain and none to lose; that at any rate the doctrine of equality includes *them*, and that if they cannot get more rights than those whom they oppose and would exclude they shall not have less. . . .

In any view of the case it is dangerous and impolitic, sometimes ridiculous, and always unjust to make property the criterion of the right of voting. If the sum or value of the property upon which the right is to take place be considerable it will exclude a majority of the people and unite them in a common interest against the government and against those who support it; and as the power is always with the majority, they can overturn such a government and its supporters whenever they please.

If, in order to avoid this danger, a small quantity of property be fixed, as the criterion of the right, it exhibits liberty in disgrace, by putting it in competition with accident and insignificance. When a broodmare shall fortunately produce a foal or a mule that, by being worth the sum in question, shall convey to its owner the right of voting, or by its death take it from him, in whom does the origin of such a right exist? Is it in the man, or in the mule? When we consider how many ways property may be acquired without merit, and lost without crime, we ought to spurn the idea of making it a criterion of rights.

But the offensive part of the case is that this exclusion from the right of voting implies a stigma on the moral character of the persons excluded; and this is what no part of the community has a right to pronounce upon another part. No external circumstance can justify it: wealth is no proof of moral character; nor poverty of the want of it.

On the contrary, wealth is often the presumptive evidence of dishonesty; and poverty the negative evidence of innocence. If therefore property, whether

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little or much, be made a criterion, the means by which that property has been acquired ought to be made a criterion also.

The only ground upon which exclusion from the right of voting is consistent with justice would be to inflict it as a punishment for a certain time upon those who should propose to take away that right from others. The right of voting for representatives is the primary right by which other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to the will of another, and he that has not a vote in the election of representatives is in this case. The proposal therefore to disfranchise any class of men is as criminal as the proposal to take away property.

When we speak of right we ought always to unite with it the idea of duties; rights become duties by reciprocity. The right which I enjoy becomes my duty to guarantee it to another, and he to me; and those who violate the duty justly incur a forfeiture of the right.

In a political view of the case, the strength and permanent security of government is in proportion to the number of people interested in supporting it. The true policy therefore is to interest the whole by an equality of rights, for the danger arises from exclusions. It is possible to exclude men from the right of voting, but it is impossible to exclude them from the right of rebelling against that exclusion; and when all other rights are taken away the right of rebellion is made perfect.

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ON VOTING: BENJAMIN FRANKLIN

From *The Casket, or Flowers of Literature, Wit and Sentiment*, 1828

“Today a man owns a jackass worth fifty dollars and he is entitled to vote; but before the next election the jackass dies. The man in the mean time has become more experienced, his knowledge of the principles of government, and his acquaintance with mankind, are more extensive, and he is therefore better qualified to make a proper selection of rulers—but the jackass is dead and the man cannot vote. Now gentlemen, pray inform me, in whom is the right of suffrage? In the man or in the jackass?”

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ON VOTING: ALEXIS DE TOCQUEVILLE

From *Democracy in America*, 1835

Once a people begins to interfere with the voting qualification, one can be sure that sooner or later it will abolish it altogether. That is one of the most invariable rules of social behavior. The further the limit of voting rights is extended, the stronger is the need felt to spread them still wider, for after each new concession the forces of democracy are strengthened, and its demands increase with the augmented power. The ambition of those left below the qualifying limit increases in proportion to the number of those above it. Finally the exception becomes the rule; concessions follow one another without interruption, and there is no halting place until universal suffrage has been attained...

IN AMERICA the people appoint the legislative and the executive power and furnish the jurors who punish all infractions of the laws. The institutions are democratic, not only in their principle, but in all their consequences; and the people elect their representatives directly, and for the most part annually, in order to ensure their dependence. The people are therefore the real directing power; and although the form of government is representative, it is evident that the opinions, the prejudices, the interests, and even the passions of the people are hindered by no permanent obstacles from exercising a perpetual influence on the daily conduct of affairs. In the United States the majority governs in the name of the people, as is the case in all countries in which the people are supreme. This majority is principally composed of peaceable citizens, who, either by inclination or by interest, sincerely wish the welfare of their country. But they are surrounded by the incessant agitation of parties, who attempt to gain their cooperation and support...

In the United States, except slaves, servants, and paupers supported by the townships, there is no class of persons who do not exercise the elective franchise and who do not indirectly contribute to make the laws. Those who wish to attack the laws must consequently either change the opinion of the nation or

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trample upon its decision.

A second reason, which is still more direct and weighty, may be adduced: in the United States everyone is personally interested in enforcing the obedience of the whole community to the law; for as the minority may shortly rally the majority to its principles, it is interested in professing that respect for the decrees of the legislator which it may soon have occasion to claim for its own. However irksome an enactment may be, the citizen of the United States complies with it, not only because it is the work of the majority, but because it is his own, and he regards it as a contract to which he is himself a party.

In the United States, then, that numerous and turbulent multitude does not exist who, regarding the law as their natural enemy, look upon it with fear and distrust. It is impossible, on the contrary, not to perceive that all classes display the utmost reliance upon the legislation of their country and are attached to it by a kind of parental affection.

I am wrong, however, in saying all classes; for as in America the European scale of authority is inverted, there the wealthy are placed in a position analogous to that of the poor in the Old World, and it is the opulent classes who frequently look upon law with suspicion. I have already observed that the advantage of democracy is not, as has been sometimes asserted, that it protects the interests of all, but simply that it protects those of the majority.

In the United States, where the poor rule, the rich have always had something to fear from the abuse of their power. This natural anxiety of the rich may produce a secret dissatisfaction, but society is not disturbed by it, for the same reason that withholds the confidence of the rich from the legislative authority makes them obey its mandates: their wealth, which prevents them from making the law, prevents them from withstanding it. Among civilized nations, only those who have nothing to lose ever revolt; and if the laws of a democracy are not always worthy

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of respect, they are always respected; for those who usually infringe the laws cannot fail to obey those which they have themselves made and by which they are benefited; while the citizens who might be interested in their infraction are induced, by their character and station, to submit to the decisions of the legislature, whatever they may be. Besides, the people in America obey the law, not only because it is their own work, but because it may be changed if it is harmful; a law is observed because, first, it is a self-imposed evil, and, secondly, it is an evil of transient duration.

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ON VOTING: FREDERICK DOUGLASS

From *A Speech to the American Anti-Slavery Society*, 1865

“Slavery is not abolished until the black man has the ballot. While the Legislatures of the South retain the right to pass laws making any discrimination between black and white, slavery still lives there. . . . Now, while the black man can be denied a vote, while the Legislatures of the South can take from him the right to keep and bear arms, as they can—they would not allow a Negro to walk with a cane where I came from, they would not allow five of them to assemble together—the work of the Abolitionists is not finished. Notwithstanding the provision in the Constitution of the United States, that the right to keep and bear arms shall not be abridged, the black man has never had the right either to keep or bear arms; and the Legislatures of the States will still have the power to forbid it under this [Thirteenth] Amendment. .

. . . The American people are bound—bound by their sense of honor (I hope by their sense of honor, at least, by a just sense of honor), to extend the franchise to the Negro; and I was going to say, that the Abolitionists of the American Anti-Slavery Society were bound to “stand still, and see the salvation of God,” until that work is done.”

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ON VOTING: SUSAN B. ANTHONY

From A Speech After Being Convicted of Voting in the 1872 Presidential Election, 1873

Friends and fellow citizens: I stand before you tonight under indictment for the alleged crime of having voted at the last presidential election, without having a lawful right to vote. It shall be my work this evening to prove to you that in thus voting, I not only committed no crime, but, instead, simply exercised my citizen's rights, guaranteed to me and all United States citizens by the National Constitution, beyond the power of any state to deny.

The preamble of the Federal Constitution says:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, 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."

It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the whole people, who formed the Union. And we formed it, not to give the blessings of liberty, but to secure them; not to the half of ourselves and the half of our posterity, but to the whole people - women as well as men. And it is a downright mockery to talk to women of their enjoyment of the blessings of liberty while they are denied the use of the only means of securing them provided by this democratic-republican government - the ballot.

For any state to make sex a qualification that must ever result in the disfranchisement of one entire half of the people, is to pass a bill of attainder, or, an ex post facto law, and is therefore a violation of the supreme law of the land. By it the blessings of liberty are forever withheld from women and their female posterity.

To them this government has no just powers derived from the consent of the governed. To them this government is not a democracy. It is not a republic. It is an odious aristocracy; a hateful oligarchy of sex; the most hateful aristocracy

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ever established on the face of the globe; an oligarchy of wealth, where the rich govern the poor. An oligarchy of learning, where the educated govern the ignorant, or even an oligarchy of race, where the Saxon rules the African, might be endured; but this oligarchy of sex, which makes father, brothers, husband, sons, the oligarchs over the mother and sisters, the wife and daughters, of every household - which ordains all men sovereigns, all women subjects, carries dissension, discord, and rebellion into every home of the nation.

Webster, Worcester, and Bouvier all define a citizen to be a person in the United States, entitled to vote and hold office.

The only question left to be settled now is: Are women persons? And I hardly believe any of our opponents will have the hardihood to say they are not. Being persons, then, women are citizens; and no state has a right to make any law, or to enforce any old law, that shall abridge their privileges or immunities. Hence, every discrimination against women in the constitutions and laws of the several states is today null and void, precisely as is every one against Negroes.

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ON VOTING: MARTIN LUTHER KING, JR.

From *"Give Us the Ballot, We Will Transform the South" Speech in Washington, DC, 1957*

Three years ago the Supreme Court of this nation rendered in simple, eloquent and unequivocal language a decision which will long be stenciled on the mental sheets of succeeding generations. For all men of good will, this May 17 decision came as a joyous daybreak to end the long night of segregation. It came as a great beacon light of hope to millions of distinguished people throughout the world who had dared only to dream of freedom. It came as a legal and sociological deathblow to the old Plessy doctrine of "separate-but-equal." It came as a reaffirmation of the good old American doctrine of freedom and equality for all people.

Unfortunately, this noble and sublime decision has not gone without opposition. This opposition has often risen to ominous proportions. Many states have risen up in open defiance. The legislative halls of the South ring loud with such words as "interposition" and "nullification." Methods of defiance range from crippling economic reprisals to the tragic reign of violence and terror. All of these forces have conjoined to make for massive resistance.

But, even more, all types of conniving methods are still being used to prevent Negroes from becoming registered voters. The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic traditions and its is democracy turned upside down.

So long as I do not firmly and irrevocably possess the right to vote I do not possess myself. I cannot make up my mind — it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact — I can

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only submit to the edict of others.

So our most urgent request to the president of the United States and every member of Congress is to give us the right to vote. Give us the ballot and we will no longer have to worry the federal government about our basic rights. Give us the ballot and we will no longer plead to the federal government for passage of an anti-lynching law; we will by the power of our vote write the law on the statute books of the southern states and bring an end to the dastardly acts of the hooded perpetrators of violence. Give us the ballot and we will transform the salient misdeeds of blood-thirsty mobs into calculated good deeds of orderly citizens. Give us the ballot and we will fill our legislative halls with men of good will, and send to the sacred halls of Congressmen who will not sign a Southern Manifesto, because of their devotion to the manifesto of justice. Give us the ballot and we will place judges on the benches of the South who will "do justly and love mercy," and we will place at the head of the southern states governors who have felt not only the tang of the human, but the glow of the divine. Give us the ballot and we will quietly and nonviolently, without rancor or bitterness, implement the Supreme Court's decision of May 17, 1954.