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"VOTING RIGHTS AND RESPONSIBILITIES"

ADDRESS

BY

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A timely topic of the day is voting. My reference is not to its politically partisan aspect. But rather why this right of electoral franchise is so important a part of our national life.

At the core of freedom is the right to vote. Without it, "freedom" becomes a sterile doctrine; a discretionary hand-out to be dispensed or withheld as the few in power choose to control its existence.

This nation was founded upon the concept that governments derive their just powers from the consent of the governed. Consent, in this free nation, rests upon the ballot.

What so many of our people tend to overlook is that even in this nation the right of universal participation in the electoral system came neither quickly nor easily. The suffrage movement in the United States offers a fascinating study both in history and in political science.

In less than 200 years, we have seen this right expand from Colonial participation limited to white men of property to embrace, in an ever-widening circle, universal suffrage for all native-born white men, then the unhampered right to vote for naturalized immigrants, for emancipated slaves and Negroes generally, and, finally, for women. Each advance suffered the frustrations of resistance, delay, and abuse before gaining popular acceptance.

The history of voting in the United States in large part reflects the restless striving of each subjugated group for recognition. For many, this was a tedious struggle. For the Revolution did not, of its own force and immediate after-effect, bring about any marked change in the suffrage laws. The position of the propertied classes remained

almost as secure after independence as it had been before. Nevertheless, liberalizing forces had been set in motion and they steadily gathered momentum.

In the early 1800's, the homesteading pioneers played a significant part in battering down the decaying principle of aristocracy in American politics. With greater equality in economic life, there was little reason to discriminate in defining political rights.

In the East, the beginning of the industrial revolution, with its increase in wage earners, gave rise to a re-evaluation of citizenship rights as it concerned manhood suffrage.

Three problems soon emerged which, in turn, forced additional expansion of suffrage: the voting rights of foreign immigrants, emancipated slaves, and women.

The political importance of the immigrant dates from the middle of the nineteenth century. Between 1845 and 1855 we received a million and a quarter settlers from Ireland. In the early fifties, almost as many Germans arrived. These were tremendous increases for a country whose total population in 1840 was numbered at 17 million.

The arrivals aroused considerable hostility. The Irish-Catholics in particular, who settled largely in the industrial centers of the East, became targets for groups of agitators. The "Know-Nothing Party", of unhappy historical memory, began to exert a powerful influence during this period. They urged, for example, a period of 21 years residence before naturalization in order to exclude foreign-born citizens from office.

And beginning in 1855, the literacy test, later to be used as a disfranchisement device against the Negro, made its first appearance in Connecticut law. This early provision required that "Every person shall be able to read any article of the constitution or any section of the statutes of this state, before being admitted an elector." Since the law inadvertently failed to require that this be done in the English language, for a period of 30 years, until the omission was supplied, it was apparently possible for the foreign born to qualify in Connecticut without any knowledge of the English language!

In the West, aliens experienced opposite treatment. The frontier states needed settlers, both to aid development and to increase their congressional representation. As an inducement to the immigrant, some states granted suffrage to those who had merely declared their intention of becoming citizens. Within a period of 40 years, beginning in 1848 with Wisconsin and ending in 1889 with the two Dakotas, fifteen states gave the vote to aliens upon their taking out first papers in the process of naturalization. However, by 1917, upon our entry into the World War, eight states had withdrawn that concession. The resurgence of nativism that accompanied World War I soon led the others to follow suit.

The story of women's suffrage--the perseverance of the "weaker sex" for rightful recognition of their place in American political society, is itself an exciting and absorbing study. Beginning with the convention for equal rights at Seneca Falls, New York, in 1848, the determined fight for recognition was carried forward by such dedicated women as Elizabeth Cady Stanton, Lucretia Mott, Susan B. Anthony, Lucy Stone, and Carrie Chapman Catt. This was to be a long and difficult contest. For over

70 years, our female forebears suffered ridicule, abuse, and popular prejudice. In 1915, Congressional opposition to the women's vote was said to have included the following reasoning:

"Women must be protected against themselves. They think they want to vote. As a matter of fact they do not want to vote, and man, being aware of this fact, is obliged to prevent them from getting the ballot that they do not want."

Finally, however, in 1920 ratification of the Twentieth Amendment to the federal Constitution removed another impediment to the rights of equal citizenship.

The remaining large area of discrimination in the voting process was removed by law with the passage of the Thirteenth, Fourteenth, and particularly the Fifteenth Amendments. But during the 85 years since adoption of those Amendments a wide gulf has existed in the area of Negro suffrage between the right in theory and the right in practice. It has been a period spotted with obstacles, intimidation, and some bloodshed.

Men of high principle and honest purpose, in the South as well as the North, have worked untiringly to make the voice of reason and justice heard above the din of the demagogues and the agitators. The process has been slow and often discouraging. Only in recent times has it been given a strong thrust forward to the point where reason and understanding have largely turned back emotional resistance. The result was inevitable. It could hardly have been otherwise in any land worthy of its claim to a free nation of free people.

In order to place Negro suffrage beyond the reach of local hostility, the Fifteenth Amendment was adopted. It provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous

condition of servitude." Consequently, since its adoption in 1870, both the States and the United States have been forbidden from giving preference in the voting process to one citizen over another on account of race or color.

In the interplay of opposing forces following the Civil War, suffrage requirements were imposed which sought to disenfranchise the Negro, frequently without illegal discrimination, as such. For example, Southern state constitutions commonly employed many devices to exclude, by indirection, this class of voters. First, rigid residence requirements generally were imposed. Next, a poll tax for each year to be paid for by the prospective voter. Then, onerous registration provisions were applied.

Under these, either an educational or property test needed to be satisfied. As applied, the educational test could, and in instances was, pushed to ridiculous lengths. In one such reported test, for example, a colored applicant for registration was asked to "explain mandamus," to define "civil code," and the questions "How would you appeal a case?" and "How much revenue did the State hospital pay the State last year?"

Under the property test, ownership of a substantial area of land or property assessed at several hundred dollars or more was required. These and a variety of other qualifications, together with the discretionary power of election officials in their application, safeguarded the supposed exclusionary interests of the whites. However, through the so-called "grandfather clause," white voters were relieved from the possibility of having these provisions applied to them.

The "grandfather clause" afforded a way of making inapplicable to whites the education, literacy, and property tests and the poll tax payment. Typically, exemption was provided for any person if he or his lineal ancestor, was entitled to vote in that state on January 1, 1866, or some closely similar date, or of those who had served in the Confederate forces during the Civil War, or, as stated in one such clause, of "all persons who are of good character and who understand the duties and obligations of citizenship."

In the instance of the "grandfather clause" voting qualification, the Supreme Court, in striking down these provisions, pointed out that the selection of a time antedating the Fifteenth Amendment had no relation to qualifications bearing upon the right to vote and quite obviously was selected for discriminatory purposes.

Literacy tests as such, that is, a demonstration of ability to read and write portions of a prescribed document, have been held valid when applied without discrimination to all voters. Among other voting qualifications still retained in greater or lesser degree, and held Constitutionally permissible, are the poll tax; a requirement of property ownership; state residence requirements; and registration declaring one's intention to vote.

In the contest of Constitutional trial and error, the so-called "white primary" has contributed to the exclusionary practices directed at Negro suffrage. Even after adoption of the Fifteenth Amendment, Negroes were excluded from primary voting for many years in the South. They were left to exercise the empty gestures at the general elections either of ratifying the primary choice of the dominant party or of giving token support to such opposition candidate as might be nominated.

Statutes directly excluding the Negro from primary participation have posed no difficulty as constituting acts offensive to Constitutional guarantees. And in 1927, the Supreme Court rejected moves by several state legislatures aimed at eliminating or substantially obstructing Negro suffrage through less direct methods. Thus, the Court has struck down such devices as having the Executive Committee of a political party prescribe voting qualifications and the use of private clubs and voluntary associations as a means of imposing discriminatory rules.

These decisions have had an important effect upon Negro suffrage in the South. Eight Southern states, which formerly attempted to maintain the white primary, soon abandoned that scheme. Several other states have since followed suit.

In the years since the Reconstruction days, serious defects have become plainly apparent in the Federal laws pertaining to voting rights. Perhaps the most obvious is that voters in Federal elections are not protected from unlawful interference with their voting rights by private individuals. Existing law applies only to those who act "under color of law", which means public officials. The activities of private persons and organizations designed to disfranchise voters in federal or state elections on account of race or color are not covered by the present statute.

Recently, in order to further the objective of according the fullest possible protection to voting rights, I presented a proposal to the Congress for additional legislation. That proposal was in furtherance of President Eisenhower's State of the Union Message, wherein he said: "It is disturbing that in some localities allegations persist that Negro citizens are being deprived of their right to vote and are likewise

being subjected to unwarranted economic pressures."

The Department's proposal in the field of civil rights reflects the sincere and determined conviction of the Executive Branch that every person is entitled to be judged by what he alone is, and not by his color, race or religion.

We need to recognize that the human as well as the legal situation has changed over the years. It has become healthier and more disposed toward rightful solution of the several vexing problems resulting from our mixtures of races, cultures, and habits. The vast majority of our people have now come to wonder why it took so long for the nation as a whole to recognize simple, obvious truths. That, for example, the inalienable right of a citizen of the United States consists in important part of being permitted the free and honest choice of those who will make the laws governing his life, liberty, and happiness.

It is not surprising that we came to this view. Honor, duty, and consideration for the rights of others are deeply ingrained characteristics of Americans. When humility, insight, reason, and the will to enrich civilization are added, no problem in human relations is too complex for solution.

Apart from the legal right and duty to vote, our system of constitutional government imposes a responsibility which rests with particular force upon the shoulders of the young and vigorous leaders of the community. If President Eisenhower's proposal is adopted, the voting age in national elections will be lowered to 18.

What is that responsibility?

All of government--national, state, and local--suffers from a perennial shortage of able men and women in public affairs. Pitifully few have given of their time, energy, and ability in the interest of building and maintaining a stronger, healthier society.

Efficient, honest and progressive government is never an accident. It is the product of persons of strong character, even temperament, mature judgment, able leadership, and unselfish devotion to the great principles of right and freedom. You would not be foolish enough to entrust the affairs of your business or your professional reputation to indifferent or neglectful hands. Even the most menial worker in your business or calling is selected with care and is properly supervised. You give a full measure of energy and skill to your own enterprises. But what do you contribute to the far more important business of government? This is not only your problem. It is also your solemn responsibility.

I would not be so unrealistic as to suggest that all of you abandon your private callings for a full-time career in public service--much as good government would benefit from such a decision.

There are, however, a variety of other ways in which your influence and participation could be felt.

You will have good local government only if you make it a part of your life. You will serve your community directly, and the cause of honest local affairs generally, by becoming active in the selection and advancement of competent municipal officials; by working for the ouster or rejection of inept and corrupt office holders; by becoming a part of your school boards, your slum clearance groups, and your local committees working toward better health, the elimination of juvenile delinquency,

and in those concerns which make for better living and, consequently, a better citizenry.

At the State level, you will have leadership truly responsive to your needs only to the extent of your display of interest. Whether this consists of becoming, yourselves, candidates for State office or in sponsoring worthy candidates within your party, or in driving hard for progressive, needful legislation, the benefits will be large.

At the national level, you will guard the nation from greedy hands and destructive influences only to the extent that you devote yourself to the all-important task of keeping it under constant attention and scrutiny. Aside from making yourselves available for public office, if even for a short period, numerous opportunities arise for service. There is a continuing need for persons of ability and talent to serve on special committees. Some of these have as their object corrective Federal legislation in particular fields. Others are of a technical, consulting character. Still others look to the coordination of complementary or conflicting State-Federal regulation. All of them have in common the search for the better administration of public affairs.

A nation that can demand the lives of its people during war has a right to demand your attention to keep it free from war and in prosperous, fruitful direction. You will not build for that better tomorrow by being refugees from public responsibility.

There is an important job to be done. It needs more than noble sentiment. It needs doing. It isn't the way of people of your caliber to shift the burden to others. Your children are the future guardians of liberty. But you are the minutemen of today!

The choice between whether your representatives in office are ward heelers or statesmen rests squarely on your shoulders. The regard you have for your nation, for your State, and for your community must be measured by what you are willing to give of yourself toward their preservation. If you rise to the occasion, the rewards will be worth while. There is no greater satisfaction than service to your fellow man. That is citizenship fulfilled in the highest traditions of this great nation.