**On Behalf of the Woman Suffrage Amendment**

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FRIENDS AND FELLOW CITIZENS:- I stand before you 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 doing, I not only committed no crime, but instead simply exercised my citizen's right, guaranteed to me and all United States citizens by the National Constitution beyond the power of any State to deny.

Our democratic-republican government is based on the idea of the natural right of every individual member thereof to a voice and a vote in making and executing the laws. We assert the province of government to be to secure the people in the enjoyment of their inalienable rights. We throw to the winds the old dogma that government can give rights. No one denies that before governments were organized each individual possessed the right to protect his own life, liberty, and property. When 100 or 1,000,000 people enter into a free government, they do not barter away their natural rights; they simply pledge themselves to protect each other in the enjoyment of them through prescribed judicial and- legislative tribunals. They agree to abandon the methods of brute force in the adjustment of their differences and adopt those of civilization. Nor can you find a word in any of the grand documents left us by the fathers which assumes for government the power to create or to confer rights. The Declaration of Independence, the United States Constitution, the constitutions of the several States and the organic laws of the Territories, all alike propose to protect the people in the exercise of their God-given rights. Not one of them pretends to bestow right.

All men are created equal, and endowed by their Creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness. To secure these, governments are instituted among men, deriving their just powers from the consent of the governed.

Here is no shadow of government authority over rights, or exclusion of any class from their full and equal enjoyment. Here is pronounced the right of all men, and "consequently," as the Quaker preacher said, "of all women." to a voice in the government. And here, in this first paragraph of the Declaration, is the assertion of the natural right of all to the ballot; for how can "the consent of the governed" be given, if the right to vote be denied? Again:

Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Surely the right of the whole people to vote is here clearly implied; for however destructive to their happiness this government might become, a disfranchised class could neither alter nor abolish it, nor institute a new one, except by the old brute force method of insurrection and rebellion. One-half of the people of this nation today are utterly powerless to blot from the statute books an unjust law, or to write there a new and a just one. The women. dissatisfied as they are with this form of government, that enforces taxation with­ out representation-that compels them to obey laws to which they never have given their consent--that imprisons and hangs them without a trial by a jury of their peers-that robs them, in marriage, of the custody of their own persons, wages and children are this half of the people who are left wholly at the mercy of the other half, in direct violation of the spirit and letter of the declarations of the framers of this government, every one of which was based on the immutable principle of equal rights to all. By these declarations, kings, popes, priests, aristocrats, all were alike dethroned and placed on a common level, politically, with the lowliest born subject or serf. By them, too, men, as such, were deprived of their divine right to rule and placed on a political level with women. By the practice of these declarations all class and caste distinctions would be abolished, and slave, serf, plebeian, wife, woman, all alike rise from their subject position to the broader platform of equality. 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 tranquillity, 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.

It was we, the people, not we, the white male citizens, nor we, the male citizens; but we, the whole people, who formed this Union. 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. It is downright mockery to talk to women of their enjoyment of the blessings of liberty while they are denied the only means of securing them provided by this democratic-republican government-the ballot. The early journals of Congress show that, when the committee reported to that body the original articles of confederation, the very first one which became the subject of discussion was that respecting equality of suffrage. Article IV said:

The better to secure and perpetuate mutual friendship and intercourse between the people of the different States of this Union, the free inhabitants of each of the States (paupers, vagabonds and fugitives from justice excepted) shall be entitled to all the privileges and immunities of the free citizens of the several States.

Thus, at the very beginning, did the fathers see the necessity of the universal application of the great principle of equal rights to all, in order to produce the desired result-a harmonious union and a homogeneous people.

Luther Martin, attorney-general of Maryland, in his report to the legislature of that State of the convention which framed the United States Constitution, said:

Those who advocated the equality of suffrage took the matter up on the original principles of government: that the reason why each individual man in forming a State government should have an equal vote, is because each individual, before he enters into government, is equally free and equally independent.

James Madison said:

Under every view of the subject, it seems indispensable that the mass of the citizens should not be without a voice in making the laws which they are to obey, and in choosing the magistrates who are to administer them… Let it be remembered, finally, that it has ever been the pride and the boast of America that the rights for which she contended were the rights of human nature.

These assertions by the framers of the United States Constitution of the equal and natural right of all the people to a voice in the government, have been affirmed and reaffirmed by the leading states­ men of the nation throughout the entire history of our government. Thaddeus Stevens, of Pennsylvania, said in 1866: "I have made up my mind that the elective franchise is one of the inalienable rights meant to be secured by the Declaration of Independence." B. Gratz Brown, of Missouri, in the three days' discussion in the United States Senate \_in 1866, on Senator Cowan's motion to strike "male" from the District of Columbia suffrage bill, said:

Mr. President, I say here on the floor of the American Senate, I stand for universal suffrage; and as a matter of fundamental principle, do not recognize the right of society to limit it on any ground of race or sex. I will go farther and say that I recognize the right of franchise as being intrinsically a natural right. I do not believe that society is authorized to impose any limitations upon it that do not spring out of the necessities of the social state itself. Sir, I have been shocked, in the course of this debate, to hear senators declare this right only a conventional and political arrangement, a privilege yielded to you and me and others; not a right in any sense, only a concession! Mr. President, I do not hold my liberties by any such tenure. On the contrary. I believe that whenever you establish that doctrine, whenever you crystallize that idea in the public mind of this country, you ring the death-knell of American liberties.

Charles Sumner, in his brave protests against the Fourteenth and Fifteenth Amendments, insisted that so soon as by the Thirteenth Amendment the slaves became free men, the original powers of the United States Constitution guaranteed to them equal rights­ the right to vote and to be voted for. In closing one of his great speeches he said:

I do not hesitate to say that when the slaves of our country became "citizens" they took their place in the body politic as a component part of the "people," entitled to equal rights and under the protection of these two guardian principles: First, that all just governments stand on the consent of the governed; and second, that taxation without representation is tyranny: and these rights it is the duty of Congress to guarantee as essential to the idea of a republic.

The preamble of the constitution of the State of New York declares the same purpose. It says: 'We, the people of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this constitution." Here is not the slightest intimation either of receiving freedom from the United States Constitution, or of the State's conferring the blessings of liberty upon the people; and the same is true of every other State constitution. Each and all declare rights God-given, and that to secure the people in the enjoyment of their inalienable rights is their one and only object in ordaining and establishing government. All of the State constitutions are equally emphatic in their recognition of the ballot as the means of securing the people in the enjoyment of these rights. Article I of the New York State constitution says:

No member of this State shall be disfranchised or deprived of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

So carefully guarded is the citizen's right to vote, that the constitution makes special mention of all who may be excluded. It says: "Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, larceny or any infamous crime."

In naming the various employments which shall not affect the residence of voters, Section 3, Article II, says "that neither being kept in any almshouse, or other asylum, at public expense, nor being confined in any public prison, shall deprive a person of his residence," and hence of his vote. Thus is the right of voting most sacredly hedged about. The only seeming permission in the New York State constitution for the disfranchisement of women is in Section 1, Article II, which says: "Every male citizen of the age of twenty-one years, etc., shall be entitled to vote."

But l submit that in view of the explicit assertions of the equal right of the whole people, both in the preamble and previous article of the constitution, this omission of the adjective "female" should not be construed into a denial; but instead should be considered as of no effect. Mark the direct prohibition, ''No member of this State shall be disfranchised, unless by the law of the land, or the judgment of his peers." "The law of the land" is the United States Constitution; and there is no provision in that document which can be fairly construed into a permission to the States to deprive any class of citizens of their right to vote. Hence New York can get no power from that source to disfranchise one entire half of her members. Nor has "the judgment of their peers" been pronounced against women exercising their right to vote; no disfranchised person is allowed to be judge or juror-and none but disfranchised persons can be women's peers. Nor has the legislature passed laws excluding women as a class on account of idiocy or lunacy; nor have the courts convicted them of bribery, larceny or any infamous crime. Clearly, then, there is no constitutional ground for the exclusion of women from the ballot-box in the State of New York. No barriers whatever stand today between women and the exercise of their right to vote save those of precedent and prejudice, which refuse to expunge the word "male" from the constitution.

The clauses of the United States Constitution cited by our opponents as giving power to the States to disfranchise any classes of citizens they please, are contained in Sections 2 and 4, Article 1. The second says:

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This can not be construed into a concession to the States of the power to destroy the right to become an elector, but simply to prescribe what shall be the qualifications, such as competency of intellect, maturity of age, length of residence, that shall be deemed necessary to enable them to make an intelligent choice of candidates. If, as our opponents assert, it is the duty of the United States to protect citizens in the several States against higher or different qualifications for electors for representatives in Congress than for members of the Assembly, then it must be equally imperative for the national government to interfere with the States, and forbid them from arbitrarily cutting off the right of one-half the people to become electors altogether. Section 4 says:

The times, places and manner of holding elections for senators and representatives shall he prescribed in each State by the legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

Here is conceded to the States only the power to prescribe times, places and manner of holding the elections; and even with these Congress may interfere in all excepting the mere place of choosing senators. Thus, you see, there is not the slightest permission for the States to discriminate against the right of any class of citizens to vote. Surely, to regulate can not be to annihilate; to qualify can not be wholly to deprive. To this principle every true Democrat and Republican said amen, when applied to black men by Senator Sumner in his great speeches from 1865 to 1869 for equal rights to all; and when, in 1871, I asked that senator to declare the power of the United States Constitution to protect women in their right to vote-as he had done for black men-he handed me a copy of all his speeches during that reconstruction period, and said:

Put "sex" where I have "race" or "color," and you have here the best and strongest argument I can make for woman. There is not a doubt but women have the constitutional -right to vote, and I will never vote for a Sixteenth Amendment to guarantee it to them. I voted for both the Fourteenth and Fifteenth under protest; would never have done it but for the pressing emergency of that hour; would have insisted that the power of the original Constitution to protect all citizens in the equal enjoyment of their rights should have been vindicated through the courts. But the newly-made freedmen had neither the intelligence, wealth nor time to await that slow process. Women do possess all these in an eminent degree, and I insist that they shall appeal to the courts, and through them establish the powers of our American magna charta to protect every citizen of the republic.

But, friends, when in accordance with Senator Sumner's counsel I went to the ballot-box, last November, and exercised my citizen's right to vote, the courts did not wait for me to appeal to them-they appealed to me, and indicted me on the charge of having voted illegally. Putting sex where he did color, Senator Sumner would have said:

Qualifications can not be in their nature permanent or insurmountable. Sex can not be a qualification any more than size, race, color or previous condition of servitude. A permanent or insurmountable qualification is equivalent to a deprivation of the suffrage. In other words, it is the tyranny of taxation without representation, against which our Revolutionary mothers, as well as fathers, rebelled.

For any State to make sex a qualification, which must ever result in the disfranchisement of one entire half of the people, is to pass a bill of attainder, 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. For them. this government has no just powers derived from the consent of the governed. For them this government is not a democracy; it is not a republic. It is the most odious aristocracy 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 discord and rebel­ lion into every home of the nation. This most odious aristocracy exists, too, in the face of Section 4, Article IV, which says: "The United States shall guarantee to every State in the Union a republican form of government."

What, I ask you, is the distinctive difference between the inhabitants of a monarchical and those of a republican form of government, save that in the monarchical the people are subjects, helpless, powerless, bound to obey laws made by political superiors; while in the republican the people are citizens, individual sovereigns, all clothed with equal power to make and unmake both their laws and law-makers? The moment you deprive a person of his right to a voice in the government, you degrade him from the status of a citizen of the republic to that of a subject. It matters very little to him whether his monarch be an individual tyrant, as is the Czar of Russia, or a 15,000,000 headed monster, as here in the United States; he is a powerless subject, serf or slave; not in any sense a free and independent citizen.

It is urged that the use of the masculine pronouns he, his and him in all the constitutions and laws, is proof that only men were meant to be included in their provisions. If you insist on this version of the letter of the law, we shall insist that you be consistent and accept the other horn of the dilemma, which would compel you to exempt women from taxation for the support of the government and from penalties for the violation of laws. There is no she or her or hers in the tax laws, and this is equally true of all the criminal laws.

Take for example the civil rights law which I am charged with having violated; not only are all the pronouns in it masculine, but everybody knows that it was intended expressly to hinder the rebel men from voting. It reads, "If any person shall knowingly vote with­ out his having a lawful right." It was precisely so with all the papers served on me-the United States marshal's warrant, the bail-bond, the petition for habeas corpus, the bill of indictment-not one of them had a feminine pronoun; but to make them applicable to me, the clerk of the court prefixed an "s" to the "he" and made "her" out of "his" and " him;" and I insist if government officials may thus manipulate the pronouns to tax, fine, imprison and hang women, it is their ty to thus change them in order to protect us in our right to vote.

So long as any classes of men were denied this right, the government made a show of consistency by exempting them from taxation. When a property qualification of $250 was required of black men in New York, they were not compelled to pay taxes so long as · they were content to report themselves worth less than that sum; but the moment the black man died and his property fell to his widow or daughter, the black woman's name was put on the assessor's list and she was compelled to pay taxes on this same property. This also is true of ministers in New York. So long as the minister lives, he is exempted from taxation on $1,500·of property, but the moment the breath leaves his body, his widow's name goes on the assessor's list and she has to pay taxes on the $1,500. So much for special legislation in favor of women!

In all the penalties and burdens of government (except the military) women are reckoned as citizens, equally with men. Also, in all the privileges and immunities, save those of the jury and the ballot-box, the foundation on which rest all the others. The United States government not only taxes, fines, imprisons and hangs women, but it allows them to pre-empt lands, register ships and take out passports and naturalization papers. Not only does the law permit single women and widows the right of naturalization, but Section 2 says, "A married woman may be naturalized without the concurrence of her husband;" (I wonder the fathers were not afraid of creating discord in the families of foreigners;) and again:

When an alien, having complied with the law and declared his intention to become a citizen, dies before he is actually naturalized, his widow and children shall be considered citizens, entitled to all rights and privileges as such, on taking the required oath.

If a foreign born woman by becoming a naturalized citizen is entitled to all the rights and privileges of citizenship, do not these include the ballot which would have belonged to her husband? If this is true of a naturalized woman, is it not equally true of one who is native born?

The question of the masculine pronouns-yes, and nouns too­ was settled by the United States Supreme Court, in the case of Silver versus Ladd, December, 1868. The court said:

In construing a benevolent statute of the government, made for the benefit of its own citizens, inviting and encouraging them to settle on its distant public lands, the words "single man" and "unmarried man" may, especially if aided by the context and other pans of the statute, be taken in a generic sense. Held, accordingly, that the Fourth Section of the Act of Congress, of September 27, 1850, granting by way of donation lands in Oregon Territory to every white settler or occupant, American half-breed Indians included, embraced within the term single man an unmarried woman.

Though the words persons, people, inhabitants, electors, citizens, are all used indiscriminately in the national and State constitutions there was always a conflict of opinion, prior to the war, as to whether they were synonymous terms, but whatever room there was for doubt, under the old regime, the adoption of the Fourteenth Amendment settled that question forever in its first sentence:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside.

The second settles the equal status of all citizens:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws.

The only question left to be settled now is: Are women persons? I scarcely 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 new law, or to enforce any old law, which 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.

Is the right to vote one of the privileges or immunities of citizens? I think the disfranchised ex-rebels and ex-State prisoners all will agree that -it is not only one of them, but the one without which all the others are nothing. Seek first the kingdom of the ballot and all things else shall be added, is the political injunction

Webster, Worcester and Bouvier all define citizen to be a person, in the United States, entitled to vote and hold office. Prior to the adoption of the Thirteenth Amendment, by which slavery was forever abolished and black men transformed from property to persons, the judicial opinions of the country had always been in harmony with this definition: In order to be a citizen one must be a voter. Associate-Justice Washington, in defining the privileges and immunities of the citizen, more than fifty years ago, said: "They include all such privileges as are fundamental in their nature; and among them is the right to exercise the elective franchise, and to hold office." Even the Dred Scott decision, pronounced by the Abolitionists and Republicans: infamous because it virtually declared "black men had no rights white men were bound to respect," gave this true and logical conclusion, that to be one of the people was to be a citizen and a voter.

Chief-Justice Daniels said:

There is not, it is believed, to be found in the theories of writers on government, or in any actual experiment heretofore made, an exposition of the term citizen which has not been considered as conferring the actual possession and enjoyment of.an entire equality of privileges, civil and political.

Associate -Justice Taney said:

The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body, who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call "the sovereign people," and every citizen is one of this people, and a constituent member of this sovereignty.

Thus does Judge Taney's decision, which was so terrible a ban to the black man while he was a slave, now that he is a person and no longer property, pronounce him a citizen, possessed of entire equality of privileges, civil and political; and not only the black man , but the black woman, and all women. It was not until after the abolition of slavery, by which the negroes became free men and hence citizens, that any contrary opinion was rendered. U.S. Attorney-General Bates then said:

The Constitution uses the word "citizen" only to express the political quality, [not equality, mark.] of the individual in his relation to the nation; to declare that he is a member of the body politic, and bound to it by the reciprocal obligations of allegiance on the one side and protection on the other. The phrase, "a citizen of the United States," without addition or qualification, means neither more nor less than a member of the nation.

Then, to be a citizen of this republic is no more than to be a subject of an empire. You and I, and all true and patriotic citizens, must repudiate this base conclusion. We all know that American citizenship, without addition or qualification, means the possession of equal rights, civil and political. We all know that the crowning glory of every citizen of the United States is that he can either give or withhold his vote from every law and every legislator under the government.

Did "I am a Roman citizen" mean nothing more than that I am a '"member" of the body politic of the republic of Rome, bound to it by the reciprocal obligations of allegiance on the one side and protection on the other? When you, young man, shall travel abroad, among the monarchies of the old world, and there proudly boast yourself an "American citizen," will you thereby declare yourself neither more nor less than a "member" of the American nation? This opinion of Attorney-General Bates, that a black citizen was not a voter, given merely to suit the political exigency of the Republican party in that transition hour between emancipation and enfranchisement, was no less infamous, in spirit or purpose, than was the decision of Judge Taney, that a black man was not one of the people, rendered in the interest and at the behest of the old Democratic party in its darkest hour of subjection to the slave power. Nevertheless, all of the adverse arguments, congressional reports and judicial opinions, thus far, have been based on this purely partisan, timeserving decision of General Bates, that the normal condition of the citizen of the United States is that of disfranchisement; that only such classes of citizens as have had special legislative guarantee have a legal right to vote.

If this decision of Attorney-General Bates was infamous, as against black men, but yesterday plantation slaves, what shall we pronounce upon Judge Bingham, in the House of Representatives, and Carpenter, in the Senate of the United States, for citing it against the women of the entire nation, vast numbers of whom are the peers of those honorable gentlemen themselves in morals, intellect, culture, wealth, family, paying tax.es on large estates, and contributing equally with them and their sex, in every direction, to the growth, prosperity and wellbeing of the republic? And what shall be said of the judicial opinions of Judges Cartter, Jameson, McKay and Sharswood, all based upon this aristocratic, monarchial idea of the right of one class to govern another?

I am proud to mention the names of the two United States judges who have given opinions honorable to our republican idea, and honorable to themselves-Judge Howe, of Wyoming Territory, and Judge Underwood, of Virginia. The former gave it as his opinion a year ago, when the legislature seemed likely to revoke the law enfranchising the women of that Territory that, in case they succeeded, the women would still possess the right to vote under the Fourteenth Amendment. The latter, in noticing the recent decision of Judge Cartter, of the Supreme Court of the District of Columbia, denying to women the right to vote under the Fourteenth and Fifteenth Amendment, says:

If the people of the United States, by amendment of their Constitution, could expunge, without any explanatory or assisting legislation, an adjective of five letters from all State and local constitutions, and thereby raise millions of our most ignorant fellow-citizens to all of the rights and privileges of electors, why should not the same people, by the same amendment, expunge an adjective of four letters from the same State and local constitutions, and thereby raise other millions of more educated and better informed citizens to equal rights and privileges, without explanatory or assisting legislation ?

If the fourteenth Amendment does not secure to all citizens the right to vote, for what purpose was that grand old charter of the fathers lumbered with its unwieldy proportions? The Republican party, and Judges Howard and Bingham, who drafted the document, pretended it was to do something for black men; and if that something were not to secure them in their right to vote and hold office, what could it have been? For by the Thirteenth Amendment black men had become people, and hence were entitled to all the privileges and immunities of the government, precisely as were the women of the country and foreign men not naturalized. According to Associate-Justice Washington, they already had:

Protection of the government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject to such restraints as the government may justly prescribe for the general welfare of the whole; the right of a citizen of one State to pass through or to reside in any other State for the purpose of trade, agriculture, professional pursuit, or otherwise; to claim the benefit of the writ of habeas corpus, to institute and maintain actions of any kind in the courts of the State; to take, hold, and dispose of property, either real or personal and an exemption from higher taxes or impositions than are paid by the other citizens of the State.

Thus, you see, those newly-freed men were in possession of every possible right, privilege and immunity of the government, except that of suffrage, and hence needed no constitutional amendment for any other purpose. What right in this country has the Irishman the day after he receives his naturalization papers that he did not possess the day before, save the right to vote and hold office? The Chinamen now crowding our Pacific coast are in precisely the same position. What privilege or immunity has California or Oregon the right to deny them, save that of the ballot? Clearly, then, if the Fourteenth Amendment was not to secure to black men their right to vote it did nothing for them, since they possessed everything else before. But if it was intended to prohibit the States from denying or abridging their right to vote, then it did the same for all persons, white women included, born or naturalized in the United States; for the amendment does not say that all male persons of African descent, but that all persons are citizens.

The second section is simply a threat to punish the States by reducing their representation on the Boor of Congress, should they disfranchise any of their male citizens, and can not be construed into a sanction to disfranchise female citizens, nor does it in any wise weaken or invalidate the universal guarantee of the first section.

However much the doctors of the law may disagree as to whether people and citizens, in the original Constitution. were one and the same, or whether the privileges and immunities in the Fourteenth Amendment include the right of suffrage, the question of the citizen's right to vote is forever settled by the Fifteenth Amendment. "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." How can the State deny or abridge the right of the citizen, if the citizen does not possess it? There is no escape from the conclusion that to vote is the citizen's right, and the specifications of race, color or previous condition of servitude can in no way impair the force of that emphatic assertion that the citizen's right to vote shall not be denied or abridged.

The political strategy of the second section of the Fourteenth Amendment failing to coerce the rebel States into enfranchising their negroes, and the necessities of the Republican party demanding their votes throughout the South to ensure the re-election of Grant in 1872, that party was compelled to place this positive prohibition of the Fifteenth Amendment upon the United States and all the States thereof. ·

If once we establish the false principle that United States citizenship does not carry with it the right to vote in every State in this Union, there is no end to the petty tricks and cunning devices which will be attempted to exclude one and another class of citizens from the right of suffrage. It will not always be the men combining to disfranchise all women; native born men combining to abridge the rights of all naturalized citizens, as in Rhode Island. It will not always be the rich and educated who may combine to cut off the poor and ignorant; but we may live to see the hard-working, uncultivated day laborers, foreign and native born, learning the power of the ballot and their vast majority of numbers, combine and amend State constitutions so as to disfranchise the Vanderbilts, the Stewarts, the Conklings and the Fentons. It is a poor rule that won't work more ways than one. Establish this precedent, admit the State's right to deny suffrage, and there is no limit to the confusion, discord and disruption that may await us. There is and can be but one safe principle of government-equal rights to all. Discrimination against any class on account of color, race, nativity, sex, property, culture, can but embitter and disaffect that class, and thereby endanger the safety of the whole people. Clearly, then, the national government not only must define the rights of citizens, but must stretch out its powerful hand and protect them in every State in this Union.

If, however, you will insist that the Fifteenth Amendment’s emphatic interdiction against robbing United States citizens of their suffrage “on account of race, color or previous condition of servitude,” is a recognition of the right of either the United States or any State to deprive them of the ballot for any or all other reasons, I will prove to you that the class of citizens for whom I now plead are, by all the principles of our government and many of the laws of the States, included under the term "previous condition of servitude."

Consider first married women and their legal status. What is servitude? "The condition of a slave." What is a slave? "A person who is robbed of the proceeds of his labor; a person who is subject to the will of another." By the laws of Georgia, South Carolina and all the States of the South, the negro had no right to the custody and control of his person. He belonged to his master. If he were disobedient, the master had the right to use correction. If the negro did not like the correction and ran away, the master had the right to use coercion to bring him back. By the laws of almost every State in this Union today, North as well as South, the married woman has no right to the custody and control of her person. The wife belongs to the husband; and if she refuse obedience he may use moderate correction, and if she do not like his moderate correction and leave his "bed and board," the husband may use moderate coercion to bring her back. The little word "moderate,'' you see, is the saving clause for the wife, and would doubtless be overstepped should her offended husband administer his correction with the "cat-o'-nine -tails," or accomplish his coercion with blood-hounds.

Again the slave had no right to the earnings of his hands, they belonged to his master; no right to the custody of his children, they belonged to his master; no right to sue or be sued, or to testify in the courts. If he committed a crime, it was the master who must sue or be sued. In many of the States there has been special legislation, giving married women the right to property inherited or received by bequest, or earned by the pursuit of any avocation outside the home; also giving them the right to sue and be sued in matters pertaining to such separate property; but not a single State of this Union has ever secured the wife in the enjoyment of her right to equal ownership of the joint earnings of the marriage copartnership. And since, in the nature of things, the vast majority of married women never earn a dollar by work outside their families, or inherit a dollar from their fathers, it follows that from the day of their marriage to the day of the death of their husbands not one of them ever has a dollar, except as it shall please her husband to let her have it.

In some of the States, also, laws have been passed giving to the mother a joint right with the father in the guardianship of the children. Twenty-five years ago, when our woman's rights movement commenced, by the laws of all the States the father had the sole custody and control of the children. No matter if he were a brutal, drunken libertine, he had the legal right, without the mother's consent, to apprentice her sons to rumsellers or her daughters to brothel-keepers. He even could will away an unborn child from the mother. In most of the States this law still prevails, and the mothers are utterly powerless.

I doubt if there is, today, a State in this Union where a married woman can sue or be sued for slander of character, and until recently there was not one where she could sue or be sued for injury of person. However damaging to the wife's reputation any slander may be, she is wholly powerless to institute legal proceedings against her accuser unless her husband shall join with her; and how often have we heard of the husband conspiring with some outside barbarian to blast the good name of his wife? A married woman can not testify in courts in cases of joint interest with her husband.

A good farmer's wife in Illinois, who had all the rights she wanted, had had made for herself a full set of false teeth. The dentist pronounced them an admirable fit, and the wife declared it gave her fits to wear them. The dentist sued the husband for his bill; his counsel brought the wife as witness; the judge ruled her off the stand, saying, "A married woman can not be a witness in matters of joint interest between herself and her husband." Think of it, ye good wives, the false teeth in your mouths area joint interest with your husbands, about which you are legally incompetent to speak! If a married woman is injured by accident, in nearly all of the States it is her husband who must sue, and it is to him that the damages will be awarded. In Massachusetts a married woman was severely injured by a defective sidewalk. Her husband sued the corporation and recovered $13,000 damages, which belong to him absolutely, and whenever that unfortunate wife wishes a dollar of that money she must ask her husband for it; and if he be of a niggardly nature, she will hear him say, every time, ''What have you done with the twenty-five cents I gave you yesterday?" Isn't such a position humiliating enough to be called "servitude?" That husband sued and obtained damages for the loss of the services of his wife, precisely as he would have done had it been his ox, cow or horse; and exactly as the master, under the old regime, would have recovered for the services of his slave.

I submit the question, if the deprivation by law of the ownership of one's own person, wages, property, children, the denial of the right as an individual to sue and be sued and testify in the courts, is not a condition of servitude most bitter and absolute, even though under the sacred name of marriage? Does any lawyer doubt my statement of the legal status of married women? I will remind him of the fact that the common law of England prevails in every State but two in this Union, except where the legislature has enacted special laws annulling it. I am ashamed that not one of the States yet has blotted from its statute books the old law of marriage, which, summed up in the fewest words possible, is in effect "husband and wife are one, and that one the husband."

Thus may all married women and widows, by the laws of the several States, be technically included in the Fifteenth Amendment's specification of "condition of servitude." present or previous. The facts also prove that, by all the great fundamental principles of our free government, not only married women but the entire womanhood of the nation are in a "condition of servitude" as surely as were our Revolutionary fathers when they rebelled against King George. Women are taxed without representation, governed without their consent, tried, convicted and punished without a jury of their peers. Is all this tyranny any less humiliating and degrading to women under our democratic-republican government today than it was to men under their aristocratic, monarchial government one hundred years ago? There is not an utterance of John Adams, John Hancock or Patrick Henry, but finds a living response in the soul of every intelligent, patriotic woman of the nation. Show me a justice-loving woman property-holder, and I will show you one whose soul is fired with all the indignation of 1776 every time the tax-collector presents himself at her door. You will not find one such but feels her condition of servitude as galling as did James Otis when he said:

The very act of taxing exercised over those who are not represented appears to me to be depriving them of one of their most essential rights, and if continued seems to be in effect an entire disfranchisement of every civil right. For what one civil right is worth a rush after a man's property is subject to be taken from him at pleasure without his consent? If a man is not his own assessor in person, or by deputy, his liberty is gone, for he is wholly at the mercy of others.

What was the three-penny tax on tea or the paltry tax on paper and sugar to which our Revolutionary fathers were subjected, when compared with the taxation of the women of this republic? And again, to show that disfranchisement was precisely the slavery of which the fathers complained, allow me to cite Benjamin Franklin, who in those olden times was admitted to be good authority, not merely in domestic but also in political economy:

Every man of the commonalty, except infants, insane persons and criminals, is, of common right and the law of God, a freeman and entitled to the free enjoyment of liberty. That liberty or freedom consists in having an actual share in the appointment of those who are to frame the laws, and who are to be the guardians of every man's life, property and peace. For the all of one man is as dear to him as the all of another, and the poor man has an equal right, but more need, to have representatives in the legislature than the rich one. They who have no voice or vote in the electing of representatives do not enjoy liberty, but are absolutely enslaved to those who have votes and to their representatives; for to be enslaved is to have governors whom other men have set over us, and to be subject to laws made by the representatives of others, without having had representatives of our own to give consent in our behalf.

Suppose I read it with the feminine gender:

Women who have no voice or vote in the electing of representatives do not enjoy liberty, but are absolutely enslaved to men who have votes and to their representatives; for to be enslaved is to have governors whom men have set over us, and to be subject to the laws made by the representatives of men, without having representatives of our own to give consent in our behalf.

And yet one more authority, that of Thomas Paine, than whom not one of the Revolutionary patriots more ably vindicated the principles upon which our government is founded:

The right of voting for representatives is the primary right by which other rights are protected. To take away this right is to reduce man to a state of 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.

Is anything further needed to prove woman's condition of servitude sufficient to entitle her to the guarantees of the Fifteenth Amendment? Is there a man who will not agree with me that to talk of freedom without the ballot is mockery to the women of this republic, precisely as New England's orator, Wendell Phillips, at the close of the late war declared it to be to the newly emancipated black man? I admit that, prior to the rebellion, by common consent, the right to enslave, as well as to disfranchise both native and foreign born persons, was conceded to the States. But the one grand principle settled by the war and the reconstruction legislation, is the supremacy of the national government to protect the citizens of the United States in their right to freedom and the elective franchise, against any and every interference on the part of the several States; and again and again have the American people asserted the triumph of this principle by their overwhelming majorities for Lincoln and Grant.

The one issue of the last two presidential elections was whether the Fourteenth and Fifteenth Amendments should be considered the irrevocable will of the people; and the decision was that they should be, and that it is not only the right, but the duty of the national government to protect all United States citizens in the full enjoyment and free exercise of their privileges and immunities against the attempt of any State to deny or abridge. In this conclusion Republicans and Democrats alike agree. Senator Frelinghuysen said: "The heresy of State rights has been completely buried in these amendments, and as amended, the Constitution confers not only National but State citizenship upon all persons born or naturalized within our limits.''

The call for the National Republican Convention of 1872 said: "Equal suffrage has been engrafted on the National Constitution; the privileges and immunities of American citizenship have become a part of the organic law." The National Republican platform said: "Complete liberty and exact equality in the enjoyment of all civil, political and public rights, should be established and maintained throughout the Union by efficient and appropriate State and Federal legislation." If that means anything it is that Congress should pass a law to protect women in their equal political rights, and that the States should enact laws making it the duty of inspectors of elections to receive the votes of women on precisely the same conditions as they do those of men.

Judge Stanley Matthews, a substantial Ohio Democrat, in his preliminary speech at the Cincinnati Liberal Convention, said most emphatically: "The constitutional amendments have established the political equality of all citizens before the law."

President Grant, in his message to Congress, March 30, 1870, on the adoption of the Fifteenth Amendment, said, "A measure which makes at once four millions of people voters, is indeed measure of greater importance than any act of the kind from the foundation of the government to the present time." How could four million negroes be made voters if two million out of the four were women? The California Republican platform of 1872 said:

Among the many practical and substantial triumphs of the principles achieved by the Republican party during the past twelve years, it enumerates with pride and pleasure the prohibiting of any State from abridging the privileges of any citizen of the republic, the declaring the civil and political equality of every citizen, and the establishing all these principles in the Federal Constitution, by amendments thereto, as the permanent law.

Benjamin F. Butler, in a recent letter to me, said: "I do not believe anybody in Congress doubts that the Constitution authorizes the right of women to vote, precisely as it authorizes trial by jury and many other like rights guaranteed to citizens." It is upon this just interpretation of the United States Constitution that our National Woman Suffrage Association, which celebrates the twenty-fifth anniversary of the woman's rights movement next May in New York City, has based all its arguments and action since the passage of these amendments. We no longer petition legislature or Congress to give us the right to vote, but appeal to women everywhere to exercise their too long neglected "citizen's right." We appeal to the inspectors of election to receive the votes of all United States citizens, as it is their duty to do. We appeal to United States commissioners and marshals to arrest, as is their duty, the inspectors who reject the votes of United States citizens, and leave alone those who perform their duties and accept these votes. We ask the juries to return verdicts of "not guilty" in the cases of law- abiding United States citizens who cast their votes, and inspectors of election who receive and count them.

We ask the judges to render unprejudiced opinions of the law, and where ever there is room for doubt to give the benefit to the side of liberty and equal rights for women, remembering that, as Sumner says, ''The true rule of interpretation under our National Constitution, especially since its amendments, is that anything for human rights is constitutional, everything against human rights unconstitutional." It is on this line that we propose to fight our battle for the ballot-peaceably but nevertheless persistently­ until we achieve complete triumph and all United States citizens, men and women alike, are recognized as equals in the government.

Portions of this speech was delivered in 1873, after Anthony was arrested, tried and fined $100 for voting in the 1872 presidential election. Completed on January 23, 1880, this address, in its entirety, was delivered before the Senate Select Committee on Woman Suffrage in 1884.

Source: History’s Greatest Speeches, Dover Thrift Edition, Edited by James Daley 2013