VOTES FOR WOMEN:

WHY AND WHY NOT?

COUNTY AND MUNICIPAL SUFFRAGE FOR WOMEN CONSTITUTIONAL

TAX ON THE UNEARNED INCREMENT

THE POLL TAX IN NORTH CAROLINA

By CHIEF JUSTICE WALTER CLARK.

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RALEIGH, N. C., Feb. 22, 1919.—In reply to your request that I should give some statement of the arguments for and against suffrage, I cannot refuse to give a "reason for the faith which is in me." (I Peter iii, 15.) Still it would seem that a measure for which Woodrow Wilson has pleaded, and the passage of which through the House of Representatives he procured and has twice appealed to the Senate to enact—a cause for which Theodore Roosevelt and William J. Bryan have stood for years—should need no advocate.

It is a plank in the platforms of each of the five National parties. Not only President Wilson, but the Vice-President and all the Cabinet, two-thirds of the House of Representatives and two-thirds of the Senate (lacking only one vote) have given it their support. Upon one Democratic Senator, whoever he may be, the responsibility rests of jeopardizing the next presidential election.

Last November, Michigan, South Dakota, and Oklahoma conferred full suffrage upon their women, making fifteen States in all in which the women have equal suffrage in all matters with men. In the last ten days Indiana, Vermont, and Wisconsin have conferred presidential suffrage upon their women, making nine States, including Texas and Arkansas, where women vote in all primaries. Thus in twenty-four States—just one-half the States, and giving nearly one-half the electoral vote—the women will cast half the votes for President in November of next year.

What party can go into the National contest with that handicap against it, besides the influence and the power of women in the other twenty-four States in a majority of which the women already vote in school and municipal elections. In the next thirty days other States will be sure to be added to the number of those in which the women have presidential and municipal suffrage.

When the Democratic Convention met at St. Louis in 1916 Mr. Wilson, who is more far-sighted than some of his followers, telegraphed Senator Walsh that it was "essential to our success that we adopt a plank in the platform endorsing woman suffrage." This was read to the convention and the Democratic party pledged itself to suffrage by a vote of 7 to 1. Yet at that time there were only twelve States in which the women could vote for President. Today there are twenty-four, and more will soon be added.

Hon. W. J. Bryan, in a speech at Raleigh soon after the presidential election, stated that, knowing that the suffrage States were the pivots on which the contest between Mr. Wilson and Judge Hughes would hang, he spent his time in canvassing those States and stressing the fact that Mr. Wilson had gone to New Jersey and voted for suffrage, but Judge Hughes had not gone to New York and done the same; that Mr. Wilson had sent the telegram to St. Louis demanding that the suffrage plank should be put in the Democratic platform, and that Judge Hughes had said nothing until after the Republican convention had endorsed suffrage. He added that upon this plea Mr. Wilson had carried ten of the suffrage States, and thereby been elected. The election returns show that the ratio of increase in the Democratic votes was greater in the suffrage States than in any others, and verified Mr. Bryan's statement. By the pledge in the party platforms of both parties their good faith was pledged to suffrage, and on the Democratic side there was gratitude due for the election of Mr. Wilson. How has that good faith and that gratitude been shown?

It is proper to notice the two excuses given (for they are not reasons) for this violation of the party pledge and of the ingratitude shown by the defeat of suffrage by men who have been the recipients of the patronage obtained by Mr. Wilson's election, but who have disregarded his pleas for suffrage and his warnings of disaster which would follow bad faith in keeping the promises upon which the party had won.

The first excuse is "State's Rights!" This was effectually answered by the brilliant young Senator from South Carolina, Mr. Pollock, who, in casting his vote for suffrage in the Senate, called attention to the fact that when the Thirteen States formed the Constitution at Philadelphia there was guaranteed to the States the right to amend that Constitution upon the votes of three-fourths of the States, the sole reservation being that no State should be deprived of its equal representation in the Senate. Senator Pollock well observed that to deny this right to them was a denial of State's Rights, guaranteed by the Constitution.

Nineteen of the twenty-one Democratic Senators who voted on 10 February, 1919, against permitting the State Legislatures to express their wishes on the Suffrage Amendment, as guaranteed by the Constitution, were from the Southern States. But fifteen of these men were certainly not "State's Rights" men in the sense that they were opposed to interfering in a matter far more within the local police powers, for fifteen of these nineteen Senators voted for the Prohibition Amendment, which forced Connecticut to close her bar rooms and drive out her liquor sellers, though that State distinctly refused to ratify the Prohibition Amendment.

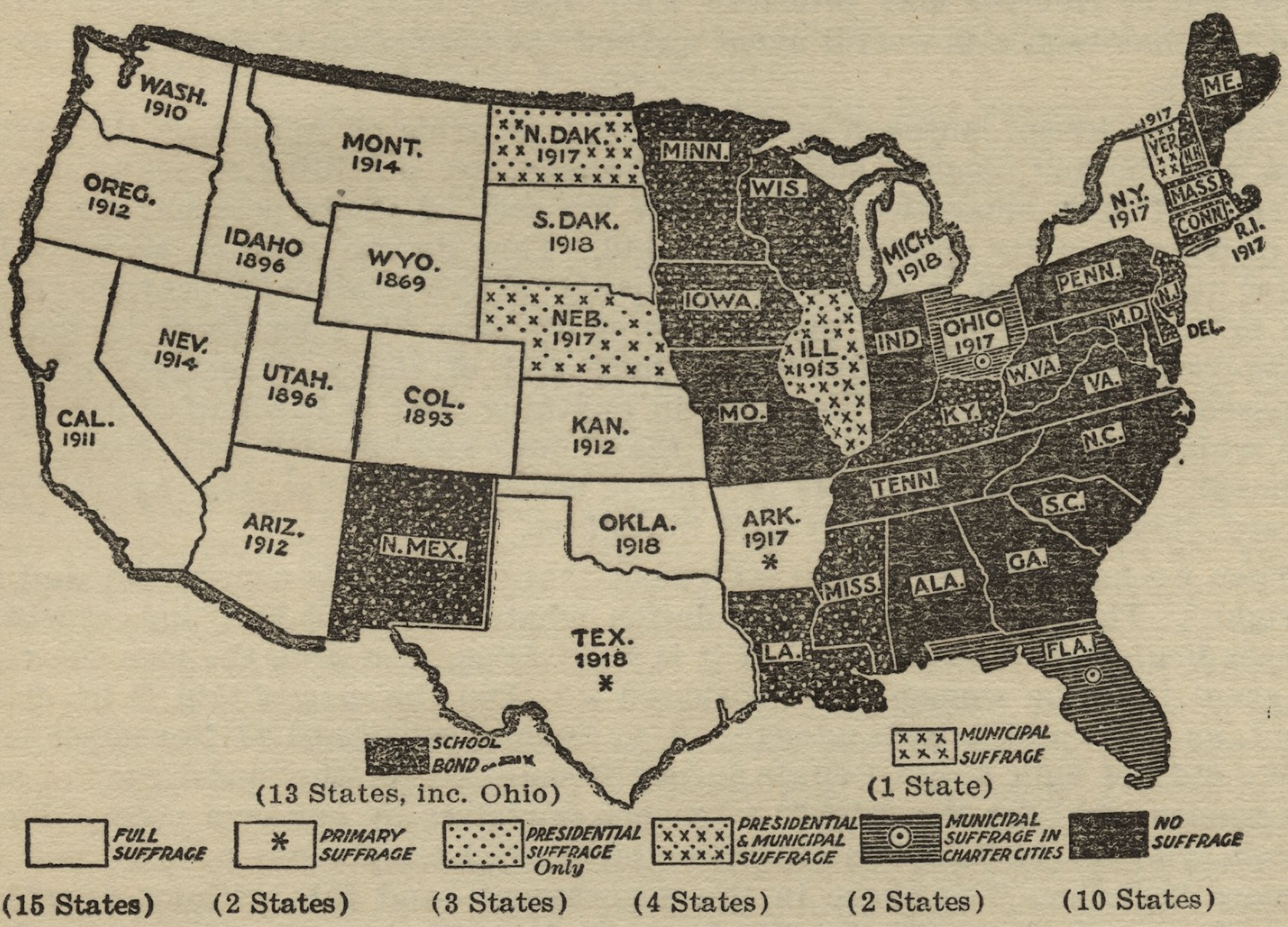
There have been eighteen amendments to United States Constitution; why not have the nineteenth? But it is alleged that there can be no Federal provision as to suffrage. Who says so? Certainly the Constitution does not. For more than fifty years every man in this or any other State who has registered or voted or held office, including the Senators themselves, have taken a solemn oath "to support and maintain" the Constitution, which contains the Fifteenth Amendment forbidding discrimination in suffrage on account of race. Why not then one forbidding discrimination on account of sex? If the Federal Government has jurisdiction to amend as to one it has as to the other.

The very Senators who refused to let the State Legislatures vote on equal suffrage are drawing half their salaries and perquisites from taxes on the property and the incomes of women. They thus denied the fundamental principle on which we fought the American Revolution—"No taxation without representation."

The second excuse given against submitting the Suffrage Amendment to the several States is the old cry always used to thwart any progressive measure in the South of "Nigger!" In no case, however, has that cry been more irrelevant and more illogical than in this. There is no connection whatever between

the two. The logic is like the statement, "The little negro boys tie the ostrich's legs to the cocoanut tree, and that accounts for the milk in the cocoanut." Indeed the "vote for women" is the only sure guarantee of white supremacy. According to the Census Bureau at Washington, there are in North Carolina at present about 70 adult white men to 30 negroes—a majority of 40. On the admission of women to the vote these figures will be doubled, of course, and there will be 140 white men and women entitled to vote as against 60 negro men and women—a white majority of 80—just double.

The Census reports as estimated for the present year show that in North Carolina there are 53,000 more white women who will be voters over and above all the negro men and women put together! Besides, whatever efficiency



Since the above cut was made two weeks ago, three States (Indiana, Wisconsin, and Vermont) have conferred presidential suffrage upon women—so fast does suffrage gain ground.

the "Grandfather Clause" has in disfranchising illiterate negro men will equally apply to illiterate negro women. The Suffrage Amendment will not empower women to vote in any State, but merely provides that there shall be no discrimination in suffrage on account of sex, and hence women will be admitted to the vote on the same terms as men, and if illiterate negro men cannot vote, neither can illiterate negro women.

Passing by the fictitious terrors of State's Rights and negro supremacy, we should mention the real causes of the opposition. These are financial, largely. The fight against suffrage for women has been financed and organized and kept on foot for years by the liquor interests. This has been shown by many legal and legislative investigations and by proofs too well known to be detailed. The brewers and distillers, the bar-room keepers and the blockaders all know that the vote of the women would be against their interests. While we have prohibition in North Carolina, there is a large element who are making profit out of its violation, and too many officials who are lax in the enforcement of the law. These know well that if the women vote the prohibition law would be made effective.

Then there are many large employers of labor who fear that if women vote there would be an end to the exploitation of child labor, and that the hours of labor and the age of employment would be strictly enforced. The labor element is also of the same opinion, for there is not a labor union in North Carolina or anywhere between the two oceans that is not solidly in favor of suffrage for the women. Both sides know their own interests.

Then in every State, in every county and in every city and town there is more or less a knot of men who are styled "The organization," "The Machine," or "The Ring." These are in most cases avaricious of power. Sometimes their operation is injurious to the public welfare, and in others they may be fairly legitimate, but in all cases they are more or less fearful that the advent of a large moral element may interfere with their control of party organization, and this has been a powerful agent against the admission of the women to the ballot box.

There are lesser causes of opposition, such as pride of opinion on the part of men who, having opposed suffrage in the past, are unwilling to see it succeed in spite of their opposition. Then there are men of shady personal character, as to whom a witty speaker recently said, "They oppose suffrage because they know that for them it would be an answer to the Psalmist's prayer: 'Teach me to know mine end, and the number of my days.'" Then there is, too, the ultra-conservatism of many elderly men and of many illiterates, who are opposed to any change of any kind in anything; but it is significant that *all* the whiskey drinkers and gamblers, the vicious and the immoral element, are opposed. And invariably this is true of every officeholder who has a rotten record, though the women pay half his salary.

Then we have the hackneyed statement that "suffrage is a privilege, and not a right." This rests upon no foundation whatever except the "imperturbable perpendicularity of assertion." If it is a privilege, who gave the men the right to grant it to the women or to withhold it? Did the men obtain it by divine right, as kings and kaisers asserted as to their crowns until 11 November last?

We did not fight Great Britain in our Revolution for the "privilege" of self-government, but for the "right" to govern ourselves by our own votes. Every person who has sufficient intelligence and good character has a right, and not a mere "privilege," to share in the government—and this without regard to sex. Those who have this intelligence and character have the right to exclude lunatics, idiots, infants and illiterates because they are not mentally competent, and to exclude convicts because they are morally defective. We excluded negroes till 1868 because they were mostly uneducated and incompetent. It was a mistake that the State and Federal Constitutions admitted them to the suffrage in 1868, for as a mass they were still unfitted for the suffrage. On that account the Grandfather Clause in 1868 excluded a large part of them—not as negroes, but as illiterates.

In a few months, probably at November election 1920, from ocean to ocean, women will be voting for everything from constable to President, and men will be ashamed of the flimsy excuses (for not a single reason has been found) they have made against it. Probably the most amusing is the statement of the solemn ass who says "My *wife* is against it," when he knows the statute would not require her to vote, but would merely permit those women to vote who wish to do so.

Upon what ground do we exclude women? Are they mentally or morally defective? Women are competent, morally and mentally, as men, and have the same right to vote and should not be excluded except in those cases in which men are excluded—*i. e.*, when they are lunatics, idiots, infants, illiterates or convicts. It would be retributive justice if those men who strive to keep their mothers, wives, daughters, and sisters in that class should themselves be added to these disfranchised classes.

This is a world-wide movement. In Australia, New Zealand, throughout Canada, in England, Ireland, Scotland and Wales, in Norway and Denmark, Iceland, and the larger part of this country, women are voters, and hardly a month passes without some additions. In the last few weeks 21,000,000 women voted in Germany and only 18,000,000 men. In Poland they also voted at the election this month on a parity with men. They have likewise been admitted in the last sixty days to suffrage in Hungary, Austria, Sweden, and in Holland. In China and in Russia they have also been admitted to the suffrage; but in the unsettled condition of those countries we do not know how far either men or women have availed themselves of their right. We know that in England, where a few years ago they were imprisoning Mrs. Pankhurst and her associates for desiring the suffrage, last December 6,000,000 women voted, and Lloyd George has stated that it was owing to their conservative vote that he defeated the radical and socialistic element in that country.

The province of woman is the home. It is for that very reason that above all she should be entitled to the vote. She has more at stake. Sanitation, morals, and education are peculiarly her care, and upon these things rest at last the welfare of every nation.

In North Carolina and throughout the South the Democratic party has owed its power largely to the moral influence and support of the women. Politicians who look solely to the machine and manipulation for success are not aware how dangerously near they are to alienating that powerful influence from all support of the Democratic party. Wisdom requires heed before it is too late. This warning is given in good faith and with a knowledge that the danger is greater, and that the disaster would be more deadly than can be conceived.

Josh Billings said that he never "argued agin a fact." When we see the steady progress this movement has made in the Nation and throughout the world; when we consider that in the Republican Congress already elected and which is to meet in a few weeks in special session, two-thirds of each House are pledged to the prompt passage of the Suffrage Amendment, and that in all human probability it will be ratified next winter even if special sessions of some Legislatures are necessary, and therefore that it is almost a certainty that the women in 1920 will not only be voting for President, as they are already entitled to do in twenty-four States, but for all purposes in all of the forty-eight States, that man is judicially blinded who does not see that continued opposition is arguing against an accomplished fact.

The movement on behalf of suffrage is like an elemental force of nature, like the power of gravity. It moves apparently slowly, but it moves irresistibly. It crushes and runs over all opposition. There is nothing that can stay its progress. There is no human power that can bid it halt and be obeyed. In the moving column of men and women who are supporting it we hear the tramp of the people—of all the peoples—on the march. No defeat has caused it to halt. Not a banner has fallen out of line; not a column has wavered. The march is resumed; the defeat of yesterday is the triumph of today. Thousands join it daily; none leave it. States and nations, month by month, swell its moving advance.

When the young Bonaparte signed his victorious treaty of peace with Austria at Leoben the Austrian commissioners thought to please him by putting in a recognition of the new French Republic. The young conqueror proudly said: "Strike that out. The Republic is like the sun. None but the blind can fail to see it."

County and Municipal Suffrage for Women Constitutional

Article VII of the State Constitution provides for "Municipal Corporations." In *Van Bokkelen v. Canaday*, 73 N. C., 198, the Supreme Court held that under that article the Legislature could not authorize any one to vote for county or city officers except those qualified to vote for State officers. This opinion was filed 27 August, 1875. The State Convention met in September of that year and promptly changed the Constitution by adding at the end of that article Section 14, which provides: "SEC. 14. *Powers of General Assembly Over Municipal Corporations.*—The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except Sections 7, 9, and 13." This was promptly ratified by the people.

The Legislature of 1876-7, ch. 141, provided that all the justices of the peace should be elected by the General Assembly, who should choose the county commissioners and abrogated all the sections of Article VII (except Sections 7, 9, and 13), which had theretofore provided that the county, township, and city officers should be chosen by voters "qualified to vote at State elections."

In *Harriss v. Wright*, 121 N. C., 172, the Court held that "Under Section 14, Article VII of the Constitution, which provides that the General Assembly shall have full power by statute to modify, or change, or abrogate Article VII (except Sections 7, 9, and 13) and substitute others, all charters, ordinances and provisions are entrusted to the discretion of the Legislature, and hence a provision for the election of half the aldermen of Wilmington by the Governor was in the scope of the powers given to the Legislature by said Section 14."

In *Harriss v. Wright* it was said: "In 1875 the Constitutional Convention amended Article VII in these words" (quoting the above Section 14), and adding, "Thus was placed at the will and discretion of the General Assembly, the political branch of the State Government, the election of county officers, the duty of county commissioners, the division of counties into districts, the corporate power of districts and townships, the election of township officers, the assessment of taxable property, the drawing of money from the county or township treasury, the entry of officers on duty, the appointment of justices of the peace, and all charters, ordinances and provisions relating to municipal corporations. Such acts are therefore valid as being within the legislative power." This language has been quoted *verbatim* and approved, *Smith v. School Trustees*, 141 N. C., at p. 158; in *Audit Co. v. McKenzie*, 147 N. C., 466; *Bank v. Commissioners*, 135 N. C., 247; *Trustees v. Webb*, 155 N. C., 387; and in numerous other cases it has been cited, giving full authority to the Legislature to control in every manner the electorate and duties and powers of city and county governments. *Gattis v. Green*, 125 N. C., 255; *Brockenbrough v. Green*, 169 N. C., 463; *Cole v. Sanders*, 174 N. C., 116.

By virtue of this Section 14 of Article VII, for a long series of years the Legislature made the magistrates, and not the people at large, electors for county commissioners, and elected the magistrates, not by the people, but by the Legislature. At first, under the Act of 1876, the magistrates in all the counties were elected by the Legislature. The Code of 1883, secs. 716, 818, and 819. This was gradually changed until under the Revisal of 1905, sec. 311, the number of counties in which the commissioners are still so elected were much reduced in number, and by Revisal, 1409, the justices of the peace were again made elective by the people, except in the ten counties therein named.

The above shows that who shall be the electors for the county and town officials is a matter which rests entirely in the discretion of the General Assembly, and women can be so empowered.

The authorities can be found fully summed up in the "Constitution Anno. by Judge H. G. Connor and J. B. Cheshire," at pages 335, 336.

Tax on the Unearned Increment

We must necessarily increase the amount to be collected by taxation. It is a most important and difficult matter to adjust the increased taxation in such manner as to make the burden bear equally and justly.

There is one subject of taxation which should not be neglected, and that is a tax upon the unearned increment. When a man buys a lot in town, or land in the country, for purposes of speculation and leaves it unimproved he does an injury to the public by preventing others who would improve the property, and thereby increase the taxes derived from it. Even when he does not do this the increased value, except from the improvements, is due to no effort of his, but is entirely and solely created by the public by reason of the increase in population and in business.

As the owner does not by any effort or act of his create this additional value, but it is created by the public alone, it is but fair that a large part of this increased value should be returned to the public by taxation. In England, when the war broke out, the law already provided that on every piece of realty the difference between the purchase price and the sale price if sold, or the assessed value if not sold, after deducting the cost of the improvements, should be styled "the unearned increment," and one-fifth thereof should be paid into the public treasury. This has since been increased, I believe, to 40 per cent. In this country, with its steady growth, this tax would produce an immense sum, thus relieving taxation on the necessaries of life and on those persons and subjects less able to bear it. This would be the most just of all taxes, for it would be returning to the public a part of the value which the public alone, without any aid from the owner, produced. Besides, as to almost every other tax, it can be and is generally "passed" on to the man below. For instance, when a tax is laid upon property it is added to the rent or to the price of goods sold or in reduction of wages. If there is a tax laid by the tariff it is always passed on, with very considerable additions, to the consumer, and so with nearly every other tax which is passed to those least able to protect themselves. The result is that taxes are like a brick wall—the higher it is made the greater the pressure on the bottom rows of bricks. But with this tax there can be no passing it on. It is paid out of the increased value which the public gave to the property and cannot possibly be transmitted as a burden to any one else.

It is believed that if this tax is fully and fairly assessed and collected that a reasonable percentage levied on the unearned increment—all of which has been created by the public—would furnish ample funds to pay all the expenses of the State, county and city governments, in view of the great increase in the value of realty all over the State. At least, it would go very far to reduce the burden of taxation upon those who are less able to pay it. It is paying the public out of what they alone have created.

This suggestion is respectfully submitted for such consideration as our lawmakers may think it is entitled.

Raleigh, Feb. 27, 1919.

The Poll Tax in North Carolina

This tax, imposed for the mere privilege of breathing the air, is a most unjust burden upon men whose chief or only capital is their labor. It has long been repealed in the advanced States where Labor is powerful enough to make its rights respected. Indeed in less than half a dozen States is any poll tax at all levied. It was never laid in England but once, and that hundreds of years ago. It caused an insurrection and was promptly repealed and never repeated.

It was not in our State Constitution of 1776. The Constitution of 1868 provides: "The poll tax shall *never* exceed $2," and that it "shall be applied to education and the poor," but these limitations have been disregarded and poll taxes as high as $7 and $8 have been levied and applied to pay bondholders and all other persons. Thus in our taxation we have "given to him who hath and taken from him who hath not, even that which he hath."

In States and countries which have a growing sense of justice, the weight of taxation on those who by their labor create the wealth of the community has been lightened and has been justly placed on the great corporations and aggregated wealth by taxes laid upon incomes and inheritances, the percentage increasing with the size of the great sums accumulated by them out of the public, upon the scriptural principle: "To whom much is given (or grabbed) much shall be required."

The demand that Labor shall be relieved of this most unjust tax is denied, like so many other just demands, by the assertion that it "will allow the nigger to vote." Just like the refusal to take woman out of the class, politically, of mentally deficient and morally defective, this statement is unfounded and based on no relevancy.

Thus women and workingmen must still wait till an aroused public opinion shall command that justice be done them.