



The Only Woman to Receive the Congressional Medal of Honor Supports Woman Suffrage

Mary E. Walker

(Broadside): Crowning Constitutional Argument

[Washington, D.C: 1898]

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CROWNING CONSTITUTIONAL ARGUMENT

BY

Mary E. Walker, M. D.

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Folio broadside. 10½" x 15". Printed in two columns. Very minor wear at a blank edge, else fine. Mary Edwards Walker was one of the most remarkable women of the 19th century. A graduate of Syracuse Medical College in 1855, she served as a surgeon for the Union Army and was the first and only women to receive the Congressional Medal of Honor. During the War she frequently crossed battle lines to treat civilians. The Confederates arrested her in 1864 as a spy and sent her to Castle Thunder in 1864; she was exchanged for a Confederate surgeon in August 1864. After the War she became a leading advocate of suffrage for women. This broadside argues that the Constitution as written prohibited the denial of the vote to women; all that was necessary was for Congress to end existing restrictions on that right. As persons entitled to all the privileges and immunities of citizenship, women may not constitutionally be barred from the franchise. "The Constitution commenced, 'We, the people!' and all through that instrument, there is not one 'we the men'." And "The fact is, we have the right of suffrage."

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CROWNING CONSTITUTIONAL ARGUMENT

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Mary E. Walker, M. D.

"I am astonished at your coming to me with such an argument! Astonished because it is true, and no jurist ever saw the Constitution of the United States in its true light before; and a woman's brain has seen it! You, Dr. Walker, have opened the door through which all women will yet walk and vote."
—Senator Sumner.

"I am surprised at your discovery of the true meaning of the Constitution of the United States, regarding women citizens!"—Chief Justice Chase.

"It is all true; but we are not going to acknowledge it. We are all in accord, that you have made the best speech on Woman Suffrage, but the other women would vote as we do not approve of their doing."
—No "Report" of Senate and House Committee.

"Yes, yes, you have got the argument that no lawyer can dispute; but we are not going to make any move for you, as the foreign women in New York City, and other large places would all vote one way."
—No "Report" of Senate and House Committee.

"All the packed audiences in Lincoln Hall are shouting for Dr. Mary, and she is giving out her Constitutional Argument, and our Amendment to the Constitution will be no where, if she is not suppressed! She set ten thousand women to voting in 1867, in England, and she will get all the women to rush to the polls, and keep attempting to vote just as she set the example in 1867, and we will be nowhere! Get a policeman to keep her from getting out of the anti-room onto the platform!"
—Women Working for the "Rights" of Women.

"I can not stop Dr. Walker. There is not a lady in Washington who is more generally respected than she is.—A Policeman.

FEBRUARY, 1898.

"The Delegates surrounded Dr. Mary Walker after the close of the last session, and she set forth that 'Argument of hers,' as she calls it." "She has paid her membership fee, and has a right to speak, and a lot of Delegates have asked that she speak to-morrow afternoon." "What shall be done?" "Only one thing to do." "Station some one at the door to say there will be no session until evening, and keep the door locked until she leaves the place."
"Don't you see she will prevent our getting any more money to carry on the 'Amendment' work?"

"She is such a forcible speaker, she will make these Delegates believe we have been on the wrong track all these years, and it is a question whether we disgrace one woman, or all of us, be made out simpletons, for going to Congress all these years and asking for an 'Amendment to the Constitution.'"

"Now our American Suffrage Association Constitution gives every body a membership with a \$1, a year payment, and we must change the Constitution so as to keep her out hereafter." "Send her dollar back to her."
—Women working for the ballot to "protect" women.

Franchise was not a creation of the United State Constitution, any more than it was a creation of the soil of the United States.

Franchise was not a provision of the Constitution, but a conceded part of it; that caused a clause being inserted, prohibiting "any State from making any laws in conflict" with the existing conditions of the franchise, as well as other measures for the protection of existing "rights, liberties, and the pursuit of happiness." It did not say man's franchise, or woman's franchise, but as both existed at the time, and as government could not exist as a Republican government, without all the people taking a part in the same, the franchise was as much a conceded part of the government, as are the hands, and feet, a part of the individual.

As well talk of adding to the effulgence of the sun, by appropriating its glorious rays, as to say, by adoption of the Constitution of the United States, with existing conditions of suffrage, for both men and women, in New Jersey and Maryland, under Colonial form of government, that we get right of suffrage through the United States Constitution.

The Constitutional clause prohibiting any State from "making any laws that would conflict with the Constitution," and declaring all such laws "null and void," was clearly to protect the power of the government—the ballot.

As a house is a protection against the possibles, as well as the probables, so is the United States Constitution, and our glorious ancestors saw such a house, a necessity at the time, and for the great future.

A constitution would not have materialized, had they not seen its importance, to shelter from all the possible, and probable, undesirables; had they not seen how important, the woman, as well as the man brain, was, to deal with all the unforeseen in a new world, and new form of government, that had failed in other parts of the world? Had they not at the writing of the glorious old Constitution, considered the woman side of the question; considered that they would not brook an insult to them, by commencing, *we* the men? Had they not seen that desperate women who had suffered with men, to gain freedom, and were already exercising their right of ballot, would permit or invite England to land on the fine New Jersey seaboard, when our nation was too weak to protect itself, by the joint energies of the people, if there was insult to the woman brain and besides, there were the husbands, sons, brothers, and lovers, to deal with, for such insult to the women; and so the Constitution commenced, "*We*, the people!" and all through that instrument, there is not one "we the men."

And the women of New Jersey continued to vote under their State constitution also, up to 1843 or 4—until long after the framers, and adopters of the Constitution, had answered that—great "roll call," that—all of us shall have the privilege of answering, it is to be hoped triumphantly. At the time the United States Constitution was finally adopted by all organized States, in 1790, the gist of the Constitution of the State of New Jersey was as follows:

"All inhabitants of full age, who are worth fifty pounds, proclamation-money, clear estate in the same, and have resided in the county in which they claim a vote for 12 months immediately preceding the election, shall be entitled to vote."

Had it not have been the intention of the framers, and adopters, that this should be a full Republic, instead of a limited one, men would have arisen, and explained women away from the polls, in the lifetime of the framers, and adopters. As women were citizens, and voters, at the time of the adoption of the Constitution of the United States, citizenship and franchise were parts of each other: to be a voter, there must be citizenship: to be a citizen carried with it right of franchise. To protect the ballot, was to protect the voter, to protect the voter was to protect the vote.

To protect the citizen, and not to abridge rights, was the Constitution's mission, and while each State shall decide in the Legislature, the place, time, and manner of holding elections, the Constitution is free from a charge of attempting to interfere with the franchise of women, and that all citizens should enjoy all the rights of "Life, liberty and the pursuit of happiness," the Constitution guarantees.

If a man marries a woman who is a foreigner, she becomes a United States citizen. If a man who is a foreigner commences to obtain naturalization papers, and passes away before they are completed, "his widow and children shall be considered as citizens of the United States, and entitled to all rights, and privileges, as such, on taking the necessary oath."

In 1855 it became a law that "a woman could become a citizen by taking out naturalization papers."

This being "entitled to all the rights and privileges," is clearly a right for the widow, and her daughters, as well as her sons to exercise the franchise; and any State having a law to exclude women, can not enforce it, because the Constitution says such a law is "null and void." Girls belonging to such widows, as well as boys, are entitled to the ballot, when 21 years old, and nothing can be more explicit in law to execute the Constitution of the United States, no matter what State laws are, or how they are interpreted.

Such boys are now voting, and we demand that such girls who are over 21 years of age, be not debarred of their clearly guaranteed rights, since if the sons are legal voters, the mother and daughters are also.

"All rights and privileges" do not mean anything more to the sons than to the others included in the provisions of the Act.

If native women are not citizens, why was there a special Act making foreign women citizens?

Why so explicit the law to give a naturalized woman "All the rights and privileges," if by law the native women are not entitled to the same?

It would make the native born woman wish to be born again, and that outside of the United States.

But the fact is, we have the right of suffrage, and all we need is to persistently go to the polls, in force, and with the intelligent men, declare if opposition is made to our voting for candidates of our choice, we will vote for those who will stand by us in the exercise of our rights at the polls, and so gather men relatives and friends around us, who will not vote for an opposer of the immediate exercise of such rights to the ballot, and the cause will not be long in winning. Let there be concerted action at the fall election. "Whoever would be free, themselves must strike the blow."

There must be the strength of unity to accomplish immediate results.

Think of Sweden, a monarchy, according the ballot to women as long ago as 1862, when we were in the midst of a civil war, with women doing all in their power to save us as an unbroken Republic.

Our spread eagle glory sinks when we remember that women are still deprived of rights accorded in a Monarchical government, save in the States of Wyoming, Utah, Colorado, Idaho and South Dakota. All of which are enjoy equal suffrage, under the Crowning Constitutional Argument.

No State can exercise any rights not allowed by the nation's Constitution, and the fact of these states enjoying woman suffrage, is proof of the intention of the Constitution of the United States in its guarantee regarding "a Republican form of government."

In no other States is there ought save a limited Republican form, since the half of the people are not enjoying the rights of citizenship, save to a limited extent.

The Supreme Court of the United States has said that "women have always been citizens, and entitled to all the privileges, and immunities of citizenship," and that "the State of which she is a citizen, is prohibited from abridging any of her privileges or amenities of citizenship." (Miner versus Hopperset).

The colored women have suffrage through the "Amendment" that give the same to "all persons," etc., and the naturalized women, and their daughters, as well as their sons have "all rights and immunities," that make children voters, if the father passes away "before his papers of naturalization are completed," are living in the various States, and Government is obliged to protect them in such suffrage.

And now, my sisters, lose no time in your exercise of the "rights, privileges, and amenities" guaranteed to you, since the protection of such rights are guaranteed you as well.

Men vote under the same laws that include women, and the Act of 1855 to execute the Constitution of the United States, obligate you to strike the blow with those of us who are native born.

Women of all nationalities, join with us, with your men relations, to make this a true Republic in reality, as well as in name. Lose no time, but go to the polls this fall with a ballot in your hand, and all the men will soon say, Amen.

Please remit to the author, at 208 Indiana Avenue, Washington, D. C., 8 cents to pay for printing.