

## Unit III, District Question #2- June 2014

*How and why has suffrage been expanded in the United States?*

- *Why has the expansion of suffrage been controversial?*
- *How have advocates of expanded suffrage used their rights under the First Amendment to achieve their goals?*

**P1.** Nowhere in our Constitution does one find an explicit declaration of the right to vote. The Constitution left that right up to the states. The early states usually limited voting to white male property owners who were citizens of a certain age and sometimes of a specific religious faith. For example, in 1875 in *Minor v. Happersett*, the Supreme Court rejected the claim by a Missouri woman that as a citizen the Constitution gave her a right to vote. The Court indicated that citizenship did not necessarily include the right to vote, because states could make that determination.

**P2.** In the years following the Civil War, a series of amendments were adopted that addressed the right to vote. The 15th prohibited states from denying the right on account of “race, color, or previous condition of servitude.” The 17th permitted the direct election of Senators. The 19th enfranchised women, and the 24th banned poll taxes. The 23rd extended voting rights to residents in the District of Columbia for presidential elections in 1961. Finally, in 1971, the 26th Amendment directed states to allow qualified citizens who were 18 or older to vote. Moreover, the Equal Protection and Due Process Clauses of the 14th Amendment came to be interpreted as preventing states from enacting suffrage laws that conflicted with fundamental principles of fairness, liberty and self-government.

**P3.** But none of these amendments granted a clear right to vote. It wasn’t until the 1960s that the Supreme Court established the right. In 1962 in *Baker v. Carr* and in 1964 in *Reynolds v. Sims*, the Court held that courts could hear disputes involving reapportionment and redistricting when it declared the principle of “one person, one vote.” The Court ruled in a later case, *Oregon v. Mitchell*, that the right to vote in **federal** elections was located in Article I, Section 2 of the Constitution’s description of the House of Representatives as “chosen by the people.”

**P4.** The expansion of suffrage has been controversial, because, for one reason, having more voters with their potential challengers’ power bases may weaken incumbent politicians. Some also question the “costs” of the universal franchise in terms of quality of government and its impact on public policy. Other critics argued in 1821 against eliminating the property qualification for voting as Chancellor Kent of New York did: “The tendency of universal suffrage is to jeopardize the rights of property, and the principles of liberty.” This pattern of thought can be traced back to the Framers of the Constitution. Alexander Hamilton, for example, feared “the amazing violence and turbulence of the democratic spirit.” He hoped for an orderly

America led by able men of property.

**P5.** Recently, several issues related to voting have been part of the public debate. For example, in June the Supreme Court struck down key parts of the Voting Rights Act of 1965 - specifically Section 5 - as no longer being valid, and is asking Congress to revise the law. The Court also struck down an Arizona law that required individuals to prove their citizenship status when they registered to vote. Michigan requires voters to ‘affirm’ their citizenship status, but not necessarily provide proof. While the future of the Michigan law may be uncertain, Michigan Congresswoman Candice Miller defended the law stating the “paralyzing effects (of) federal intervention” preventing states from “maintaining public confidence in the accuracy of...election results.” Opponents of voter id laws argue that the laws suppress voter turnout and place a burden on some to vote.

**P6.** There is also discussion in some areas of the US in extending suffrage to non-citizens as well. In May, New York City lawmakers began debate over a measure which would allow non-citizens the right to vote in municipal elections who meet a residency requirement.

**P7.** But despite the arguments against universal suffrage, its advocates have used their rights under the First Amendment to achieve their goals. For example, in the summer of 1848, some 250 women and their male allies gathered at Seneca Falls, New York to write the Declaration of Rights and Sentiments. Then women across the nation acted. Through petitions, demonstrations, parades, pamphleting and picketing, they focused publicly on their cause and compelled President Woodrow Wilson to support a women’s suffrage amendment.

**P8.** Today, people can join political action groups, such as the ACLU, and associate with others to further protect voting rights in the US. These groups can use their right to petition government and initiate legal action to block laws that interfere with voting, such as the challenging Florida’s laws on voter registration and voter purges.

**P9.** In conclusion, today almost all Americans can vote. The exceptions are most resident aliens, and in some states, ex-felons. As was pointed out by the decision in 1974 in *Richardson v. Ramirez*, many states deny ex-felons the right to vote, often for life, thereby affecting their rights to participate in elections and the political process. Will this group, too, be able to use the First Amendment to achieve the right to vote?

**P10.** Thank you for your time. We are now eager to respond to your questions.

---

**P1**

- Assess the right to vote from the beginning of the United States. Notice how not even all white men were given that right. How was the right to Suffrage given to all white men?
- Look at different State's early laws and constitutions about their different laws for suffrage. Compare and contrast the early states. What do you notice about the similarities and differences between states' voting rights?
- How was religion and property ownership associated with the right to vote early on?
  - **COURT CASE: Minor v. Happersett (1875)**
  - What was the impact or lack thereof of this case? What was the ruling and what changed in the fight to suffrage following this? Notice the time of which this case occurred. Using your knowledge of history, did this help or hinder the women's fight for suffrage?

## P2

- The right to vote is not discussed in the original Constitution. Examine its amendments to show a change and continuity over time with suffrage. Find any amendment having to do with voting. What do you notice about the wording of each amendment and the time of which they were ratified?
- What was the 14th Amendment's impact on the expansion of voting rights?
- Create an outline of all the voting amendments in order and show the changes from women's rights to African-American rights.

## P3

- **COURT CASES: Baker v. Carr (1962) and Reynolds v. Sims (1964)**
- What was the impact of these cases? Both are relatively similar. Compare and contrast the rulings and arguments for the cases.
- The term "Gerrymandering" should come up at some point during your research of these cases. What is gerrymandering and where/how did it originate?

## P4

- What about suffrage over the years has been controversial? Explain using the original as well as the modern criteria required for voting.
- Read up online on the 1821 New York Constitutional Convention and Chancellor James Kent's arguments for property qualification for voting. How does his view on universal suffrage differ from the majority view on voting today?
- Read: **James Madison's Federalist 52**
  - What was Madison's view on voting? Remember, he was concerned with representation of the people in the House of Representatives, so answer with that context in mind.
- Read: **James Madison's Federalist 62**
  - What was Madison trying to argue with this essay?

## P5

- Current events? Supreme Court overturning the Voting Rights Act of 1965 - which court case was this?

- Examine the case. What was the constitutional argument against the VRA of 1965?
- Arizona law requires people to prove citizenship status when registering to vote. Why did the Supreme Court turn this down? What was the court case that examines this problem?
- What is your position on the debate of voter ID laws? Are you for the requirement of showing valid ID before registering to vote? Why or why not?

**P6**

- Take another look at the text of the First Amendment.
- There are two kinds of rights. There's negative rights, or rights against Congressional infringement, and positive rights (rights that the government gives to the people). Why, in your opinion, was the First Amendment written as a negative right? Use specific examples from the text.
- 1848: **SENECA FALLS, NEW YORK.**
- <http://ecssba.rutgers.edu/docs/seneca.html> read the text of the Declaration of Rights and Sentiments. Do you notice any similarities between this document and the Declaration of Independence? List specific observations.

**P7**

- **COURT CASE: RICHARDSON v. RAMIREZ (1974)**
  - What were the details of the case?
  - What was the constitutional argument?
  - Do you think felons should be allowed to vote? Why or why not?