

AMERICAN CONSTITUTIONALISM  
VOLUME II: RIGHTS AND LIBERTIES  
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Supplementary Material

Chapter 6: The Civil War and Reconstruction—Equality/Gender

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**Senate Debate over Women's Suffrage (1866) (expanded)<sup>1</sup>**

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*Senator Edgar Cowan of Pennsylvania sparked a vigorous legislative debate over women's rights when he proposed that a bill granting men of color the right to vote in the District of Columbia should also grant women the ballot. Cowan was one of the most conservative Republicans in the Senate. He hoped his amendment might divide moderate and radical Republicans in ways that prevented any change in voting laws. Some Republicans took Cowan's bait, insisting that women had the same right to vote as persons of color. Other Republicans, after announcing they agreed with the principle of female suffrage, insisted that this was not the proper occasion for granting women the ballot. Still other Republicans insisted that the reasons for granting persons of color the ballot did not justify granting women the ballot. After three days of debate, Senator Cowan's amendment was voted down by a 37–9 vote.*

*Consider both the general principles and strategies adopted in the discussion of Senator Cowan's proposed amendment. What reasons did pro-suffrage Republicans give for granting women the right to vote? To what extent did they claim the same principle justified granting the ballot to persons of color and granting the ballot to women? On what grounds did other Republicans claim differences existed between men of color and women that justified giving the ballot only to the former?*

*One hundred years later, white supremacists repeated the Cowan gambit. During the debates over the Civil Rights Act of 1964, opponents of African-American rights supported a statutory amendment forbidding gender as well as race discrimination. They miscalculated. Racial liberals during the Great Society had the votes necessary to accept the clause prohibiting gender discrimination and the votes necessary to pass a bill outlawing both racial and gender discrimination. Pro-suffrage advocates were not as fortunate in 1866. Most Republicans, even those who supported women's rights, refused to support the statutory amendment enfranchising women. Might women have been granted the right to vote if proponents of woman's suffrage held firm? What would you have done if you were a senator in 1866?*

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SENATOR EDGAR COWAN (Republican, Pennsylvania)

I move to amend the amendment . . . by striking out the word "male" before the word "person."

Mr. President, it is very well known that I have always heretofore been opposed to any change of the kind contemplated by this bill.

. . . I should like to hear even the most astute and learned Senator upon this floor give any better reason for the exclusion of females from the right of suffrage than there is for the exclusion of negroes. . . .

Now, for my part, I very much prefer, if the franchise is to be widened, if more people are to be admitted to the exercise of it, to allow females to participate than I would negroes; but certainly I shall never give my consent to the disfranchisement of females who live in society, who pay taxes, who are governed by the laws, and who have a right, I think, even in that respect, at times to throw their weight in the balance for the purpose of correcting the corruptions and the viciousness to which the male portions of the family tend. I think they have a right to throw their influence into the scale; and I should like to hear any reason to be offered why this should not be so.

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<sup>1</sup> *Congressional Globe*, 39th Cong., 2nd Sess. (1866), 46–47, 55–66, 77–84, 107.

Taxation and representation ought to go hand in hand. That we have heard here until all ears have been wearied with it. If taxation and representation are to go hand in hand, why should they not go hand in hand with regard to the female as well as the male? Is there any reason why Mrs. Smith should be governed by a goatherd of a mayor any more than John Smith, if he could correct it? He is paid by taxes levied and assessed on her property just in the same way as he is paid out of taxes levied on the property of John. If she commits an offense she is subjected to be tried, convicted, and punished by the other sex alone; and she has no protection whatever in any way either as to her property, her person, or to her liberty very often.

There is another thing, too. A great many reflections have been made upon the white race keeping the black in slavery. I should like to know whether we have not partially kept the female sex in a condition of slavery, particularly that part of them who labor for a living? I do not know of any reason in the world why a woman should be confined to two dollars a week when a man gets two dollars a day and does not do any more work than she does, and does not do that which he does quite so well at all times.

Mr. President, if we are to adventure ourselves upon this wide sea of universal suffrage, I object to manhood suffrage. I do not know anything specially about manhood which dedicates it to this purpose more than exists about womanhood. Womanhood to me is rather the more exalted of the two. It is purer; it is higher; it is holier; and it is not purchasable at the same price that the other is, in my judgment. If you want to widen the franchise so as to purify your ballot-box, throw the virtue of the country into it; throw the temperance of the country into it; throw the angel element, if I may so express myself, into it. Let there be as little diabolism as possible, but as much of the divinity as you can get.

...

SENATOR HENRY B. ANTHONY (Republican, Rhode Island)

...

I do not contend for female suffrage on the ground that it is a natural right, because I believe that suffrage is a right derived from society, and that society is competent to impose upon the exercise of that right whatever conditions it chooses. . . .

The true basis of suffrage of course is intelligence and virtue; but as we cannot define those, as we cannot draw the line that shall mark the amount of intelligence and virtue that any individual possesses, we come as near as we can to it by imperfect conditions. It certainly will not be contended that the feminine part of mankind are so much below the masculine in point of intelligence as to disqualify them from exercising the right of suffrage on that account. If it be asserted and conceded that the feminine intellect is less vigorous, it must also be allowed that it is more acute; if it is not so strong to strike, it is quicker to perceive. But at all events it will not be contended that there is such a difference in the intellectual capacity of the sexes as that that alone should be a disqualification from the exercise of the right of suffrage. Still less will it be contended that the female part of creation is less virtuous than the masculine. On the contrary, it will be conceded by every one that morality and good order, religion, charity, and all good works appertain rather more to the feminine than to the masculine race.

The argument that women do not want to vote is no argument at all, because if the right to vote is conferred upon them they can exercise it or not as they choose. It is not a compulsory exercise of power on their part. . . .

. . . Nor is it a fair statement of the case to say that the man represents the woman in the exercise of suffrage, because it is an assumption on the part of the man; it is an involuntary representation so far as the woman is concerned. Representation implies a certain delegated power and a certain responsibility on the part of the representative toward the party represented. A representation to which the represented party does not assent is no representation at all, but is adding insult to injury. When the American Colonies complained that they ought not to be taxed unless they were represented in Parliament, it would have been rather a singular answer to tell them that they were represented by Lord North. . . .

Nor have we any more right to assume that the women are satisfied with the representation of the men. Where has been the assembly at which this right of representation was conferred? Where was

the compact made? What were the conditions? It is wholly an assumption. . . . A woman pays a large tax and the man who drives her coach, the man who waits upon her table, goes to the polls and decides how much of her property shall go to support the public expenses, and what shall be done with it. She has not voice in the matter whatever; she is taxed without representation.

The exercise of political power by women is by no means an experiment. There is hardly a country in Europe . . . that has not at some time of its history been governed by a woman, and many of them very well governed, too. . . .

I know very well this discussion is idle and of no effect, and I am not going to pursue it. I should not have introduced this question, but as it has been introduced, and I intend to vote for the amendment, I desire to declare here that I shall vote for it in all seriousness because I think it is right. The discussion of this subject is not confined to visionary enthusiasts. It is now attracting the attention of some of the best thinkers in the world, both in this country and in Europe, and one of the very best of them, John Stuart Mill . . . has declared his conviction of the right and justice of female suffrage. The time has not yet come for it, but the time is coming. It is coming with the progress of civilization and the general amelioration of the race, and the triumph of truth and justice and equal rights.

SENATOR GEORGE WILLIAMS (Republican, Oregon)

Mr. President to extend the right of suffrage to the negroes in the country I think is necessary for their protection; but to extend the right of suffrage to women, in my judgment, is not necessary for their protection. . . . Women have not been enslaved. Intelligence has not been denied to them; they have not been degraded; there is no prejudice against them on account of their sex; but, on the contrary, if they deserve to be, they are respected, honored, and loved. . . . Exceptions I know there are to all rules; but, as a general proposition, it is true that the sons defend and protect the reputation and rights of their mothers; husbands defend and protect the reputation and rights of their wives; brothers defend and protect the reputations and rights of their sisters; and to honor, cherish, and love the women of this country is the pride and glory of its sons.

When women ask Congress to extend to them the right of suffrage it will be proper to consider their claims. Not one in a thousand at this time wants any such thing, and would not exercise the power if it was granted to them. Some few who are seeking notoriety make a feeble clamor for the right of suffrage, but they do not represent the sex to which they belong, or I am mistaken as to the modesty and delicacy which constitute the chief attraction of the sex. Do our intelligent and refined women desire to plunge into the vortex of political excitement and agitation? Would that policy in any way conduce to their peace and happiness? . . . Women in this country by their elevated social position can exercise more influence upon public affairs than they could coerce by the use of the ballot. When God married our first parents in the garden accord to that ordinance they were made "bone of one bone and flesh of one flesh;" and the whole theory of government and society proceeds upon the assumption that their interests are one, that their relations are so intimate and tender that whatever is for the benefit of the one is for the benefit of the other; whatever works to the injury of the one works to the injury of the other. I say, sir, that the more identical and inseparable these interests and relations can be made, the better for all concerned and the woman who undertakes to put her sex in an adversarial position to man, who undertakes by the use of some independent political power to contend and fight against man, displays a spirit which would, if able, convert all the now harmonious elements of society into a state of war and make every home a hell on earth.

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SENATOR BENJAMIN WADE (Republican, Ohio)

. . . I have always been of the opinion that in a republican Government the right of voting ought to be limited only by the years of discretion. . . .

. . .

. . . I think it will puzzle any gentleman to draw a line of demarcation between the right of the male and the female on this subject. Both are liable to all the laws you pass; their property, their persons, and their lives are affected by the laws. Why, then, should not the females have a right to participate in their construction as well as the male part of the community? There is no argument that I can conceive of or that I have yet heard that makes any discrimination between the two on the question of right.

Why should there be any restriction? Is it because gentleman apprehend that the female portion of the community are not as virtuous, that they are not as well calculated to consider what laws and principles of the government will conduce to their welfare as men are? The great mass of our educated females understand all these great concerns of Government infinitely better than that great mass of ignorant population from other countries which you admit to the polls without hesitation.

But, sir, the right of suffrage in my judgment has bearings altogether beyond any rights of persons or property that are to be vindicated by it. I lay it down that in any free community, if any particular class of that community are excluded from this right they cannot maintain their dignity. . . . My judgment is that if this right was accorded to females you would find that they would be elevated in their minds and in their intellects. The best discipline you can offer them would be to permit and to require them to participate in these great concerns of Government, so that their rights and the rights of their children should depend in a manner upon the way in which they understand these great things.

What would be the effect upon their minds? Would it not be, I ask you, sir, to lead them from that miserable amusement of reading frivolous books and novels and romances that consume two thirds of their time now, from which they learn nothing, and draw their attention to matters of more moment, more substance, better calculated to well-discipline the mind?<sup>2</sup> . . .

. . . I think I know that the time will come. Not to-day, but the time is approaching – when every female in the country will be responsible for the just government of our country as much as the male; her right to participate in the Government will be just as unquestioned as that of the male. . . .

I do not believe that it will have any unfavorable effect upon the female character if woman are permitted to come up to the polls and vote. I believe it would exercise a most humane and civilizing influence upon the roughness and rudeness with which men meet on those occasions if the polished ladies of the land would come up to the ballot-box clothed with these rights and participate in the exercise of the franchise. It has not been found that association with ladies is apt to make men rude and uncivilized and I do not think the reflex of it presents that lady-like character which we all prize so highly. I do not think it has that effect. On the other hand, in my judgment, if it was popular to-day for ladies to go to the polls, no man would regret their presence there, and the districts where their ballots were given would be harmonized, civilized, and rendered more gentlemanly, if I may say so, on the one side and on the other, and it would prevent the rude collisions that are apt to occur at these places, while it would reflect back no uncivilizing or unladylike influence upon the female part of the community. That is the way I judge it. Of course, as it has never been tried in this country, it is more or less of an experiment; but here in this District is the very place to try your experiment.

I know that the same things were said about the abolition of slavery. I was here. . . . I agree, however, that there is not the same pressing necessity for allowing females as there is for allowing the colored people to vote; because the ladies of the land are not under the ban of a hostile race grinding them to powder. They are in high fellowship with those that do govern, who, to a great extent, act as their agents, their friends, promoting their interests in every vote they give, and therefore communities get along very well without conferring this right upon the female. But when you speak of it as a right and as a great educational power in the hands of females, and I am called on to vote on the subject, I will vote that which I think under all circumstances is right, just, and proper. I shrink not from the question because I am told by gentlemen that it is unpopular. The question with me is, is it right? Show me that it is wrong, and then I will withhold my vote; but I have heard no argument that convinces me that the thing is not right.

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<sup>2</sup> The sports pages come to mind.



. . . It seems to me there is a wrong done to those who are shut out from any participation in the Government, and that it is a violation of their rights; and what odds does it make whether you call it a natural or conventional or artificial right? I contend that when you set up a Government you shall call every man who has arrived at the years of discretion who has committed no crime, into your community and ask him to participate in setting up that Government; and if you shut him out without any reason, you do him a wrong, one of the greatest wrongs that you can inflict upon a man. . . .

SENATOR RICHARD YATES (Republican, Illinois)

. . .  
. . . I confess that I am for universal suffrage, and when the time comes I am for suffrage by females as well as males; but that is not the point before us. . . . Sir, I shall most cheerfully and with perfect consistency vote "no" against this amendment, viewing it as a mere attempt on the part of the honorable Senator from Pennsylvania to embarrass this question.

SENATOR HENRY WILSON (Republican, Massachusetts)

. . .  
. . . [W]hile I will vote now or at any time for woman suffrage . . . as a distinct separate measure, I am unalterably opposed to connecting that question with the pending question of negro suffrage. The question of negro suffrage is now an imperative necessity; a necessity that the negro should possess it for his own protection; a necessity that he should possess it that the nation may preserve its power, its strength, and its utility. . . .

. . .  
. . . This bill, embodying pure manhood suffrage, is destined to become the law in spite of all opposition and all lamentations. I am opposed, therefore, to associating with this achieved measure the question of suffrage for women.

. . .  
. . . I am for securing the needed suffrage for the colored race. I am for enfranchising the black man, and then if this other question shall come up in due time and I have a vote to give I shall be ready to give my vote for it. But to vote for it now is to couple it with the great measure now pressing upon us, to weaken that measure and to endanger its immediate triumph, and therefore I shall vote against the amendment proposed by the Senator from Pennsylvania, made, it is too apparent, not for the enfranchisement of woman, but against the enfranchisement of the black man.

SENATOR REVERDY JOHNSON (Democrat, Maryland)

. . .  
Ladies have duties peculiar to themselves which cannot be discharged by anybody else; the nurture and education of the children; the demands upon them consequent upon the preservation of their household; and they are supposed to be more or less in their proper vocation when they are attending to those particular duties. But independent of that, I think that if it was submitted to the ladies—I mean the ladies in the true acceptation of the term—of the United States, the privilege would not only not be asked for, but would be rejected. I do not think the ladies of the United States would agree to enter into a canvass and to undergo what is often the degradation of seeking to vote, particularly in the cities, getting up to the polls, crowded out and crowded in. I rather think they would feel it, instead of a privilege, a dishonor.

There is another reason why the right should not be extended to them, unless it is the purpose of the honorable member and of the Senate to go a step further. The reason why the males are acceded the privilege, and why it was almost universal in the United States with reference to those of a certain age, is that they may be called upon to defend the country in time of war or in time of insurrection. I do not

suppose it is pretended that the ladies should be included in the militia organization or be compelled to take up arms to defend the country. That must be done by the male sex, I hope.

...

The honorable member from Ohio seems to suppose that the right should be given as a means, if I understand him, of protecting themselves and as a means of elevating them intellectually. I had supposed the theory was that the woman was protected by the man. If she is insulted she is not expected to knock the man who insults her down, or, during the days of the duello to send him a challenge. She goes to her male friend, her husband or brother or acquaintance. Nature has not made her for the rough and tumble, so to speak, of life. She is intended to be delicate. She is intended to soften the asperities and roughness of the male sex. She is intended to comfort him in the days of his trial, not to participate herself actively in the contest either in the forum, in the council chamber, or on the battlefield. As to her not being protected, what lady has ever said that her rights were not protected because she had not the right of suffrage? There are women, respectable I have no doubt in point of character, moral and virtuous women no doubt, but they are called, and properly called, the "strong-minded:" they are in the public estimation contradistinguished from the delicate; they are men in women's garb.

...

... I have seen elections in Baltimore, where they are just as orderly as they are in other cities; but we all know that in times of high party excitement it is impossible to preserve that order which would be sufficient to protect a delicate female from insult, and no lady would venture to run the hazard of being subjected to the insults that she would be almost certain to receive.

They do not want this privilege. As to protecting themselves, as to taking a part in the Government in order to protect themselves, if they govern those who govern, is not that protection enough? And who does not know that they govern us? Thank God they do. ...

SENATOR WADE

The gentleman seems to suppose that they only reason females should have the right to vote is that they might defend themselves with a cowhide against those who insult them. I do not suppose that giving them the right to vote will add anything to their physical strength or courage. That is the argument of the Senator, and the whole of his argument; but I did not propose that they should vote on any such hypothesis or with any view that it should have any such effect. But I do know that as the law stood until very recently in many of the States a husband was not the best guardian for his wife in many cases, and frequently the greatest hardships that I have ever known in the community have arisen from the fact that a good-for-nothing, drunken, miserable man had married a respectable lady with property, and your law turned the whole of it right over to him and left her a pauper at his will. While I was at the bar I was more conversant with the manner in which these domestic affairs were transacted than I am now; and I knew instances of the greatest hardships arising from the fact that the law permitted such things to be done. I have known a drunken, miserable wretch of a husband take possession of a large property of a virtuous, excellent woman, who had a family of small children depending upon her, and turn her out to support her family by sewing and by manual labor; and it is not an uncommon case. The legislators, the males having the law-making power in their hands, especially were not very prompt to correct these evils; they were very slow in doing so. They continued from the old common law, when the memory of man did not run to the contrary, down to a time that is within the recollection of us all; and I do not know but that in some of the States this absurd rule prevails even now. It would not have prevailed if ladies had been permitted to vote for their legislators. They would have instructed them, and would have withheld their votes from everyone who would not correct these most glaring evils. ...

... As I can see no good reason to the contrary, I shall vote for this proposition. I shall vote as I have often voted, as the Senator from Massachusetts has often voted, what he believed to be right; not because he believed a majority was with him, but because he believed the proposition which he was called upon to vote for was right, just, and proper. ...

SENATOR FREDERICK FRELINGHUYSEN (Republican, New Jersey)

...

Sir, I confess a little surprise at the remake which has been so frequently made in the Senate, that there is no difference between granting suffrage to colored citizens and extending it to the women of America. The difference to my mind, is as wide as the earth. As I understand it, we legislate for classes, and the women of America as a class do vote now, though there are exceptions from the peculiar circumstances of individuals. Do not the American people vote in this Senate today on this question? Do they not vote in the House of Representatives? So the women of America vote by the faithful and true representatives, their husbands, their brothers, their sons; and no true man will go to the polls and deposit his ballot without remembering the true and loving constituency that he has at home.

More than that, sir, ninety-nine out of a hundred, I believe nine hundred and ninety-nine out of a thousand, of the women in America do not want the privilege of voting in any other manner than that which I have stated. In both these regards there is a vast difference between the situation of the colored citizen and the women of America.

But, Mr. President, besides that, the women of America are not called upon to serve the Government as the men of America are. They do not bear the bayonet, and have not that reason why they should be entitled to the ballot; and it seems to me as if the God of our race has stamped upon them a milder, gentler nature, which not only makes them shrink from, but disqualifies them for the turmoil and battle of public life. They have a higher and a holier mission. It is in retiracy, to make the character of coming men. Their mission is at home, by their blandishments and their love to assuage the passions of men as they come in from the battle of life, and not themselves by joining in the contest to add fuel to the very flames.

The learned and eloquent Senator from Pennsylvania said yesterday with great beauty that he wanted to cast the angel element into the suffrage system of America. Sir, it seems to me that it would be ruthlessly tearing the angel element from the homes of America; and the homes of the people of America are infinitely more valuable than any suffrage system. It will be a very sorry day for this country when those vestal fires of piety and love are put out.

Mr. President, it seems to me that the Christian religion, which has elevated woman to her true position as a peer by the side of man, from which she was taken; that religion which is a part of the common law of this land, in its very spirit and declarations recognizes man as the representative of woman.

I do not see that there is any parity of reasoning between the case of the women of America, entitled them or making it desirable that they should have suffrage, and that of the colored citizen of the United States.

SENATOR CHARLES BUCKALEW (Democrat, Pennsylvania)

...

[T]he objection I have to a large extension of suffrage in this country, whether by Federal or State power, is this: that thereby you will corrupt and degrade elections, and probably lead to their complete abrogation hereafter. By pouring into the ballot-boxes of the country a large mass of ignorant votes subjected to pecuniary or social influence, you will corrupt and degrade your elections and lay the foundation for their ultimate destruction. That is a conviction of mine, and it is upon that ground that I resist both negro suffrage and female suffrage and any other proposed form of suffrage which takes humanity in an unduly broad or enlarged sense as the foundation of an arrangement of political power.

...

SENATOR JAMES ROOD DOOLITTLE (Republican, Wisconsin)

...

[T]he true base or foundation upon which to rest suffrage in any republican community is upon the family, the head of the family; because in civilized society the family is the unit, not the

individual. What is meant by “man” is man in that relation where he is placed according to nature, to reason, and religion. If it were a new question and it were left to me to determine what should be the true qualification of a person to exercise the right of suffrage, I would fix it upon that basis that the head of the family, capable of supporting that family, and who had supported the family, should be permitted to vote, and no other.

While I know that the question is not a new one; while it is impossible for me to treat it as a new question because suffrage everywhere has been extended beyond the heads of families, yet the reason, in my judgment, upon which it has been extended is simply this; if certain men have been permitted to vote who were not the heads of families it was because they were the exceptions to the general rule, and because it was to be presumed that if they were not at the time heads of families they ought to be, and probably would be. I say that according to reason, nature, and religion, the family is the unit of human society. So far as the ballot is concerned, in my judgment it represents this fundamental element of civilized society, the family. It therefore should be cast by the head of the family, and according to reason, nature, and religion man is the head of the family. In that relation, while every man is king, every woman is queen; but upon him devolves the responsibility of controlling the external relations of his family, and those external relations are controlled by the ballot; for that ballot or vote which he exercises goes to choose the legislators who are to make the laws which are to govern society. Within the family man is supreme; he governs by the law of the family, by the law of reason, nature, religion. Therefore it is that I am not in favor of conferring the right of suffrage upon woman.

SENATOR CHARLES SUMNER (Republican, Massachusetts)

...  
In voting against striking the word “male” out of the bill, I did not intend to express any opinion on the question which has at last found its way into the Senate Chamber, whether women shall be invested with the elective franchise. . . . That question I leave untouched, contenting myself with saying, that it is obviously the great question of the future, which will be easily settled, whenever the women in any considerable proportion insist that it shall be settled. . . .

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