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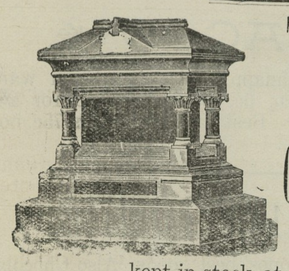

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CHAIRMAN VANDIVER EXPLAINS AMENDMENT

The Suffrage Amendment to the Constitution.

WHAT IT PROPOSES AND WHY IT SHOULD BE ADOPTED.

This amendment was passed in avowed redemption of the letter and the spirit of the platform upon which our Democratic Senate and House of Delegates, as well as Governor, Comptroller and Attorney General, were elected.

An examination of its terms will abundantly show that it obeys the popular mandate as expressed in their election.

It is designed to give to the people an opportunity to rescue our State from a great evil.

It is believed to be a full, complete and effective remedy, while at the same time wholly free from valid constitutional objection; and its framers, advocates and supporters, voicing the sentiments of the white people of the State, feel that the crisis is one calling for a vigorous measure that will meet and cure this evil.

It preserves without change the existing provision of our Constitution which requires registration as an absolute condition precedent to the exercise of the right to vote, and confers the right to registration only upon adult males who have been residents of Maryland for at least one year.

The changes which it proposes in our existing Constitution are shown in the following new provisions:

"Every such male citizen of the United States having the above prescribed qualifications of age and residence shall be entitled to be registered so as to become a qualified voter if he be—

"First—A person able to read any Section of the Constitution of this State submitted to him by the Officers of Registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give explanation thereof when read to him by the Registration Officers; or

"Second—A person who on the 1st day of January, 1869, or prior thereto, was entitled to vote under the laws of this State or of any other State of the United States wherein he then resided; or

"Third—Any male lineal descendant of such last-mentioned person who may be twenty-one (21) years of age or over in the year 1906.

"No person not thus qualified by coming under some one of the above descriptions shall be entitled to be registered as a qualified voter, nor be entitled to vote."

These provisions are perfectly plain. They declare that every adult male citizen of the United States who has resided one year in Maryland shall be entitled to registration if he comes under any one of the three above-mentioned descriptions of persons. Such adult male citizen may, therefore, claim registration.

First—Because qualified under the educational-test clause; or,

Second—Because qualified by reason of the fact that he was entitled to vote on the first day of January, 1869, or prior thereto, by the laws of this State or of the State wherein he then resided; or,

Third—Because qualified by reason of the fact that he is a lineal descendant of the person who was thus entitled to vote on the 1st day of January, 1869, and twenty-one years of age or over in the year 1906; that is to say, that he was born not later than the year 1885.

These three descriptions of persons are in the alternative.

The applicant for registration is required to bring himself under one only of them, and any one of them is sufficient.

All White Men.

He may become a registered voter because he was entitled to vote so far back as January 1, 1869, or earlier, under the laws of the State in which he then resided; or because, having been born not later than 1885, he is a lineal descendant of such last-named person; or because, not claiming to belong to either of these two classes, he possesses the prescribed educational qualification.

Obviously, Clause Second embraces only men who on January 1, 1869, were not less than twenty-one years of age; that is to say, men born not later than 1848. The youngest voter who under this clause could be lawfully registered in 1906, under the proposed amendment, would accordingly be then fifty-eight years old, and this clause would clearly allow of the registration of all male citizens of the United States, white or black, native born or naturalized, literate or illiterate, who on January 1, 1869, or earlier, were entitled to vote in the State in which they then resided.

All white men who were citizens of any of the United States on January 1, 1869, whether native born or naturalized, who shall be living in Maryland at the period of registration and who shall have resided in Maryland for one year prior to that period will be entitled to registration as qualified voters under this second clause.

The practical operation of this second clause will, therefore, be to admit to registration all white Marylanders (not disqualified by reason of conviction for some "infamous crime") who were voters in Maryland on the first day of January, 1869, or earlier, and also all white men who on that date or earlier were qualified voters in any of the States of the Union.

No educational or other test can be exacted from applicants for registration belonging to this class of men.

The fact that they were qualified voters anywhere in the United States on January 1, 1869, or earlier, entitles them, without more, to registration.

By this Second Clause the suffrage is preserved to all white men throughout the Union who possessed it on January 1, 1869, or earlier.

But no negro can come in under this clause unless he was a qualified voter on January 1, 1869, or prior thereto, in the State where he then resided.

The purpose and effect of this Second Clause (and we shall presently see of the Third Clause also) are to relieve the proposed amendment from conflict with the Fifteenth Amendment to the Constitution of the United States.

Limitation of Grandfather Clause.

Coming now to the Third Clause of the Amendment, we find that it preserves suffrage to the lineal descendants born not later than 1885 of all male citizens of the United States who were qualified voters on January 1, 1869, without distinction of race, color or nationality, and without any test except the uniform and impartial test of lineal descent and birth prior to the year 1885.

Any adult male descendant of any man who on January 1, 1869, was a qualified voter in any State of the Union may be registered on that ground alone, whether white or black, literate or illiterate, native born or naturalized, provided, first, that he have the necessary qualification of residence in Maryland, and, second, that he be 21 years of age or over in the year 1906.

This clause operates with equal force in law upon all such adult male lineal descendants.

No man, whether white or black, can come in under this "grandfather clause" unless he was in esse in 1885, and consequently at least 21 years old in 1906. But all may come in under this clause who were born prior to 1885.

The lineal descendants born after the year 1885 of those who voted on January 1, 1869, cannot become registered voters in 1907, or afterward, except under the educational test prescribed by the First Clause of the Amendment, for the obvious reason that in 1906 (the specific date designated) they will not be 21 years old.

By this simple provision the "grandfather clause" will gradually cease to be operative, and no male, whether white or black, who shall arrive at age after 1906 can become a registered voter unless he possess the qualification prescribed by the Educational Clause. But no man, white or black, who was a voter on January 1, 1869, or who is a lineal descendant of such voter and twenty-one years of age or over in 1906, can be denied registration because of his inability to meet such educational test.

From the Virginia Constitution.

This clause is taken from the present Constitution of Virginia and represents the result of the deliberations of the recent Virginia State Convention upon the subject, aided as these deliberations were by careful study of the provisions of the several Southern States upon the question of negro suffrage and by the successful and satisfactory practical operation of such provisions in those States.

It thus reflects and adopts the latest and best views of the strongest men of the South.

Recurring to its precise language, we find that it confers the right to registration (as the indispensable preliminary to the right to vote) upon every adult male possessing the prescribed qualification of one year's legal residence in Maryland, who is able to read and give a reasonable explanation of any section of the Constitution of Maryland submitted to him by the Registration Officers; or, if such adult male is unable to read, then the right to registration is given if he "is able to understand and give explanation" of any section of the Constitution when read to him by them.

If the applicant is able to read and give a reasonable explanation of any section of the Constitution, when thus submitted to him, he is entitled to registration.

This standing alone would fairly mean that the applicant must be able both to read and give a reasonable explanation of the section submitted to him. But the succeeding words of the clause show that such cannot be its meaning, for these succeeding words declare that if the applicant cannot read, but can understand and give explanation of the section when read to him, he is in that event entitled to registration.

From this examination of the whole clause it is clear that no more is required of any applicant than an ability to give a reasonable explanation of any section of the Constitution, whether read by him when submitted by the Registration Officers, or when read to him by them.

The literal language of the second part of the clause does not require that the explanation shall be "reasonable," but inasmuch as the applicant who is unable to read is required both "to understand and give explanation," the explanation exacted from him should fairly be construed to mean reasonable explanation. Indeed, the word "reasonable" found in the first part of the clause should doubtless be treated as implied or understood, although not actually repeated in the second part of the clause.

It is found in the present Constitution of Virginia, from which the whole clause is taken, and it cannot be supposed that the omission of this word "reasonable" was intended to affect the interpretation of the clause.

Inability to Read.

The right to registration conferred upon men able to "understand and give explanation," while not able to read, is not made to depend upon an inability to read from physical defect, such as blindness, but is conferred absolutely upon them without regard to the cause

(Continued on Page Sixth.)

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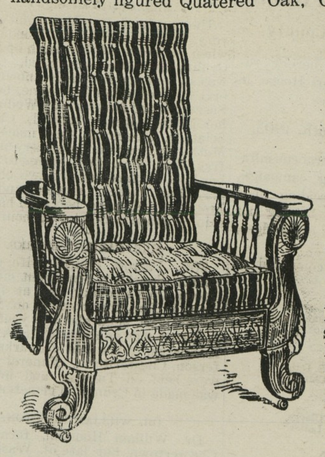

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