

, July 4, 1918.

Judge Hall W. Greer,
Laredo,
Texas.

My Dear Judge Greer:

Your favor of June 26th to hand and contents carefully noted. I think perhaps we agree upon the value of "Public Sentiment" and begin to differ upon the status of women in relation to public sentiment. You see, not only can we create public sentiment, but we ourselves contribute to it, which is not the case with negroes to whose situation you compare ours. There can never be a question of taking us "right into Deuteronomy."

State

As to the/Constitutional Amendment, we will never try for it while this war is on. We will content ourselves with the measure of Suffrage in hand, even if the Federal Amendment should fail, rather than take away so much as one "woman power" from the sum total of war work to put on a state campaign. That was passed on and adopted without a dissenting vote at the State Convention, so of course is final.

Thanking you for your interest, I am,

Very truly yours,

MFC-EHL

President.

**LAW OFFICES
GREER & HAMILTON**

LAREDO, TEXAS.

CABLE ADDRESS "GREHAM"

June 26, 1918.

Mrs. Minnie Fisher Cunningham,
Galveston, Texas.

Madam.

When I had the pleasure of talking to you here last week you seemed impressed with the belief that the proposed Amendment to the U.S. Constitution granting equal suffrage to women would supersede State Constitutions prescribing the qualifications of voters.

My reading of the history of constitutional Amendments, and their judicial interpretation, convinces me that, like all other laws in the United States, their enforcement depends upon Public Sentiment. In fact from my ~~from my~~ forty-odd years ~~of~~ ^{experience} ~~active~~ in nearly every phase of active practice of the law, I have reached the conclusion that there is no law except Public Sentiment, and that our jury system is retained for this express purpose.

Let us apply this to one of the Amendments to our National Organic law, Amendment XV, Sect. 1, to-wit:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

It had hardly been ratified when its construction through the Federal Courts was demanded upon the question of whether individual violence and intimidation came within its prohibitory terms, and they held it did not.

U.S. v. Amsden, 6 Fed. Rep., 822.

Karem v. U.S. 121 Fed. Rep. 255.

U.S. v. Morris, 125 Fed. Rep. 323.

"This Amendment does not confer the right of suffrage upon any one."

U.S. v. Reese, 92 U.S. 214, and others not necessary to cite. In U.S. v. Miller, 107 Fed. Rep. 914, it was held that "this Amendment does not on direct terms confer the right of suffrage upon any one."

u So, the "Grandfather" clause of the Consitution of Louisiana, having as its direct object debarment of the negro vote, was upheld; and similar laws in Mississippi, prescribing the qualification of voters before County Boards, had the direct object of disqualifying negroes, in their various phases, were upheld as not being in violation of the Amendment.

Permit me to illustrate with a personal interview of the County Clerk at Coffeerville, Mississippi.

I said, "Many of these negroes are no doubt sufficiently educated to pass the tests, yet you seem to eliminate them. How do you do it?"

He replied: "Why, you forget that there is no limit on our tests. So if he passes all others we take him right into Deuteronomy!"

So the Amendment has been literally frittered away by judicial construction in response to Public Sentiment.

You doubtless know that when the Republicans had everything their own way they tried in various enactments to prevent discriminations against negroes in the Public Schools, Hotels, Theatres, Public Conveyances, and the like; yet these enactments proved nothig more than waste paper in the Southern States, and were only voluntarily enforced in such of the Northern States where Public Sentiment, in their favor prevailed.

Again, all intelligent lawyers know that back of the Constitution, and overshadowing it, there is an Ultimate Power.

In the beginning of our Government each of the three branches, Executive, Legislative and Judicial, sought by various methods to seize this "Ultimate Power", and, to use a popular slang phrase, Chief Justice Marshall "beat 'em to it", by seizing the power in the Dartmouth College and Maybury v. Madison cases. In the latter case the Cheif Justice startled all the leading thinkers of that time by holding an Act of Congress to be unconstitutional and void! Since then the courts have uniformly seized this ultimate power to pass on the constitutionality of all legislative action.

With your proposed Amendment merely providing "that no discrimination of sex shall be applied in the exercise of suffrage", where do you stand in the light of the history of Sec. 1, Amendment XV?

You will in the final analysis be confronted in Massachusetts, Texas, and other States, with the necessity of educating Public Sentiment in favor of the enforcement of your Amendment, or in those States it will prove a dead letter.

This all leads up to the conclusion that the women of this State should seize their present opportunity to force all legislative candidates to commit themselves in a two-fold aspect. They should not only be required to answer that they favor and will support the Federal Amendment, but in addition will favor and support a resolution submitting an Amendment to our State Constitution, granting full and equal suffrage to women, to a vote of the people.

If their answers are evasive or non committal as to either question, then that candidate should be regarded as an enemy and not as a friend to your cause.

Apologising for this infliction, I am
Respectfully,

Hal W. Greer.