

The CONTRIBUTING EDITORS' PAGE

The National
Sunday Magazine

SECTION

SEMI-MONTHLY
MAGAZINE



AS A RESULT of my refusal this winter to assist the Government in assessing my personal property, for purposes of taxation, two more or less serious charges have been brought against me. I have been held up before the public as one who despises the law, and I have been accused of encouraging "militant" tactics among the woman suffragists of this country.

Both charges are incorrect. I venerate the principle of law — but I do not venerate the practice of taxation without representation. I am not encouraging "militancy," for the excellent reason that I hold the Government to be the aggressor when it imposes any law whatsoever upon persons who have had no voice in making laws and will have none in regulating how they shall be enforced. My advice to women is, that they should resist the unconstitutional attempts of State or Federal authorities to discriminate against them on account of sex.

Let it be understood that I am in favor of having an orderly community, and that there are certain laws that it seems to me self-evident that every one should observe.

Murder, theft, arson: these are crimes that we all condemn, not because we are men or women, but because we are human beings. Again, the laws that provide penalties for those who do not observe the terms of a contract that they have knowingly signed — whether it be a marriage contract or an engagement to deliver merchandise — have the support of a universal public opinion. They are part of an ethical, rather than a legal, system.

YET, laws even so fundamental as these work many injustices to woman, because she has no part in the machinery that puts them into effect. In Connecticut recently, a woman, Mrs. Wakefield, was sentenced to be hanged for the murder of her husband. Whether her case merited this extreme penalty is of small importance beside the fact that she was arrested under a law framed by men, was tried by a jury of men, sentenced by a man, and will probably be hanged by a man. As it happened, thousands of women believed that she should not die on the scaffold and petitioned the Governor of the State to commute the sentence. They were charged with inconsistency, with demanding that the wheels of justice should be stopped because the criminal was a woman. A cheap accusation, not sustained. If one can imagine a man tried under the reverse circumstances — by women only — I trust that the same petitioners would have shown equal activity in his behalf.

But such questions as these must give way before the immediate necessity of refusing to



Dr. Anna Howard Shaw

WOMAN AND THE LAW

By Dr. Anna Howard Shaw

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submit any longer to laws that, if we had the power, we might modify and possibly altogether reject. I am constrained to return to the vital matter of taxation. An income tax has been adopted by the Government without the consent of large numbers of women who will be required to pay a levy on their incomes, if the latter exceed \$3,000 a year. The course that can be followed by liberty-loving women is plain. As I did in the case of the tax against my personal property, they can decline to assist the assessors. That is all. If they take this stand, the responsibility will rest upon the Government should it emulate the Colonial authorities of 1776 and arbitrarily collect taxes from voteless and, therefore, unrepresented citizens.

A less formidable, but probably just as valuable a campaign, can be waged by women against city ordinances, police regulations and vicious customs that affect members of their sex only. With the connivance of the authorities, many public restaurants illegally refuse to serve unescorted women after seven o'clock in the evening. Not long ago, I was refused accommodation by one Pittsburg hotel after another, for no more valid reason than that I was a woman whose business engagements compelled her to travel alone.


In the past, before men appreciated the fact that women had any rights, we were, farcically enough, in a more enviable position. When the law discriminated, it was on the grounds that women were irresponsible beings who should therefore be accorded special protection.

ABOUT two years ago, a married woman was apprehended in Cleveland, Ohio, charged with theft. She had been caught red-handed, but the attorney for the defense, a young woman lawyer on her first case, coolly advised the Court that it would have to set the woman free and punish her husband. She pointed out that there was an old State law, still on the books, which placed the responsibility for the acts of a wife upon her husband's shoulders. Legally, he was the thief; she his agent. This woman was actually released and her husband was punished in her stead. The law was quickly repealed.

The Constitution of the United States does not discriminate between the sexes. It speaks throughout of "persons." The Judge Advocate of England has recently handed down a decision that, under the British laws, a woman is not a "person." But Benjamin Butler, when Governor of Massachusetts, removed a woman from office because he did not hold her to be a "person." The case went before the Courts and was appealed to the United States Supreme Court, which decided that, under our constitution, a "person" might be either a man or a woman.

Anna Howard Shaw

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