

# Today is Constitution Day, take advantage of the rights it provides

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As Constitution Day is celebrated in this presidential election year, and as the nation's voters ponder the election of the country's first African-American president or its first woman vice president, it is worth looking back on the crucial role our Constitution and Bill of Rights have played in ensuring electoral fairness and voting rights for all Americans, regardless of race or gender.

Since the Constitution was ratified on Sept. 17, 1789, and the Bill of Rights ratified some two years later, issues related to voting have been the most predominant subject of subsequent amendments, with at least six that directly affect the electoral process. Article I, Sections 4 and 5, and Article II, Section 1, of the Constitution set forth the processes for choosing U.S. representatives, senators and the president and vice president.

But the election of 1796 and the hotly contested election of 1800, which came down to a contest between Thomas Jefferson and Aaron Burr, revealed a weakness in the method of allocating votes between the two highest offices and resulted in the passage of the 12th Amendment. That amendment requires members of the Electoral College to cast two distinct votes — one for president and another for vice president. It replaced Article II, Section 1, Clause 3, which stated that each member of the Electoral College would cast two votes for president, with the person receiving a majority of the electoral votes becoming president and the runner-up becoming vice president.

Following the Civil War, in 1870, the 15th Amendment was enacted to prohibit voters from being barred on the basis of race or previous servitude (slavery). Fifty years later, in 1920, the 19th Amendment gave women the right to vote. Without these two amendments, the candidacies of Senator Barack Obama and Gov. Sarah Palin would never have been possible.

Seven years before women's suffrage, in 1913, the 17th Amendment changed the method of electing U.S. Senators to provide for direct election by the people. Senators had previously been elected or appointed by each of the states' legislatures. It was to be some time, however, before either a woman, Hattie Wyatt Caraway of Arkansas in 1932, or a person of color, Edward Brooke

of Massachusetts in 1966, would be elected by popular vote to the U.S. Senate.

During the 1960s, two more amendments were passed regarding voting rights. In 1961, residents of the District of Columbia were given the right to cast ballots for president when the 23rd Amendment became law. Three years later, the 24th Amendment barred the use of poll taxes. Poll taxes had been enacted in eleven southern states as a way to prevent black people from voting, and had been ruled unconstitutional by the U.S. Supreme Court. In 1971, amid the turbulence



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of the Vietnam era, the 26th Amendment gave 18-year-olds the right to vote.

Although not specifically an amend-

ment that directly addresses voting, the 25th Amendment, ratified in 1967, provided for the filling of a vacancy in the vice presidency by non-electoral means. Within a decade of its passage, the method and process had to be invoked twice after the resignations of Spiro Agnew and Richard Nixon. It also addressed the possibility of presidential incapacity, an amendment that thankfully has never been invoked.

Despite the integral role elections play in our democracy, it is interesting to note that the Constitution doesn't require American citizens to vote, or even register to vote. Instead, our Founding Fathers left the act of voting — one of only three official acts of citizenship, including serving on juries and serving in the military — up to us.

Given the blood and treasure that those who have gone before us have shed to preserve our freedoms, we would do well to honor those sacrifices and the Constitution by making the effort to vote whenever the opportunity arises.

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