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Ethics & The Law: Freedom Is Not Free - By Robert Pelton

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Thursday, November 7th, 2019

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies foreign and domestic: that I will bear true faith and -allegiance to the same. That I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.

Voting is not a privilege, it is a right, and many paid dearly for it. Remember this when you say "my vote won't count" or "I'm too busy" or "I don't care"? American men and women in uniform have served, or are currently serving, in the military to protect and preserve our democracy and YOUR right to vote. Many have died or suffered permanent disabilities fighting for our freedoms.



Drawing by ROTC Cadet Sam Pelton at age 12. Sam is my grandson, now age 16.

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Voting is our most fundamental right as Americans. Many sacrifices have made it possible for our citizenry to be able to vote—from military actions to civil rights movements.

African-Americans won the right to vote in 1870 when the 15th Amendment² ended the practice of denying the right to vote based on race, skin color, or prior servitude. This was the third of the Reconstruction amendments.³ Fifty years later, after a long struggle known as the Women's Suffrage Movement, women earned the right to vote in 1920 with the 19th Amendment.⁴

Many black citizens were threatened or killed trying to exercise their right to vote. There were other voting obstacles as well. A "poll" or "head" tax had to be paid in person at the time of voting. It was imposed on all adults equally, regardless of income or property ownership. The poll tax was used in the South during and after Reconstruction as a means of circumventing the 14th Amendment⁵ and denying voting rights to African-Americans.

The tax also created a burden on poor white Americans. This form of taxation gradually fell out of favor in the South in the mid-20th century, but it was not until the adoption of the 24th Amendment⁶ in 1962 that poll taxes were finally abolished as a prerequisite for voting in federal elections. They were later eliminated in all elections. The Voting Rights Act of 1965 was passed to enforce the already-existing rights in a handful of Southern states.

Don't take our freedoms for granted. Too many have sacrificed for our rights. Be smart in your voting decisions. Politics can be dirty business—false information is everywhere—so look at the source of these

allegations. Remind others to vote. You can send out emails to people on your list and encourage them to vote. Since you as a lawyer may know more about many of the candidates, you can do a service for your contacts by giving them your choice of who is the best candidate.

Endnotes

1. Deaths in American Wars: Revolution (4,435); War of 1812 (2,260); Mexican War (13,283); Civil War (618,000); Spanish-American War (2,446), World War I (116,516), World War II (405,399), Korea (36,574), Vietnam (58,220), Gulf War (383), Iraq/Afghanistan (6,607). The American Prospect (May 26, 2014).
 2. Passed by Congress February 26, 1869. Ratified February 3, 1870.
 3. The 13th Amendment abolished slavery, passed by Congress January 31, 1865, and ratified December 6, 1865. The 14th Amendment provided citizenship rights, due process, and equal protections?passed by Congress June 13, 1866, ratified July 9, 1868.
 4. Passed by Congress June 4, 1919, ratified August 18, 1920.
 5. Passed by Congress June 13, 1866, ratified July 9, 1868.
 6. Passed by Congress August 22, 1962, ratified January 23, 1964.
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