

CONSTITUTION 101

Module 13: Voting Rights in America
13.5 Info Brief

THE WOMEN'S SUFFRAGE MOVEMENT

After America declared its independence, states began to write new constitutions. A little over a decade later, the [U.S. Constitution](#) was ratified—leaving issues of elections and voting primarily to the states.

Most states establish property requirements for voters. So, during this period, voting is *generally* restricted to white male property owners.

In the 1820s and 1830s, restrictions remained on women, but women began to push back and organize conventions and lectures, circulate ideas in newspapers, and petition state governments for women's rights, including suffrage.

SENECA FALLS CONVENTION

Most famously, in 1848, abolitionists Elizabeth Cady Stanton and Lucretia Mott organized a convention to discuss women's issues in Seneca Falls, New York. The local gathering attracted nearly 300 people. Stanton prepared a manifesto (The Declaration of Sentiments)—literally, a rewriting of the Declaration of Independence—to draw attention to the inequalities and oppressive laws that women endured. Signed by 68 women and 32 men, the Declaration of Sentiments included a suffrage resolution. However, women's voting rights was only one demand among many. The burning issues of the day centered on married women—their right to contract, own property, and sue or be sued. As news of the convention circulated, some voiced their support, while others criticized the reformers for operating outside of their traditional duties as mothers and wives inside the home.

1865 – 1870S: RECONSTRUCTION ERA MOVEMENTS FOR EQUALITY

Following the Civil War (in a period known as Reconstruction), the Republican Party—the party of Lincoln and of the Union—pushed a series of constitutional amendments. During this period, Congress debated the reach of equality and the definition of citizenship. The goal was to set new constitutional baselines for post-Civil War America.

This effort led to the ratification of the [13th Amendment](#) (abolishing slavery), the [14th Amendment](#) (writing promises of freedom and equality into the Constitution), and the [15th Amendment](#) (banning racial discrimination in voting).

Women—long active in the fight to abolish slavery—fought to be included in this period of constitutional transformation. Women participated in the anti-slavery movement before and during the Civil War. Building on their experience battling slavery, the suffragists and their allies advanced a powerful vision of universal voting rights. For these reformers, the push for voting

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rights wasn't about race or sex. It was about post-Civil War America's commitment to universal rights.

During this period, biracial coalitions of women and men worked for universal suffrage. For instance, they flooded Congress with petitions. Even so, many politicians believed that it wasn't the right time to discuss women's suffrage. Many members of Congress embraced the traditional role of women in the home—not in politics.

Although the [14th Amendment](#) ultimately protected equal citizenship, it explicitly promoted “male” voting—introducing the word “male” into the Constitution for the first time in Section 2 of the 14th Amendment. The section sought to protect the voting rights of African American males against discrimination in Southern states by allowing Congress to punish such states with the loss of representation. Suffragists fought to remove this discriminatory language from the proposed amendment, but they did not succeed.

And with the [15th Amendment](#), Republicans and their allies prioritized African American male voting rights—not universal suffrage.

With the Republican Party prioritizing the rights of African American men over those of *all* women, tensions soon grew over race and tactics—fracturing the women's suffrage movement for decades. Many prominent suffragists denounced the 15th Amendment because they viewed it as a new barrier to women's rights—splitting the long-standing alliance between abolitionists and suffragists. While the post-war women's movement had unified around a vision of universal rights, some white women—appalled by their exclusion from the 15th Amendment—refused to support the new amendment. Others embraced it.

The universalist movement (and its leading organization, the American Equal Rights Association) split into two organizations.

- The National Woman Suffrage Association, led by Susan B. Anthony and Elizabeth Cady Stanton, opposed the amendment. They chose to fight exclusively for women's suffrage first—particularly, *national* women's suffrage through a separate constitutional amendment. This group turned away from the Republican Party, broke with its longtime abolitionist allies, and worked to create an independent women's suffrage movement.
- At the same time, the American Woman Suffrage Association, led by Lucy Stone and Henry Browne Blackwell, supported the new amendment. They sided with the Republican Party, prioritized African American rights, rallied around the 15th Amendment, and remained committed to a vision of universal rights.

Finally, even as the suffragists lost this battle over the framing of the 14th and 15th Amendments, they didn't give up on the newly amended Constitution—laying claim to the Constitution's text, especially the 14th Amendment, in their push for women's suffrage.

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Some suffragists focused on Congress. The 14th Amendment gave Congress the power to pass new laws to enforce the “privileges or immunities” of U.S. citizenship. In 1871, Victoria Woodhull—a leading suffragist—petitioned Congress to pass a new law recognizing women’s suffrage as a “privilege” of U.S. citizenship under the 14th Amendment. Woodhull (1871): “I do now claim that I am, equally with men, possessed of the right to vote.” Woodhull appeared before a House committee to present her argument—the first woman to do so.

Other suffragists used the Reconstruction Amendments to vote, arguing that under the 14th Amendment, voting was a “privilege” of U.S. citizenship. This was a key strategy of a movement known as the “New Departure.”

Two key figures from the New Departure were Susan B. Anthony and Virginia Minor

- **[SUSAN B. ANTHONY USES THE 14TH AMENDMENT TO TRY AND VOTE](#)**
Susan B. Anthony was both a leading abolitionist and a founder of the mid-1800s Women’s Movement. During Reconstruction, Anthony and her allies in Congress pressed the framers of the 14th and 15th Amendments to confer the right to vote on women as well as Black men. When those efforts failed, Anthony and others turned to direct action, accompanied by a creative interpretation of the 14th Amendment’s promise of equal rights. In 1872, Susan B. Anthony, her three sisters, and 11 other women tried to vote in a New York election. Thanks to the help of local Republican Party officials, Anthony registered to vote. To Anthony’s surprise, she was even permitted to cast her vote, but her victory was short-lived. Two weeks later, Anthony was arrested and charged with election fraud. At her trial in June 1873, Anthony was allowed to make a final statement. She was ultimately found guilty for voting illegally, but she refused to pay the fine and was never punished. Despite being found guilty, her example helped pave the way for the 19th Amendment, which brought women’s right to vote into the Constitution in 1920.
- **[MINOR v. HAPPERSETT \(1875\)](#)**
From 1868 to 1875, hundreds of women—both African American and white—embraced the New Departure. Some women successfully voted, while most were turned away, arrested, or fined. In *Minor v. Happersett*, Virginia Minor challenged a St. Louis registrar’s decision to block her from registering to vote. A pioneer of the New Departure, Minor argued that women were United States citizens and that voting was a “privilege” of national citizenship protected by the 14th Amendment. The Supreme Court rejected Minor’s claim. In a unanimous decision, the Court agreed that women were U.S. citizens, but ruled that voting was not a right of national citizenship. Instead, the Court concluded that the Constitution left the question of women’s suffrage to the states.

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CHANGING TACTICS

Following the New Departure, women turned their attention to two strategies: (1) securing suffrage in the states and (2) pushing for a constitutional amendment. During this period, suffragists embraced a broad range of tactics. And although their efforts often followed separate tracks—some national and some state-by-state—they all fed into one common goal: *national* voting rights for women.

By the early 1900s, women from all walks of life supported women’s suffrage. While expanding support among all classes and building coalitions with the labor movement, suffrage organizations continued to divide over the issue of race. Parts of the movement grew increasingly exclusionary. At the same time, African American women organized into clubs and continued to push for the vote to secure social and economic change within their own communities. Other women of color, including Native Americans, lobbied for their citizenship to be recognized.

SUFFRAGE MOVEMENT PROGRESSED ON A STATE LEVEL

Women worked at the state and local levels to extend suffrage—and used the states as testing grounds for the idea. Viewed one way, the 19th Amendment story is a great example of the states functioning as Justice Louis Brandeis envisioned—as “laboratories of democracy.” The theory? If enough states allowed women to vote, national change might follow.

With some early successes, women’s suffrage expanded out West first—and then moved East. So, women began voting in Western states long before the 19th Amendment—with women’s suffrage expanding throughout much of the West from the late 1800s through the early 1900s. The first win came in 1869 with the Wyoming Territory. In 1889, suffrage came to Wyoming, as a state. In the 1890s: Colorado, Idaho, and Utah. This experiment worked out so well that other states extended voting rights to women, as well—including (eventually) large states like New York and Michigan. We see a new wave of success for the women’s suffrage movement beginning in 1910. This push included full women’s voting rights in Washington (1910), California (1911), Arizona (1912), Kansas (1912), Oregon (1912), Montana (1914), Nevada (1914), New York (a big one!) (1917), and Michigan (1918).

SUFFRAGE MOVEMENT PROGRESSED ON A NATIONAL LEVEL

While some suffragists pushed for reform at the state level, others focused on applying pressure on *national* leaders. So, as momentum built at the state level, a new generation of suffragist leaders brought more aggressive tactics to the movement. These suffragists took to the streets to revive the national amendment strategy and grab the public’s attention—relying on key First Amendment rights like speech, press, assembly, and petition.

- Women Suffrage Procession in Washington, D.C. On March 3, 1913—the day before Woodrow Wilson’s presidential inauguration—an estimated 5,000 women from across

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the nation gathered in Washington, D.C., for a national women's suffrage parade and violence erupted. Roughly 100 women wound up in the hospital. Wilson's inauguration now shared headlines with shocking news of the parade and the attacks—causing public sympathies to soar.

Women of color joined their fellow suffragists in this parade, but they met resistance from other members of the movement. Parade organizers gave in to Southern white prejudice—and their own notions of racial hierarchy—by asking many African American women to march in the back. Ultimately, at least four states marched with integrated delegations. And civil rights crusader Ida B. Wells-Barnett refused to march in the back. When the parade began, she broke ranks and joined her Illinois delegation.

- Militant suffragists continued their work—publicly criticizing the president for embracing democracy abroad while leaving half of the population without the vote at home. For instance, Alice Paul and her allies in the National Woman's Party (like Lucy Burns) began protesting in front of the White House in 1917.
- At the same time, other suffragists continued to pursue more conventional lobbying campaigns—applying sustained pressure on Congress and the president.

President Wilson eventually relented, giving his support to the 19th Amendment in January 1918 and declaring it a vital war measure.

PASSAGE AND RATIFICATION BATTLE OF THE 19TH AMENDMENT

Congress passed the 19th Amendment in 1919 following several failed votes—sending it along to the states for ratification.

Suffragists faced one final hurdle: *ratifying* the 19th Amendment. After 70 years—and a 15-month ratification battle—women finally secured the women's suffrage amendment.

In the end, the push for women's suffrage can teach us important lessons about (at least) four different pathways of constitutional change. The suffragists used all four of them.

- Amend the Constitution: Advocate for amendments through the formal process outlined in Article V of the Constitution. (Think the 19th Amendment itself.)
- Lobby and petition Congress: Pursue new laws to enforce the Constitution's existing promises. (Think Victoria Woodhull's push.)
- Use the courts: Use the Constitution's existing text to advance constitutional arguments inside the courts. (Think the New Departure.)
- Pursue state reform: Test new ideas out at the state level that could potentially lead to nationwide reform. (Think the state-by-state push for women's suffrage—changing state laws and state constitutions—beginning out West.)

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THE STORY OF WOMEN'S SUFFRAGE AFTER RATIFICATION

In November 1920, many women across the country voted under the 19th Amendment. With support from female voters, the Republican candidate Warren G. Harding won in a landslide. He captured 60% of the popular vote.

At the same time, for millions of women, the fight for suffrage was not over. Before and after the ratification of the 19th Amendment, voters of color were disproportionately targeted by voter discrimination practices. As many suffragist leaders debated whether to unify around another cause, many of these white leaders left behind women of color, who often continued their suffrage activism alone.

WOMEN AND THE CIVIL RIGHTS MOVEMENT

For instance, millions of African American women fought against their continued disenfranchisement in the South.

For decades, they fought to remove these barriers—leading to the Voting Rights Act of 1965 (VRA). This landmark law empowered the national government to protect voting rights for all people of color and attack state voter discrimination efforts.

Congress was granted this enforcement power in 1870 with the 15th Amendment. (Reinforced by the 19th Amendment's own enforcement clause.)

And the Supreme Court upheld the VRA in *South Carolina v. Katzenbach*.

The VRA itself was a massive success. Following its passage, women of color began voting in huge numbers for the first time.

LEGACY OF SUFFRAGE ORGANIZATIONS

Finally, with the ratification of the 19th Amendment, two key suffrage organizations reassessed their purpose.

- Carrie Chapman Catt's National American Woman Suffrage Association restructured as the League of Women Voters to educate voters about elections and issues.
- The National Woman's Party—led by Alice Paul—pursued the Equal Rights Amendment (ERA).

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THE EQUAL RIGHTS AMENDMENT

Drafted by Alice Paul, the ERA was first proposed in Congress in 1923.

“Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.”

The proposed amendment enjoyed widespread support in the 1970s. Both Houses of Congress passed it in 1972—after being introduced in every Congress for 49 years. By 1977, the ERA had been ratified by 35 states. Congress extended the deadline for ratifying the amendment for another five years, but no new states ratified it before 1982. Since then, Nevada, Illinois, and Virginia have voted in favor of the amendment.

However, there are still a range of constitutional debates surrounding the ERA:

- Can Congress impose a deadline on ratifying an amendment proposal?
- If the time limit is valid, can a future Congress extend that deadline?
- Can a state rescind its ratification? (Between 1973 and 1979, five state legislatures voted to rescind their ratifications.)