THE 19TH AMENDMENT – WOMEN’S RIGHT TO VOTE
BIG QUESTIONS

• What did the 19th Amendment say, and who were some of the key figures who made it a reality?
• What was the Seneca Falls Convention? What was the Declaration of Sentiments? And what did this key moment suggest about the roots of the women’s rights movement in the mid-1800s?
• What were the constitutional arguments advanced by those supporting the women’s vote and those advanced by those opposing it?
• How was the 19th Amendment story an example of federalism in action?
• What did the 19th Amendment settle when it was ratified, and what work remained in the decades ahead?
“‘Our Nation has had a long and unfortunate history of sex discrimination.’ . . . Women did not count among the voters composing ‘We the People’; not until 1920 did women gain a constitutional right to the franchise.”


Ruth Bader Ginsburg
“To get the word male . . . out of the constitution cost the women of the country fifty-two years of pauseless campaigning. . . . During that time they were forced to conduct:”
“56 campaigns of referenda to male voters; 480 campaigns to urge Legislatures to submit suffrage amendments to voters; 47 campaigns to induce State constitutional conventions to write woman suffrage into State constitutions; 277 campaigns to persuade State party conventions to adopt woman suffrage planks in party platforms; and 19 campaigns with 19 successive Congresses.”
With the Nineteenth Amendment, women won the right to vote. This Amendment grew out of decades of advocacy by the suffragists and their allies. Women’s suffrage began out West in the late 1800s and eventually spread to the rest of the nation—culminating in the ratification of the Nineteenth Amendment in 1920. Even so, it would take many more years—and the hard work of the Civil Rights Movement—to extend voting rights on the ground to all women, including women of color.
WHERE ARE VOTING RIGHTS IN THE CONSTITUTION?

The 19th Amendment - Women’s Right to Vote
VOTING RIGHTS IN THE CONSTITUTION

15TH AMENDMENT
1870 Banned discrimination in voting on account of race.

19TH AMENDMENT
1920 Banned discrimination in voting on account of sex.

26TH AMENDMENT
1971 Banned discrimination in voting on account of age.
1920

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 sex.

Congress shall have power to enforce this article by appropriate legislation.
**15TH AMENDMENT**

Section 1
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.

Section 2
The Congress shall have the power to enforce this article by appropriate legislation.

**19TH AMENDMENT**

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 sex.

Congress shall have power to enforce this article by appropriate legislation.
RATIFYING THE AMENDMENT

• Suffragists settled on this language in 1878.
• The “Susan B. Anthony Amendment” was introduced in each Congress (unchanged) for the next four decades.
• Congress finally approved it on June 4, 1919.
• And it was ratified by three-fourths of the states in August 1920.
Early Americans thought that men served as the heads of their households, representing the views of their wives, daughters, etc., in public life.

(Image: Photograph of woodcut by North Wind Picture Archives)

The Constitution left 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.
There was a notable exception—New Jersey. There, unmarried female landowners voted in state and local elections from 1776-1807. However, in 1807, New Jersey closed off this brief period of women’s suffrage—limiting the vote to “free, white male citizens.”
THE AGE OF JACKSONIAN DEMOCRACY
(1820S AND 1830S)

Brought a move towards
Universal White Male
Suffrage

Andrew Jackson
Married women could not:
• Hold property on their own
• Enter into contracts
• Sue or be sued
• Vote

Coverture: The legal doctrine meaning that husbands assumed the legal rights and obligations of their wives when they became married.

Virtual Representation: The view that women’s suffrage was unnecessary because husbands, as heads of their households, already represented their wives and families.
CHAPTER CLXXI.

An act for the better securing the property of married women.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the real and personal property of any female who may hereafter marry, and which she shall own at the time of marriage, and the rents, issues, and profits thereof, shall not be subject to the disposal of her husband, nor be liable for his debts, and shall constitute her sole and separate property, as if she were a single female.

2. And be it enacted, That the real and personal property, and the rents, issues, and profits thereof, of any female now married, shall not be subject to the disposal of her husband, but shall be her sole and separate property, as if she were a single female, except so far as the same may be liable for the debts of her husband, heretofore contracted, by any legal lien.

3. And be it enacted, That it shall be lawful for any married female to receive, by gift, grant, devise, or bequest, any and all property, and hold, to her sole and separate use as if she were a single female, real and personal property, and the rents, issues, and profits thereof, and the same shall not be subject to the disposal of her husband, nor be liable for his debts.

4. And be it enacted, That all contracts made between persons in contemplation of marriage, shall remain in full force after such marriage takes place.

Approved March 25, 1852.
SENeca Falls Convention, 1848

Lucretia Mott

Elizabeth Cady Stanton

The 19th Amendment - Women’s Right to Vote
The 19th Amendment - Women’s Right to Vote

Signature on the Declaration of Sentiments included 68 women and 32 men
“We hold these truths to be self-evident; that all men and women are created equal.”
The Declaration closed with 12 demands, including equal education, equal pay, property rights, and the “sacred right to the elective franchise.”
After Seneca Falls, the first national women’s convention met in Massachusetts and drew 1,000 attendees. Furthermore, in the 1850s, more and more African American women joined the fight by attending—and speaking at—various conventions.
THE RECONSTRUCTION ERA

The 19th Amendment - Women’s Right to Vote
Following the Civil War (in a period known as Reconstruction), the Republican Party—the Party of Lincoln and of 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.
The 19th Amendment - Women’s Right to Vote

**The Reconstruction Era**

**13th Amendment**
- 1865
- Abolished slavery

**14th Amendment**
- 1868
- Wrote promises of freedom and equality into the Constitution

**15th Amendment**
- 1870
- Banned racial discrimination in voting
And many suffragists—including Elizabeth Cady Stanton and Susan B. Anthony—played a central role in the anti-slavery movement. While publicly speaking out against slavery, women also petitioned Congress.
Building on their experience battling slavery, the suffragists advanced a powerful vision of universal voting rights—linking this cause to the plight of African Americans. The post-war emphasis on universal equality made women’s suffrage seem politically possible.

They adopted constitutional arguments at the core of the anti-slavery cause—drawing on the Constitution’s “guarantee” of a “Republican Form of Government” and its protection of the “Privileges and Immunities of Citizens.” For these reformers, the push for voting rights wasn’t about race or sex. It was about post-Civil War America’s commitment to universal rights.
PETITION FOR UNIVERSAL SUFFRAGE (1866)

"As you are now amending the Constitution, and, in harmony with advancing civilization, placing new safeguards around the individual rights of four million of emancipated ex-slaves, we ask that you extend the right of Suffrage to Woman."

Do the Senate and House of Representatives:
The undersigned, Women of the United States, respectfully ask an amendment of the Constitution that shall prohibit the present House from disfranchising any of its citizens on the ground of sex.

As you are now amending the Constitution, and, in harmony with advancing civilization, placing new safeguards around the individual rights of four million of emancipated ex-slaves, we ask that you extend the right of Suffrage to Woman.

Names:

Eliza B. Gove, New York
Anna B. Hart, St. Louis, Mo.
Mary W. Blackwell, New York
Susan B. Anthony, Rochester, N. Y.
Harriet E. Eaton, Washington, D.C.
Eliza B. Wilson, Boston, Mass.
Mary D. Harriet, New York
May E. Beecher, New York
Alice B. Judson, New York

Residence:

New York
Rochester, N.Y.
New York
Washington, D.C.
Boston, Mass.
New York
New York
New York
New York
New York
"We are all bound up together in one great bundle of humanity, and society cannot trample on the weakest and feeblest of its members without receiving a curse in its own soul."

Frances Ellen Watkins Harper
14TH AMENDMENT, SECTION 2

“...But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.”
The 19th Amendment - Women’s Right to Vote

NATIONAL WOMAN SUFFRAGE ASSOCIATION

Opposed the 15th Amendment.
They chose to fight exclusively for women’s suffrage first.

Susan B. Anthony
Elizabeth Cady Stanton
Supported the 15th Amendment.
They sided with the Republican Party, prioritized African American rights, rallied around the 15 Amendment, and remained committed to a vision of universal rights.
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.

(Illustration - Library of Congress)
“I do now claim that I am, equally with men, possessed of the right to vote.”

Victoria Woodhull
Other suffragists used the Reconstruction Amendments to vote. In 1868, women in Vineland, New Jersey, set up their own voting tables on Election Day, even though their votes wouldn’t count.

Suffragist leaders soon developed a plan that relied on the Constitution’s text to get women to the polls.
1872, Susan B. Anthony, her three sisters, and eleven 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, she was arrested.
MINOR V. HAPPERSETT (1875)

Virginia Minor

The 19th Amendment - Women’s Right to Vote
Virginia Minor challenged a St. Louis registrar’s decision to block her from registering to vote. Minor argued that women were U.S. citizens and that voting was a “privilege” of national citizenship protected by the 14th Amendment.
In a unanimous decision written by Chief Justice Morrison Waite, the
Supreme Court rejected Minor’s claim—and with it, one of the New
Departure’s core arguments.

The Court agreed that women were U.S. citizens, but concluded that
voting was not a right of national citizenship protected by the 14th
Amendment.
“[I]f the courts can consider any question settled, this is one. For nearly ninety years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. . . . Our province is to decide what the law is, not to declare what it should be.”
THE FINAL PUSH

Following the New Departure, women turned their attention to two strategies:

• Securing suffrage in the states
• Pushing for a constitutional amendment

The 19th Amendment - Women’s Right to Vote
By the 1900s, 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.
The Indian Citizenship Act, which granted citizenship to all Native Americans born in the U.S. was passed in 1924.
During this same period, anti-suffragists began to organize. In 1911, the National Association Opposed to Woman Suffrage formed. The anti-suffragists voiced a range of arguments against the women’s vote.
THE NATIONAL ASSOCIATION OPPOSED TO WOMAN SUFFRAGE
FORMED IN 1911

- Virtual Representation
- States’ Rights
- Destruction of the Traditional Family/Gender Roles
- Opposition to African American Voting
- Educated Suffrage
- Lack of Interest
"LABORATORIES OF DEMOCRACY"

LOUIS BRANDEIS
1856 - 1941

The 19th Amendment - Women’s Right to Vote
By 1919, fifteen states permitted full women’s suffrage.
WOMAN SUFFRAGE PROCESSION
WASHINGTON, DC, 1913

The 19th Amendment - Women’s Right to Vote
The 19th Amendment - Women’s Right to Vote

Ida B. Wells-Barnett
In the final few years of the fight for the 19th Amendment, momentum continued to grow—driven by a mix of state-level victories, persistent lobbying, and militant protest tactics. These strategies, combined with the nation’s entry into World War I in 1917, turned the tide in favor of a national amendment for women’s suffrage.
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 began protesting in front of the White House in 1917—placing pressure on Wilson to take action on a national amendment.
The 19th Amendment - Women’s Right to Vote

Alice Paul
The 19th Amendment - Women’s Right to Vote

Suffragists on picket line in front of the White House, circa 1917. One banner reads: "Mr. President How Long Must Women Wait For Liberty". (Library of Congress)
President Wilson eventually relented, giving his support to the 19th Amendment in January 1918 and declaring it a vital war measure.
The 19th Amendment - Women’s Right to Vote

June 4, 1919: Congress passes the amendment.
The 19th Amendment - Women’s Right to Vote

August 18, 1920: Ratification

After 70 years—and a 15-month ratification battle—women finally secured the women’s suffrage amendment.
FOUR PATHWAYS OF CONSTITUTIONAL CHANGE

• **Amend the Constitution**: Advocate for amendments through the formal process outlined in Article V. (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)
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.
CONTINUING THE FIGHT FOR SUFFRAGE

The 19th Amendment - Women’s Right to Vote
CONTINUING THE FIGHT FOR SUFFRAGE

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. 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").
THE VOTING RIGHTS ACT OF 1965

Signing of the Voting Rights Act of 1965
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 Nineteenth 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.
The 19th Amendment - Women’s Right to Vote

BEYOND RATIFICATION

Carrie Chapmen Catt’s
National American Woman Suffrage Association

The National Woman’s Party led by Alice Paul

League of Women Voters
Focus on educating voters about elections and issues.

Pursued the Equal Rights Amendment
The National Woman’s Party—led by Alice Paul—pursued the Equal Rights Amendment (ERA). Drafted by Alice Paul, the ERA was first proposed in Congress in 1923.
Original ERA drafted by Alice Paul (1923): 

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

The 19th Amendment - Women’s Right to Vote
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. In the last few years, supporters of the ERA revival adopted a “three-state strategy” to get enough states to ratify.
Since then, Nevada, Illinois, and Virginia have voted in favor of amendment—meaning that 38 states have ratified the ERA (the three-fourths required by the Constitution). However, there are key questions that will need to be answered to determine the validity of the ERA:

• Can Congress impose a deadline on ratifying an amendment proposal?
• And 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.)