

# The Nineteenth Amendment and Women's Suffrage Part 1: Introduction

January 13, 2023

This Legal Sidebar is the first in a six-part series that discusses the Nineteenth Amendment to the Constitution, which recognized women's voting rights. Shortly before Election Day 2022, a group of people [gathered in Rochester, NY](#), to honor the late social reformer and women's rights activist, Susan B. Anthony. About 150 years earlier, Anthony [cast a ballot](#) in the 1872 presidential election. She was arrested and charged with illegally voting as a woman in violation of federal law. She unsuccessfully claimed that the [Fourteenth Amendment](#) gave her the right to vote as a privilege of citizenship. A federal district court [imposed a fine](#) of \$100 on Anthony, but she never paid it. As the nation marks the 150<sup>th</sup> anniversary of Anthony's vote—and the 2020 centennial of the Nineteenth Amendment's ratification—Congress may be interested in the history and impact of the women's suffrage movement and the Nineteenth Amendment. Additional information on this topic will be published in the [Constitution Annotated: Analysis and Interpretation of the U.S. Constitution](#).

The [Nineteenth Amendment](#) prohibits the federal and state governments from denying or abridging a U.S. citizen's right to vote on the basis of sex, thereby recognizing women's suffrage. Section 2 of the Amendment grants Congress the power to enforce the prohibitions in Section 1 by enacting "appropriate legislation." The Supreme Court has not decided many cases interpreting the Nineteenth Amendment. Nonetheless, the Amendment has had a significant impact throughout society by helping to increase women's participation in politics and other domains of public life.

As proposed and ratified by men in the late 1780s, the Constitution did not prohibit the states from establishing gender-based restrictions on voting. From the Founding of the United States in 1776 to the end of the Civil War in 1865, none of the states consistently recognized a woman's right to vote in federal or state elections. Nonetheless, in the decades prior to the Civil War, women gained significant experience in organizing and leading political reform movements, including women's suffrage campaigns.

After the Civil War, the states' ratification of the Reconstruction Amendments to the Constitution, which aimed to protect African Americans' civil rights, brought new attention to issues of women's rights and suffrage. During the Reconstruction Era, the women's suffrage movement unsuccessfully sought federal recognition of women's voting rights by petitioning Congress and pursuing litigation in federal court. Despite slow progress at the federal level in the late nineteenth century, by 1916, state-level campaigns

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succeeded in obtaining full women's voting rights in eleven western states and partial voting rights in many others.

By the late 1910s, as a result of women's suffrage campaigns and shifting views of traditional gender roles during World War I, the political environment became more favorable for the enactment of a women's suffrage amendment. Congress proposed the Nineteenth Amendment in June 1919, and the states ratified it in August 1920.

[Click here to continue to Part 2 of this Legal Sidebar six-part series.](#)

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# The Nineteenth Amendment and Women's Suffrage Part 2: The Founding Era and the Civil War

January 13, 2023

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As proposed and ratified by men in the late 1780s, the Constitution [did not prohibit](#) the states from establishing gender-based restrictions on voting. From the Founding of the United States in 1776 to the end of the Civil War in 1865, [none of the states](#) consistently recognized a woman's right to vote in federal or state elections. [Several state constitutions](#) in existence at the time of the Founding specifically limited suffrage to men. Many women faced additional barriers to voting because of “[coverture](#),” a legal doctrine derived from English common law. Coverture [denied](#) a married woman a separate legal status from her husband, thereby preventing her from voting.

Although women could not vote in the early 1800s, they [actively led and participated in](#) political reform movements. Female activists, many of whom advocated for the abolition of slavery, increasingly [wrote and gave speeches](#) in support of women's suffrage. In 1848, two of these activists, Elizabeth Cady Stanton and Lucretia Mott, [organized a convention](#) in Seneca Falls, New York, to discuss women's rights.

At this convention of a few hundred women and men, Stanton presented her [Declaration of Sentiments](#), which was modeled after the U.S. Declaration of Independence. Stanton's Declaration stated that “all men *and women* are created equal.” The Declaration listed various grievances against the government and the system of coverture, including the denial of women's “inalienable right to the elective franchise.” One

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hundred convention attendees signed the Declaration, including Stanton, Mott, and African American abolitionist Frederick Douglass. Convention attendees also [narrowly passed](#) a separate resolution calling for women's suffrage.

After the Seneca Falls Convention, women and men organized other conventions throughout the United States to advocate for women's rights, including suffrage. During the 1850s, some formerly enslaved African American women, who faced barriers to voting because of race and gender, [organized and attended conventions](#) advocating for women's suffrage. These women included Sojourner Truth and Sarah Redmond. As a result of these efforts, in the years leading up to the Civil War, the campaign for women's suffrage [attained](#) broader public awareness and support.

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# The Nineteenth Amendment and Women's Suffrage Part 3: The Reconstruction Era

January 13, 2023

This Legal Sidebar is the third in a six-part series that discusses the Nineteenth Amendment to the Constitution, which recognized women's voting rights. Shortly before Election Day 2022, a group of people [gathered in Rochester, New York](#), to honor the late social reformer and women's rights activist, Susan B. Anthony. About 150 years earlier, Anthony [cast a ballot](#) in the 1872 presidential election. She was arrested and charged with illegally voting as a woman in violation of federal law. She unsuccessfully claimed that the [Fourteenth Amendment](#) gave her the right to vote as a privilege of citizenship. A federal district court [imposed a fine](#) of \$100 on Anthony, but she never paid it. As the nation marks the 150<sup>th</sup> anniversary of Anthony's vote—and the 2020 centennial of the Nineteenth Amendment's ratification—Congress may be interested in the history and impact of the women's suffrage movement and the Nineteenth Amendment. Additional information on this topic will be published in the [Constitution Annotated: Analysis and Interpretation of the U.S. Constitution](#).

Shortly after the Civil War, Congress proposed three amendments to the Constitution, known as the Reconstruction Amendments, which aimed to safeguard African Americans' civil rights. These are the [Thirteenth Amendment](#), ratified in 1865, which abolished slavery; the [Fourteenth Amendment](#), ratified in 1868, defining the concept of national citizenship and guaranteeing due process and equal protection of the laws to all persons; and the [Fifteenth Amendment](#), ratified in 1870, prohibiting the federal and state governments from restricting a U.S. citizen's eligibility to vote on the basis of "race, color, or previous condition of servitude." The states' ratification of amendments that aimed to protect African Americans' civil rights [brought new attention](#) to issues of women's rights and suffrage.

Debates over the Reconstruction Amendments led to disagreements within the women's suffrage movement. In particular, during congressional debates over the Fifteenth Amendment, the movement's leaders [divided](#) over whether to support an amendment that granted African American men the right to vote but did not address women's suffrage. Believing that the Constitution should not grant voting rights to African American men unless it also recognized women's suffrage, Elizabeth Cady Stanton and Susan B. Anthony [split](#) from the American Equal Rights Association they founded in 1866 and formed the National Woman Suffrage Association (NWSA) in 1869. NWSA focused its efforts on obtaining federal legislation or a constitutional amendment recognizing women's suffrage. Later in 1869, women's rights activists who supported the Fifteenth Amendment's adoption, including Lucy Stone, founded the

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American Woman Suffrage Association (AWSA). AWSA generally adopted a state-by-state approach to seeking voting rights.

Although NWSA and AWSA would merge in 1890, some women's rights leaders [increasingly excluded](#) African Americans from participation in suffrage events in an effort to gain southern White voters' support. In 1896, African American women formed a national organization, the National Association of Colored Women (NACW), with Mary Church Terrell as its first president. NACW advocated for women's voting rights and other issues important to African American women.

During the Reconstruction Era, the women's suffrage movement pursued its objectives at both the federal and state levels of government. At the federal level, proponents argued before federal courts and Congress that the Fourteenth Amendment granted women the right to vote. In particular, proponents of women's suffrage theorized that the Fourteenth Amendment's [Privileges or Immunities Clause](#) prohibited states from denying women's suffrage. This Clause provides that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

In the Supreme Court case *Minor v. Happersett*, a women's suffrage activist, Virginia Minor, sued a registrar in Missouri who denied Minor's application to vote in the 1872 general election. Minor maintained that, as a citizen of the United States and Missouri, she was entitled to the "privilege" of voting. She argued that the Missouri Constitution and registry law denying her that privilege violated the Fourteenth Amendment.

The Supreme Court agreed that Minor was a natural-born citizen of the United States. However, the Court determined that the right to vote was not one of the "necessary privileges" of citizenship. The Court noted that, at the time of the Constitution's adoption, none of the states allowed all citizens to vote—an arrangement the Framers implicitly accepted. The Court also observed that [Section 2](#) of the Fourteenth Amendment penalized states that denied the right to vote to "male inhabitants" who were citizens at least 21 years of age by reducing their congressional representation. This language, in the Court's view, indicated that suffrage was not an "absolute right of all citizens" under the Constitution. Drawing inferences from the Fourteenth Amendment's text and history, the Court concluded that states could deny voting rights to women.

In addition to pursuing recognition of women's suffrage in federal court, proponents petitioned Congress for legislation requiring the states to recognize women's voting rights. For example, in a [petition](#) to Congress, Victoria Woodhull maintained that the Fourteenth and Fifteenth Amendments implicitly recognized such rights. Congressional committees rejected Woodhull's petition and many [similar petitions](#) during the 1870s. In 1878, Senator Aaron Sargent of California introduced a resolution proposing a [suffrage amendment](#) to the Constitution that contained the same prohibition on abridging women's voting rights as the later-ratified Nineteenth Amendment. However, this resolution lacked the political support needed for passage at the time.

Despite setbacks at the federal level, proponents of women's suffrage achieved some progress at the state level during the Reconstruction Era. A few western state governments accorded women full or partial voting rights. For example, in 1869, the Territory of Wyoming (and later the State of Wyoming) [granted](#) its female citizens full voting rights. Similarly, the Territory of Utah [enacted a law](#) granting women the right to vote in 1870. Although Congress legislatively deprived Utah women of this right in 1887, the State of Utah's constitution again recognized women's suffrage in 1896. Michigan granted women [limited suffrage](#), allowing them to vote in school board elections after the Civil War.

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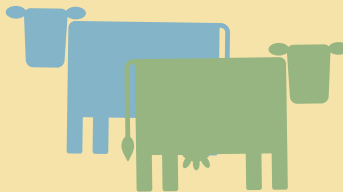
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# The Nineteenth Amendment and Women's Suffrage Part 4: The Progressive Era and Ratification

January 13, 2023

This Legal Sidebar is the fourth in a six-part series that discusses the Nineteenth Amendment to the Constitution, which recognized women's voting rights. Shortly before Election Day 2022, a group of people [gathered in Rochester, New York](#), to honor the late social reformer and women's rights activist, Susan B. Anthony. About 150 years earlier, Anthony [cast a ballot](#) in the 1872 presidential election. She was arrested and charged with illegally voting as a woman in violation of federal law. She unsuccessfully claimed that the [Fourteenth Amendment](#) gave her the right to vote as a privilege of citizenship. A federal district court [imposed a fine](#) of \$100 on Anthony, but she never paid it. As the nation marks the 150<sup>th</sup> anniversary of Anthony's vote—and the 2020 centennial of the Nineteenth Amendment's ratification—Congress may be interested in the history and impact of the women's suffrage movement and the Nineteenth Amendment. Additional information on this topic will be published in the [Constitution Annotated: Analysis and Interpretation of the U.S. Constitution](#).

The [Progressive Era](#), which lasted from the late 1890s to the early 1920s, was a period of increased political activism and social reform in the United States. During this era, the [National American Woman Suffrage Association](#) initially [emphasized](#) state-level efforts to secure voting rights for women. Article I, Section 2, Clause 1 of the Constitution [gave states](#) the ability to determine voter qualifications for congressional elections based on the qualifications required to vote in state elections. By 1916, women [had obtained](#) full voting rights in eleven western states and partial voting rights in many others. Nonetheless, the slow pace of progress at the state level spurred activists such as Carrie Chapman Catt to [intensify their efforts](#) to obtain an amendment to the Constitution recognizing women's right to vote. Some suffragists, such as Alice Paul, combined traditional advocacy efforts with more [radical forms of protest](#), including parades, picketing, and hunger strikes in support of a federal amendment.

The year 1917 marked a [turning point](#) in the fight for women's suffrage. In that year, the first woman elected to Congress, Representative Jeannette Rankin of Montana, took office. (Montana had [granted](#) women equal suffrage rights in 1914.) In addition, New York passed a referendum approving women's suffrage, becoming the first eastern state to do so. As the United States entered World War I in April 1917 to fight for democracy abroad, it became more difficult for opponents of women's suffrage to argue that

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women should be denied a fundamental democratic right at home. By the end of the year, the women's suffrage movement had secured significant political support for a federal amendment, but obtaining the approval of Congress and the state legislatures proved to be a difficult task.

The language that would become the Nineteenth Amendment was first introduced in Congress during the Reconstruction Era. In 1878, Senator Aaron Sargent of California introduced a joint resolution proposing an amendment to the Constitution that [would have prohibited](#) the federal and state governments from restricting U.S. citizens' voting rights "on account of sex." This language was modeled after the [Fifteenth Amendment's](#) prohibition on race-based voting restrictions. The Senate did not act on Senator Sargent's proposal at the time; however, it later [voted down](#) the proposed women's suffrage amendment, as reintroduced, in 1887.

In December 1917, [Representative John E. Raker of California](#) reintroduced the joint resolution proposing a women's suffrage amendment in the 65<sup>th</sup> Congress. During the House of Representative's debate on the resolution, proponents argued that women should have the right to vote because they had played a key role in the nation's labor force during World War I. U.S. allies, including Great Britain, had already granted suffrage to many women. At least one Member of Congress argued that the extension of the franchise to women would recognize their increasing social and economic independence from their husbands. Proponents also noted that many women paid taxes without having a role in choosing their political representatives.

Opponents generally argued that amending the Constitution to recognize women's suffrage would intrude on each state's authority to determine the composition of its electorate and disrupt the traditional notion of the American family. A few Members objected because the Nineteenth Amendment would, at least on paper, enfranchise African American women. Despite some opposition, the joint resolution narrowly achieved the two-thirds majority needed for passage in the House on January 10, 1918.

The Senate debated the joint resolution for several months in 1918. Senate debates touched on many of the same issues as the House debates, including women's contributions to the war effort, states' rights, and race. In September 1918, shortly before the midterm elections, President Woodrow Wilson gave a [speech](#) to the Senate in support of the women's suffrage amendment. President Wilson noted that women supported the nation's fight in World War I and contended that the United States could not fight for democracy abroad while denying women the right to vote at home. In addition to arguing that women's suffrage was key to winning the war, Wilson stated that the resolution of the nation's "great problems" after the war would "depend upon the direct and authoritative participation of women in our counsels." The day after Wilson's speech, on October 1, 1918, the Senate rejected the joint resolution proposing the women's suffrage amendment. The amendment again failed in the Senate during the 65<sup>th</sup> Congress on February 10, 1919.

In May 1919, after the new 66<sup>th</sup> Congress convened, President Wilson [called a special session](#) of the national legislature to consider a number of issues, including the women's suffrage amendment. Progress in Congress was swift. The House passed the joint resolution proposing the Nineteenth Amendment on May 21, 1919, and the Senate approved it on June 4, 1919. Thereafter, it was sent to the states for ratification. Although the new Congress acted quickly on the Amendment, more than a year elapsed before it attained the three-fourths majority of the states necessary for ratification on August 18, 1920. About a week later, on August 26, U.S. Secretary of State Bainbridge Colby [certified](#) the Amendment to have been ratified.

Despite the Nineteenth Amendment's ratification, many African American women and other female minority groups throughout the United States [continued to face significant obstacles](#) to voting, such as poll taxes and literacy tests. These barriers were addressed when the states ratified the [Twenty-Fourth Amendment](#) in 1964. Congress then enacted the [Voting Rights Act](#) in 1965 to enforce the [Fifteenth Amendment](#).

[Click here to continue to Part 5.](#)

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# The Nineteenth Amendment and Women's Suffrage Part 5: Supreme Court Interpretations

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The Supreme Court has not decided many cases interpreting the Nineteenth Amendment. In the only significant case addressing the Amendment's effect, *Breedlove v. Suttles*, the Court [upheld](#) a Georgia law that required state residents between the ages of 21 and 60 to pay a poll tax. The law exempted women who did not register to vote from paying the tax. However, men between 21 and 60 years of age were required to pay the tax, regardless of whether they registered to vote.

A 28-year-old male who sought to register to vote challenged the law as a violation of the Fourteenth and Nineteenth Amendments. The Court acknowledged that the Nineteenth Amendment protected men's voting rights in addition to women's. However, the Court determined, without much elaboration, that the tax did not deny or abridge a man's right to vote on account of his sex.

Almost three decades later, in *Harper v. Virginia State Board of Elections*, the Supreme Court [overruled](#) *Breedlove*, determining that imposing a poll tax on voters in state elections violated the Fourteenth Amendment's Equal Protection Clause. The Court held that conditioning a voter's participation in state elections upon payment of a poll tax discriminated against prospective voters based on their wealth. However, in *Harper*, the Court did not revisit *Breedlove*'s Nineteenth Amendment holding.

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Since *Breedlove*, the Supreme Court has occasionally referenced the Nineteenth Amendment when resolving claims brought under the Fourteenth Amendment’s Due Process or Equal Protection Clauses. For example, when striking down Georgia’s county-unit system for tabulating votes in state primary elections as a violation of the [Fourteenth Amendment’s Equal Protection Clause](#), the Court [suggested](#) that the Nineteenth Amendment stands for “political equality” and illustrates the concept of “one person, one vote.”

In a later equal protection case involving the Virginia Military Institute’s “male-only” admission policy, the Court [traced](#) its application of heightened scrutiny to official actions that deny “rights or opportunities based on sex,” in part, to the history of sex discrimination that preceded the Nineteenth Amendment’s recognition of women’s suffrage.

Although the Court has occasionally referenced the Nineteenth Amendment in its opinions, a number of questions concerning the Amendment’s scope remain unresolved. For example, it is unclear whether a successful Nineteenth Amendment claim [requires](#) a showing of intentional gender-based discrimination and [how far](#) Congress’s Section 2 enforcement power extends.

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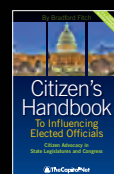
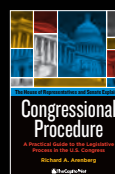
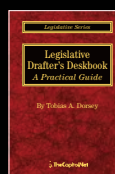
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# The Nineteenth Amendment and Women's Suffrage Part 6: Impacts Beyond the Supreme Court

January 13, 2023

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Although the Supreme Court has not decided many cases interpreting the Nineteenth Amendment, the Constitution's recognition of women's suffrage has had a significant impact throughout society. As the late Justice Ruth Bader Ginsburg [noted](#) at an event celebrating the centennial of the Nineteenth Amendment's ratification, the Amendment “was the first step toward equal-citizenship stature for women” in the political and civil spheres of public life.

In the political domain, the Nineteenth Amendment [changed voter demographics](#) by adding millions of potential female voters to the electorate. As a result, many women immediately acquired a direct role in choosing their elected leaders and representatives for the first time. Nonetheless, many African American women and other female minority groups throughout the United States [continued to face significant obstacles](#) to voting after the Nineteenth Amendment's ratification.

Another visible legacy of the Nineteenth Amendment has been an increase in the number of women holding public office. As a result of the suffrage movement, the Nineteenth Amendment, and other societal developments, the twentieth and twenty-first centuries witnessed a number of electoral “firsts” for women. These included [Jeannette Rankin's](#) 1916 election to the House of Representatives; [Hattie Wyatt Caraway's](#) 1932 election to the Senate; [Nancy Pelosi's](#) 2007 election as Speaker of the House; and

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Kamala Harris’s 2020 election to the vice presidency. At the beginning of the 117<sup>th</sup> Congress in January 2021, a [record number](#) of 151 women took office, accounting for about 28% of Congress’s total membership.

In addition to increasing women’s involvement in politics, the Nineteenth Amendment helped to increase women’s participation in other domains of public life. For example, during the twentieth century, women increasingly served on juries, pursued higher education, and entered the professional workforce in the United States. Nonetheless, despite progress on women’s rights issues, some advocates, such as the National Woman’s Party, [continued to campaign](#) for the removal of all “existing sex distinctions” from the law. These advocates sought an amendment to the Constitution that would have guaranteed full legal equality between women and men. This proposed [Equal Rights Amendment \(ERA\)](#) was ultimately unsuccessful; however, efforts to obtain an ERA received [new attention](#) during the 2020 centennial celebration of the Nineteenth Amendment’s ratification.

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