



## Historical Context on Suffrage and Women's Equality Day.

Let's talk a little bit more about how we got here and what Women's Equality Day means in the context of U.S. history. When the U.S. Constitution was written in 1787, women were not given equal standing with men. One of the most fundamental rights in the United States—the right to vote—was only granted to women after a hard-fought campaign that lasted more than 70 years.

In 1848, women and men came together to write the Declaration of Sentiments in Seneca Falls, New York. This document concretely founded the Woman Movement and served as a rallying cry for equal rights to generations of women.

In the decades following the 1848 Women's Rights Convention, suffragists became divided in their opinions toward other important social justice issues. The movements to end slavery and, after the Civil War and Emancipation, to achieve Black male suffrage dominated the agendas of most reformers. By the 1910s, women were eager to fight for their own rights to full citizenship in the world's largest democracy, often through the organization of various women's clubs. In these clubs, women learned public speaking, organizing, advocacy and publicity skills.

On August 26, 1920, women gained the right to vote through the adoption of the 19th Amendment. Though a monumental achievement, women's suffrage was not immediately universal: **African American and Native Americans women were still denied access to the vote and to fully claim American citizenship.** African American women (and men) in many states were disenfranchised by state law and obstructionist practices. Native Americans women (and men) could not vote in 1920 because they were not counted as citizens.

Four years after the 19th Amendment became law, the United States granted Native Americans official citizenship status through the Indian Citizenship Act. Only then were Native women (and men) officially able to exercise their right to vote. But again, in many cases, even after 1924, they were prevented from voting by literacy tests, fees and other discriminatory and unconstitutional requirements.

Likewise, the adoption of the 19th Amendment did not ensure Black women's right to vote. The 14th and 15th Amendments granted African Americans citizenship and suffrage after the Civil War, but those laws applied only to men. Many African American women and men, especially in the American South, were denied suffrage for decades through state Jim Crow Laws, which enforced segregation—often through violence—and imposed poll taxes and literacy tests as prerequisites for voting. Though clearly a violation of several amendments to the Constitution, these wrongs were not legally



righted until Congress passed the Voting Rights Act of 1965—100 years after the end of the Civil War.

It is also important to note the racial divides that emerged within the suffrage movement. Many white suffragists excluded women of color, fearing that addressing racial inequality in addition to gender inequality would weaken their cause. In some cases, white organizers of suffrage marches and conventions outright barred African Americans from participating or made them walk in the back. Black suffragists persisted, and activists like Ida B. Wells, Adella Hunt Logan and Mary Church Terrell organized and fought for their rights as both women and African Americans.

Women's suffrage also varied by state. Although nationally women gained the right to vote in 1920 through adoption of the 19th Amendment, they actually gained and subsequently lost the right to vote on a state-by-state basis in the 150 years between the writing of the U.S. Constitution and ratification of the 19th Amendment.

The congress proposed the Nineteenth Amendment on June 4, 1919 and the following states ratified the amendment.

1. Illinois (June 10, 1919, reaffirmed on June 17, 1919)
2. Michigan (June 10, 1919)
3. Wisconsin (June 10, 1919)
4. Kansas (June 16, 1919)
5. New York (June 16, 1919)
6. Ohio (June 16, 1919)
7. Pennsylvania (June 24, 1919)
8. Massachusetts (June 25, 1919)
9. Texas (June 28, 1919)
10. Iowa (July 2, 1919)
11. Missouri (July 3, 1919)
12. Arkansas (July 28, 1919)
13. Montana (August 2, 1919)
14. Nebraska (August 2, 1919)
15. Minnesota (September 8, 1919)
16. New Hampshire (September 10, 1919)
17. Utah (October 2, 1919)
18. California (November 1, 1919)
19. Maine (November 5, 1919)
20. North Dakota (December 1, 1919)
21. South Dakota (December 4, 1919)
22. Colorado (December 15, 1919)
23. Kentucky (January 6, 1920)
24. Rhode Island (January 6, 1920)



25. Oregon (January 12, 1920)
26. Indiana (January 16, 1920)
27. Wyoming (January 27, 1920)
28. Nevada (February 7, 1920)
29. New Jersey (February 9, 1920)
30. Idaho (February 11, 1920)
31. Arizona (February 12, 1920)
32. New Mexico (February 21, 1920)
33. Oklahoma (February 28, 1920)
34. West Virginia (March 10, 1920, confirmed on September 21, 1920)
35. Washington (March 22, 1920)
36. Tennessee (August 18, 1920)

Ratification was completed on August 18, 1920. The amendment was subsequently ratified by the following states:

37. Connecticut (September 14, 1920, reaffirmed on September 21, 1920)
38. Vermont (February 8, 1921)
39. Delaware (March 6, 1923, after being rejected on June 2, 1920)
40. Maryland (March 29, 1941 after being rejected on February 24, 1920; not certified until February 25, 1958)
41. Virginia (February 21, 1952, after being rejected on February 12, 1920)
42. Alabama (September 8, 1953, after being rejected on September 22, 1919)
43. Florida May 12, 1969)
44. South Carolina (July 1, 1969, after being rejected on January 28, 1920; not certified until August 22, 1973)
45. Georgia (February 20, 1970, after being rejected on July 24, 1919)
46. Louisiana (June 11, 1970, after being rejected on July 1, 1920)
47. North Carolina (May 6, 1971)
48. Mississippi (March 22, 1984, after being rejected on March 29, 1920)

In the 1970s, during another period of war and social upheaval, women were once again pushing for equal treatment in business and government. It is no coincidence that during this “second wave of feminism,” Congress passed a resolution in 1971 to help Americans remember the hard work and the sacrifices that the suffragists made for gender equality. As a result, August 26 became an official national holiday known as Women’s Equality Day.

*\*\*Resources: Women 100: A National Celebration of American Women is presented by Vision 2020, a nonpartisan women’s equality coalition headquartered at Drexel University’s Institute for Women’s Health and Leadership in Philadelphia.*



## Historical Facts:

### EQUALITY & CITIZENSHIP

- A. The Setting: The U.S. in the late 1700s and early 1800s
  - a. During and after the American Revolution, New Jersey women had the right to vote.
  - b. They could vote if they held at least £50 in property (about \$7,800 today).
  - c. And they could only vote if they were single or widowed. (Married women were not allowed to vote for fear they would simply double—or cancel out—their husband’s votes.)
  - d. In 1807, New Jersey took away women’s right to vote.
- B. The Setting: The U.S. in the late 1800s
  - a. After the Civil War, new western states—Wyoming, Utah, Colorado and Utah—allowed women to vote.
  - b. [But] In 1887, the U.S. Congress passed a law taking away women’s right to vote in Utah.
- C. The Setting: The U.S. in the 20th and 21st centuries
  - a. The 19th Amendment (1920) allowed all women to vote.
  - b. [But] Legal discrimination based on gender did not end.
  - c. Alice Paul drafted an Equal Rights Amendment in 1923 stating that: “Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.”
  - d. [But] The Equal Rights Amendment, was introduced in every Congress from 1923 to 1970. Congress finally approved it in 1972 with a seven-year deadline for the states to ratify. 35 of the 38 states needed to ratify did so, but the deadline was missed, and the ERA was never added to the Constitution.
  - e. Today, women are running for and getting elected to office and being appointed as judges in greater numbers than ever.
  - f. [But] About 17% of the members of the U. S. Congress are women, and women account for about one-third of the judiciary.

### EQUALITY & MARRIAGE

- A. The Setting: The U.S. in the 1800s.
  - a. Before the late 1800s, married women had no legal or financial identity. Generally, wives could not own property, enter into contracts, keep earnings for themselves, or obtain an education against their husband’s wishes. Divorce was not a legal option, except when women could prove husbands’ adultery.



- b. In 1860, Indiana gave women the right to seek divorce from their husbands based on drunkenness, desertion, or cruelty, as well as adultery.
  - c. [But] In 1862, a North Carolina woman sued her husband for divorce because he had horsewhipped and beaten her. She lost. The state's Supreme Court wrote: "The law gives the husband power to use such degree of force necessary to make the wife behave and know her place."
  - d. In the 1860s, New York, Indiana, Maine, Missouri, and Ohio expanded women's rights by allowing married women to keep their own wages.
  - e. [But] In all other states, men kept legal control over their wives' property and earnings. Some options existed to protect a woman's property going into a marriage, but these were rare.
- B. The Setting: The U.S. in the 20th and 21st century.
- a. The Equal Credit Opportunity Act (1974) passed to ensure that lenders could not discriminate against borrowers based on sex or marital status. This was an important step toward women achieving independent financial status.
  - b. [But] Although discrimination is illegal, women have a harder time than men accessing credit, particularly those with children and in rural and poorer areas.

## EQUALITY & THE WORKPLACE AND SCHOOL

- A. The Setting: The U.S. in the 20th and 21st centuries.
- a. The Equal Pay Act of 1964 passed to ensure that employers pay men and women the same for "jobs [requiring] equal skill, effort, and responsibility, and which are performed under similar working conditions[.]"
    - i. [But] Almost 40 years later, the 2000 Census revealed that women were making 75.5 cents for every dollar earned by men for the same work.
    - ii. In 2007, that number rose to 77 percent.
    - iii. In 2020, that number rose to 81 percent.
- B. Title IX of the Education Amendments of 1972 was passed, making it illegal to exclude anyone on the basis of sex from participation in any federally funded educational program.
- i. [But] Grove City College refused to comply with Title IX and subsequently won in a U.S. Supreme Court ruling that said that institutions did not have to comply if the federal funding did not relate directly to the activity in question.
  - ii. The Civil Rights Restoration Act of 1988 reversed this.
  - iii. [But] Opponents of Title IX continue to offer challenges.
- C. Women make up over 46% of the work force in America.



- i. 40% of women working outside the home are in management and professional positions.
- ii. 31% of American lawyers are women.
- iii. 27% of physicians are women and.
- iv. [But] 2% of Fortune 1000 companies have women as their CEOs.
- v. Despite record numbers of women in law and medical programs, only 19% of law partners are women and in most medical specialties, women account for much smaller percentages than they do among general practitioners.

*\*\*Resources: Prepared by Remer & Talbott for Vision 2020, Drexel University*



## **Timeline of the Equal Rights Amendment: 1923–1996**

*Adapted from: National Organization for Women (NOW)*

### **1923**

Three years after women won the right to vote, the Equal Rights Amendment (ERA) is introduced in Congress by Senator Curtis and Representative Anthony, both Republicans. It is authored by Alice Paul, head of the National Women's Party, who led the suffrage campaign. (Anthony is the nephew of suffragist Susan B. Anthony).

### **1923–1970**

Through the efforts of Alice Paul, the Amendment is introduced into each session of Congress. Buried in committee in both Houses of Congress, the ERA awaits a hearing on the floor. In 1946, it is narrowly defeated by the full Senate, 38-35. In 1950, the ERA is passed by the Senate with a rider that nullifies its equal protection aspects.

### **1967**

The National Organization for Women (NOW), a recently founded feminist group, pledges to fight tirelessly for the ratification of the ERA.

### **1970**

February: Twenty NOW leaders disrupt hearings of the U.S. Senate Subcommittee on Constitutional Amendments, demanding the ERA be heard by the full Congress.

May: The Senate Subcommittee begins hearings on the ERA under Senator Birch Bayh.

June: The ERA finally leaves the House Judiciary Committee due to a discharge petition filed by Representative Martha Griffiths.

### **1971**

The ERA is approved without amendments by the U.S. House of Representatives in a vote of 354-24. The National Education Association and the United Auto Workers vote at their annual conventions to endorse the ERA.

### **1972**

March 22: The Equal Rights Amendment is approved by the full Senate without changes—84-8. Senator Sam Ervin and Representative Emanuel Celler succeed in setting an arbitrary time limit of seven years for ratification. The newly founded National Conference for Puerto Rican Women endorses the ERA, and the League of Women Voters agrees to support it after years of opposition. Phyllis Schlafly establishes the National Committee to Stop ERA.



### **1973–1975**

The ERA wins a powerful ally when the AFL-CIO votes to endorse it in 1973.

### **1975–1977**

Pressure from anti-ERA, right-wing groups begins to surface in state legislatures. Indiana becomes the 35th state to ratify in 1977. NOW chapters in unratified states are succeeding in electing pro-ERA candidates. But instances of “turncoat voting” on the ERA are also surfacing.

### **1977**

At the first congressionally funded National Women’s Conference in Houston, Texas, 2,000 delegates from every state call for ratification of the ERA.

February: NOW publicizes the ERA boycott of unratified states and gathers even more support for the Amendment. The number of pro-ERA groups grows to more than 450, representing more than 50 million Americans.

March: NOW seeks an extension of the deadline for ERA ratification with the argument that the Constitution imposes no time limit for ratification of amendments. Further, the seven year provision of ERA is not a part of the text of the amendment, but rather is only in the resolving clause. Congress has the power to establish and change the time limit.

July 9: Alice Paul, ERA author, dies at age 92 October: Representative Elizabeth Holtzman introduces a bill calling for an extension of the ERA deadline which had been March 22, 1979.

### **1978**

February: The NOW National Board declares a State of Emergency on the ERA. It pledges full resources to winning the deadline extension and to ongoing ratification campaigns.

February–March: Missouri files suit on antitrust grounds against NOW, claiming it violated the Sherman Antitrust Act by urging groups to boycott unratified states and hold conventions only in ratified states.

July 9: NOW organizes ERA Extension March of 100,000+ supporters in Washington, DC. This March for Equality is the largest in feminist history.

August 15: After intense lobbying by a united women's rights coalition, the U.S. House of Representatives approves the ERA deadline extension, 233-189.



October 6: The U.S. Senate joins the House and approves extension by a vote of 60-36. A new deadline of June 30, 1982 is set.

### **1979**

January–June: ERA opponents launch all-out attack by attempting to pass rescission bills in at least a dozen states. Rescission bills are defeated in 12 states.

February: Federal Judge Elmo Hunter rules in the ERA boycott case that NOW's activities are protected by the First Amendment and do not violate antitrust laws. This decision is later upheld by the U.S. Court of Appeals. The Supreme Court in late 1980 declines to hear the case. The ERA Boycott is legal.

May: Legislators from Idaho, Arizona and Washington state file suit in federal court challenging the constitutionality of the ERA extension and seeking to validate a state's power to rescind a prior ratification. The case is assigned to Judge Marion Callister, who at the time the litigation began (and 6 months after) held a high office (Regional Representative) in the hierarchy of the Church of Jesus Christ of Latter-day Saints, commonly known as the Mormon Church. The Church officially and actively opposes the ERA and the ERA extension and supports rescission.

### **1980**

May: NOW organizes 85,000 people to march in Chicago in support of Illinois ratifying the ERA.

July: During platform hearings, the Republican Party reverses its 40 year tradition of support for ERA. NOW organizes 12,000 to march in Detroit at the Republican Convention. The final Republican Platform officially takes no position on ERA, but candidate Ronald Reagan and newly elected rightwing party officials actively oppose the amendment.

August: The Democratic Party reaffirms support for ERA and the ERA boycott. The Platform pledges to withhold campaign funds and assistance from presidential candidates who do not support ERA.

November: Exit polls on election day show that for the first time ever recorded, men and women vote quite differently in the race. AP/NBC News reports that men backed Reagan by a 56-36 percent edge, but women split their votes 47-45 percent. Pollsters later indicate that for women, the issue of women's rights and ERA had a significant impact on their votes. By March 1981, leading pollsters are claiming "Ronald Reagan has a woman problem" on ERA.

### **1981**

January: Ronald Reagan becomes the first U.S. President opposed to a constitutional amendment which provides equal rights for women. NOW organizes "ERA YES



Inaugural Watch” where some 40,000 ERA supporters remind the new President of the overwhelming pro-ERA sentiments in the nation.

April: NOW sends Feminist Missionaries to Utah, the heart of the opposition to ERA, and the headquarters of the Mormon Church, to take the message of the ERA directly to the Mormon people, door-to-door.

May: NOW files a \$10 million lawsuit against the Attorney General of Missouri charging that he intentionally injured NOW, the Equal Rights Amendment campaign and the women’s rights movement by suing NOW for its convention boycott of states which have not ratified ERA.

June: NOW announces Betty Ford as honorary chair and Alan Alda as co-chair of NOW’s ERA Countdown Campaign activities.

June 30: NOW sponsors ERA Countdown Rallies in over 180 cities to draw attention to the ERA deadline of June 30, 1982, and to dramatize the wide support for the ERA.

October: NOW begins the first nationwide advertising campaign for ratification of the ERA. The television spots focus on sex discrimination and are designed to activate the vast majority of people who support the ERA.

December: On the eve of the opening of crucial legislative sessions in key unratified states, Judge Callister rules the ERA extension illegal and rescission legal. This opinion marks the first time in this country’s history that an Act of Congress relating to the amending process was declared unconstitutional by a federal court. NOW immediately appeals the ruling to the Supreme Court and asks for an expedited hearing.

## **1982**

January: The Supreme Court, just 17 days after NOW appealed the Callister ruling vindicates NOW’s position by entering a rarely granted unanimous stay prohibiting the enforcement of Callister’s decision and agreeing to hear NOW’s appeal on the merits of the case at a later date. This action negates any legal effect of Callister’s decision and removes the cloud of confusion that the ruling had placed over the ratification debate in the states.

June 30: ERA is stopped three states short of ratification. ERA supporters pledge “We’ll Remember in November.” An analysis of the ERA vote in the four key targeted states, Florida, Illinois, North Carolina and Oklahoma, shows the Republicans deserted ERA and Democratic support was not strong enough to pass the amendment; the analysis makes clear that the single most obvious problem was the gender and racial imbalance in the legislatures, with more than 2/3 of the women, all of the African Americans but less than 50 percent of the white men in the targeted legislatures casting pro-ERA votes in 1982.



July: ERA is officially reintroduced in the United States Congress. 1983 The U.S. House of Representatives fails to pass the ERA by a vote of 278 for the ERA and 147 against the ERA, only 6 votes short of the required 2/3 majority for passage. Fourteen cosponsors voted NO and three cosponsors did not vote. Only 30 percent of the Republicans voted YES and 85 percent of the Democrats voted YES.

### **1985-**

The ERA is reintroduced into each session of Congress and held in Committee.

### **1993**

At its national convention NOW passes a resolution calling for the formation of two committees, one an ERA grassroots committee to survey the chapters and states as to their members' current thinking about the direction the organization should take concerning the ERA. The second committee (the legislative history committee) is formed to study the history of the previous amendment and the impact of state ERAs.

### **1994**

As activists begin to discuss what they want constitutional equality for women and non-discrimination on the basis of sex to mean, interest grows and at the annual conference in July 1994, an ERA Strategy Summit is called for the purpose of developing recommended language for a new ERA. The membership includes in the resolution that any proposed amendment must include the concepts of reproductive rights including abortion and non-discrimination on the basis of sexual orientation.

### **1995**

January: The ERA Summit is attended by the national officers and board, the state presidents, members of the ERA Strategy committee and interested activists to discuss the issue and draft language for a new ERA. At the ERA Summit, NOW President Patricia Ireland explains that to achieve true equality a paradigm shift is needed. Under the equal protection clause of the 14th Amendment, using a male rather than human standard, the courts have been able to justify discrimination. Our goal of the summit is defined as the need to construct an amendment and develop a strategy that would end women's historic subordination to men and guarantee women full constitutional rights.

July: NOW members, voting in conference, resolve to proceed with an expanded constitutional amendment strategy that would eliminate discrimination based on sex, race, sexual orientation, marital status, ethnicity, national origin, color or indigence. Members also call for further study of age and disability as classes to be included in the struggle for constitutional equality.



## **1996**

The national Constitutional Equality Amendment (CEA) Committee continues to evaluate the working draft of the CEA adopted at the 1995 National NOW Conference. The committee produces and distributes educational and action organizing materials on the proposed amendment. In addition, the committee plans day-long education and action organizing workshops to be held throughout the country.

### **Key Messages designed to honor the past, enrich the present and shape the future.**

#### **PAST**

Securing the right to vote was the first step toward women's equality. American women campaigned for suffrage — the right to vote — in order to participate in our democracy. Opponents called them unpatriotic and radical. For more than 70 years, they organized, held conventions, wrote letters, signed petitions, lobbied Congress, marched in streets, and picketed the White House. Some were arrested and jailed. Their determination and persistence achieved the goal. The 19th Amendment to the U.S. Constitution guaranteed women the right to vote in 1920, although barriers continued to exist for women of color.

#### **PRESENT**

Despite progress, women's equality is unfinished business. Over the past 100 years, the status of American women has improved in countless ways. The women's movement of the 1960s increased momentum, leading to decades of legislation that expanded women's rights. But progress remains glacially slow. Discrimination and other barriers endure. Men still hold 75 to 80 percent of top leadership jobs in business and government.

#### **FUTURE**

The pace of progress must be accelerated to achieve women's equality. At the current rate, it will be decades before women achieve economic, political or social equality.