

# My Mother Made Me Do It

## A Short History of the Nineteenth Amendment

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Mothers have been the inspiration and driving force behind many wonderful things, but perhaps none so historic as the ratification of the Nineteenth Amendment, which granted women the right to vote: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of sex.”

In the summer of 1920, the Nineteenth Amendment was on the brink of ratification. Thirty-five of the 36 required states had voted to ratify the amendment. Eight states had rejected the amendment, which left only five to cast the final deciding vote. Hoping to pass the amendment before the 1920 presidential election, suffragists believed Tennessee was their best hope for ratification. Indeed, Florida and North Carolina waited another 50 years to approve ratification.

Tennessee Governor Albert H. Roberts, a supporter of the amendment, called a special session of the state’s general assembly to consider ratification. Thousands of suffragists and anti-suffragists made the pilgrimage to Tennessee, flooding the capital to influence the lawmakers. One anti-suffragist broadside read: “MEN of the SOUTH: Heed not the song of the suffrage siren. Seal your ears against her vocal wiles. . . . DO NOT JEOPARDIZE the present prosperity of your sovereign States, which was so dearly bought by the blood of your fathers and tears of your mothers.” Supporters on both sides viewed the vote as a broader battle

between good and evil, and their rhetoric and tactics followed accordingly. Legislators received late-night phone calls threatening professional, financial, and political ruin. In the spirit of the day, some accepted bribes. Those known to have a weakness for whiskey were liquored up in the Jack Daniels suite, with the hope that their hangovers would be brutal enough to keep them from the voting roll call.

Despite the volatile mood, the amendment easily passed in the Tennessee Senate, though it faced significant roadblocks in the House of Representatives. The House Speaker twice attempted to table the vote on ratification but was defeated both times by a deadlock vote of 48–48. One of the votes in favor of tabling the resolution came from 24-year-old Harry T. Burn, the youngest member of the legislature. Burn showed up to the session with a red rose pinned to his lapel, signaling his opposition to suffrage.

The roll call vote was finally held after vigorous debates. The vote passed—to the ire of the anti-suffragists, Burn voted yes. Although Burn wore a red rose on his lapel, he also had a letter from his mother, Phoebe Ensminger Burn, in his suit jacket pocket next to his heart. The letter read: “Hurrah, and vote for suffrage! Don’t keep them in doubt. I notice some of the speeches against. They were bitter. I have been watching to see how you stood, but have not noticed anything yet.” She ended her letter with a nod to the suffragist leader Carrie Chapman Catt,



implored him to “be a good boy and help Mrs. Catt put the ‘rat’ in ratification. With lots of love, Mama.”

The fight for ratification was not yet won. Popular myth held that Burn was chased out of the capital by anti-suffragists or hid in the attic of the state capitol to avoid the angry mob. In reality, Burn did not flee the state, but other representatives did. Thirty-seven representatives left Nashville for Alabama in a bid to avoid a quorum while the anti-suffrage representatives who remained hosted rallies. These efforts proved futile, and just four days later Governor Roberts certified Tennessee’s vote and delivered the crucial 36th state necessary for final adoption.

The “aye” of one man helped enfranchise millions of American women—the largest democratizing event in U.S. history. His vote, however, came on the tail of decades of tireless campaigning. Catt

wrote in her 1923 book *Woman Suffrage and Politics*: “To get the word ‘male’ in effect out of the Constitution cost the women of this country 52 years of pauseless campaign.”

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## The Path to Equality

The path to voting equality started long before the ratification vote. The 1776 New Jersey constitution, for example, granted “all inhabitants” of legal age who met property and residency requirements the right to vote. A 1790 state election law used the words “he or she,” clarifying that this right extended to men and women. The women of New Jersey took advantage of this right, regularly voting in elections and speaking about political issues. Women’s enfranchisement would prove to be short-lived,

Illustration by Susan Gal

however. In the early 1800s, allegations of voter fraud during contested elections led to calls for tighter voter qualifications. At the same time, the Democratic-Republican Party began to unify its factions in preparation for the 1808 elections. This consolidation led the party to advocate taking the vote away from women, who tended to support the Federal Party. In 1807, the New Jersey legislature withdrew women's right to vote.

Although the New Jersey experiment ended in failure, the American West proved women's suffrage could endure. Women in the American West enjoyed the right to vote as early as 1869, predating the ratification of the Nineteenth Amendment by 50 years.

The Wyoming Territory was the first to take the step to secure women's suffrage, though the high ideals of suffrage were often contrary to the forces driving its adoption. During the late 1800s, Wyoming suffered the largest gender imbalance in the country. For every 100 men, Wyoming was home to only 58 women. Lawmakers hoped the right to vote would lure women into the territory. This tactic flipped on its head the concurrent push for black suffrage, where northern states imposed black suffrage on the South but largely eschewed it for themselves out of fear of a black migration northward.

Many Wyoming lawmakers thought that it was only right that women—and, in particular, white women—had the right to vote, given that black and Chinese men did. A local newspaper even claimed this racial animus was “the clincher” argument.

Some contended the bill was a joke gone too far. One legislator wrote an article in the *Wyoming Tribune* claiming that “amid the greatest hilarity, and after the presentation of various funny amendments, and in full expectations of the gubernatorial veto, an act was passed Enfranchising the Women of Wyoming.”

The promise of statehood may also have been on the mind of Wyoming lawmakers. At the time, Congress would generally welcome territories into statehood once they had reached a certain population. An influx of women into the state would help to speed population growth and, in turn, increase the territory's chance at becoming a state. Wyoming was truly the “wild west” and one claim for suffrage was that it would elevate the morals of the territory.

Regardless of the motivations, Wyoming's commitment to equality remained steadfast once it took hold. Earning its nickname of “the Equality State,” in 1890 Wyoming became the first state to grant women the right to vote and went on to embrace women's political equality—in voting, jury service, and public office. Wyoming was home to the first female governor (Nellie Tayloe Ross), the first woman appointed to public office (Esther Hobart Morris), and the first town governed entirely by women (Jackson, Wyoming). When Wyoming applied for statehood, Congress recoiled. The Wyoming legislature stood its ground and rebuked Congress: “We will remain out of the Union one hundred years rather than come in without the women.” Congress

relented. By the turn of the century, four western states or territories provided for women's suffrage—Colorado, Idaho, Utah, and Wyoming. Four more—Montana, Nevada, Oregon, and Washington—joined their sister states by 1914.

Although women's suffrage struggled to take legislative root in states on the East Coast, a vibrant advocacy community bloomed. Lucretia Mott, Elizabeth Cady Stanton, Mary Ann M'Clintock, Martha Coffin Wright, and Jane Hunt organized the now famous Seneca Falls Convention in 1848. The convention drew 300 women and men to discuss the social, civil, and religious rights of women. As Stanton exhorted during her opening address, “[w]e are assembled to protest against a form of government, existing without the consent of the governed—to declare our right to be free as man is free. . . .”

The conference culminated in the Declaration of Sentiments, which served as a manifesto of the women's rights movement. Mirroring the Declaration of Independence, it stated, “We hold these truths to be self-evident: that all men *and women* are created equal.” The Declaration of Sentiments included 11 resolutions adopted during the conference, among them, equal rights within the church and equal access to jobs. All resolutions passed unanimously except for the ninth, which declared it the duty of American women to “secure to themselves their sacred right to the elective franchise.” The resolution inspired heated debate, with Stanton and abolitionist leader Frederick Douglass giving speeches in support of the resolution. The document concluded with a call to action: “We shall employ agents, circulate tracts, petition the State and national Legislatures, and endeavor to enlist the pulpit and the press in our behalf.”

The Declaration of Sentiments, its resolutions, and its call to action proved inspiring. The Declaration of Sentiments was “the single most important factor in spreading news of the women's rights movement around the country in 1848 and into the future,” according to Judith Wellman, a historian of the convention. Women's suffrage became a core tenet of the women's rights movement.

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## Supporters of the Suffragist Movement

That wealthy white women were often the face of the suffragist movement belies the breadth of inspiration and support from other communities. Mott and Stanton's vision for the women's suffrage movement benefited from their interactions with members of the Seneca Nation, one of the six tribes in the Iroquois Confederacy. While living in Seneca Falls, Stanton had frequent contact with members of the Onondaga Nation, who often passed through the town to sell baskets and beadwork. In 1848, Mott spent a month among the Seneca people while they debated reorganizing their government.

The Iroquois Confederacy, comprised of the Cayuga, Mohawk, Onondaga, Oneida, Seneca, and Tuscarora Nations, offered

Stanton and Mott a vision of a society in which women participated in all major decision-making. Iroquois women had the power to veto any act of war and to choose and remove chiefs. Their authority also manifested through women's control of land and food resources, according to Louise McDonald, a Bear Clan mother of the Mohawk Nation. To the shock of early European settlers, negotiations with the Iroquois tribes involving land had to be approved by women.

Suffragists looked for support in all quarters. The Women's Christian Temperance Union, one of the most influential women's movements of the day, sought to combat the effects of alcohol abuse on women and children. When Frances Willard became its president in 1879, the union expanded its platform to campaign for women's suffrage, along with labor laws and prison reform. Willard predicted that, once given the right to vote, women voters "would come into government and purify it, into politics and cleanse the Stygian pool."

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## The Nineteenth Amendment entitled women to the right to vote but did not bestow on them the many other rights their male counterparts enjoyed.

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The suffrage movement was also linked with the abolitionist movement. Along with being an abolitionist leader, Douglass was a suffragist who lent his impressive advocacy skills to the cause of women's rights. In an editorial published in his anti-slavery newspaper *The North Star*, he wrote, "[I]n respect to political rights . . . there can be no reason in the world for denying to woman the elective franchise."

A growing number of black women, like Ida B. Wells-Barnett and Sojourner Truth, supported women's suffrage. Unlike their white counterparts, who viewed suffrage as a means to rectify the oppression in their marriages and domestic lives, African American women saw it as a means to empower the black community. This divergence deepened after the Civil War. As Adella Hunt Logan wrote in *The Crisis*, a publication of the National Association for

the Advancement of Colored People, if white women needed the vote to protect their rights, then black women, as victims of racism as well as sexism, needed the ballot even more.

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## Challenges and Protests

After the Civil War, the ratification of the Reconstruction amendments breathed new life into the suffrage movement. Activists believed the Fourteenth and Fifteenth Amendments could be valuable litigation and advocacy tools for the movement because they granted universal citizenship, prevented states from denying "any person within its jurisdiction the equal protection of the laws," and prohibited states from withholding the right to vote "on account of race, color, or previous condition of servitude." The election of 1872, the first presidential election following ratification of these amendments, presented a fertile opportunity to suffragists.

The National Woman Suffrage Association and Susan B. Anthony, one of its founders, urged women to attempt to vote and then, after being turned away, to challenge laws that prevented women from doing so. Anthony outlined the legal basis for their efforts: the Fourteenth Amendment's Privileges or Immunities Clause, which read in relevant part, "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." On the theory that women were citizens and the Fourteenth Amendment made it clear no citizen should be denied the privileges and immunities of citizenship, the argument was that the Constitution granted women the right to vote. If only it were that easy.

On election day 1872, Anthony and 14 other women persuaded election inspectors to allow them to vote. Anthony was arrested shortly after and charged with voting illegally. Again Anthony seized the opportunity to spread the suffragist message. Leading up to her trial, Anthony traveled to Monroe County, New York, where the trial was to be held—and from where the juror pool would be chosen—giving a speech titled "Is it a Crime for a U.S. Citizen to Vote?" Anthony's efforts were thwarted when the government asked that the trial be moved to the federal circuit court, which sat in Ontario County. Not one to give in, Anthony began another speaking circuit through that county.

By the time the trial began in 1873, the Supreme Court had decided the *Slaughter-House Cases* and *Bradwell v. Illinois* and, in doing so, narrowly defined the rights bestowed under the Fourteenth Amendment. Relying on these cases, the judge concluded that Anthony knew she lacked the right to vote and acted knowingly to violate the law. He directed the jury to return a guilty verdict.

Common law at the time prevented Anthony from testifying on her own behalf during the trial. Nevertheless, she persisted, seizing an opportunity to speak when the judge asked if she had

anything to say before sentencing. Over admonishments to sit down and stop talking, Anthony called the trial a “high-handed outrage upon my citizen’s rights,” arguing “you have trampled under foot every vital principle of our government. My natural rights, my civil rights, my political rights, my judicial rights, are all alike ignored.” She was ordered to pay a \$100 fine, to which she responded, “I shall never pay a dollar of your unjust penalty.” She never did.

The election of 1872 was notable for other reasons. Victoria Woodhull became the first female presidential nominee, running as a member of her own Equal Rights Party. Like her contemporaries, she too saw the Fourteenth Amendment as a reason to support women’s suffrage. Unlike her contemporaries, she was not only a suffragist but also a feminist, advocating for the right to vote as well as sexual, societal, and economic liberation. Upon announcing her candidacy, she stated, “I am quite well aware that in assuming this position I shall evoke more ridicule than enthusiasm at the outset.” She continued, “But this is an epoch of sudden changes and startling surprises.”

By the turn of the century, Catt—whom Burn’s mother invoked in her catalytic letter—became the president of the National American Woman Suffrage Association and adopted a new plan for the movement. Her strategy, which she dubbed the “Winning Plan,” rested on incremental legislative success on the federal and state levels. Activists in states that had already passed women’s suffrage laws would focus on the Nineteenth Amendment, while those in other states would lobby for state-level legislation. Meanwhile, the association also worked to elect men who supported women’s suffrage.

Other factions of the movement opted to take a more combative approach. Alice Paul and Lucy Burns had gained firsthand experience with the militant tactics deployed during British suffrage efforts. They met in a London police station after their arrest for their resistance efforts in the Women’s Social and Political Union. Indeed, Paul was arrested seven times and imprisoned three for her activist work. After moving back to the United States, Paul and Burns joined the National American Woman Suffrage Association and became part of its Congressional Committee. Facing pushback for their radical vision, they turned their sights on organizing the first Women’s March in 1913 in Washington, D.C. The march aimed to “march in a spirit of protest against the present political organization of society, from which women are excluded.” It also served to refocus the suffrage movement on the importance of a national constitutional amendment for women’s suffrage and pressure President Wilson, who opposed the amendment.

The march attracted over 5,000 participants, who faced heckling, intimidation, and other hostility, as well as crowds of half a million. Though the march captured national media attention, Wilson evaded the suffragists’ efforts for years after.

World War I swept in a new rallying call for suffragists. In 1914, only eight states had granted women the right to vote, and support for a federal amendment was stagnant. As women replaced men in the labor force, women argued that they deserved the right to vote and that it was hypocritical to fight for democracy abroad but abandon it at home. By 1918, 15 states provided women full voting rights, with many others offering partial voting rights. Facing a contentious midterm election, President Wilson finally voiced his support for the Nineteenth Amendment, asking, “Shall we admit them only to a partnership of suffering and sacrifice and toil and not to a partnership of privilege and right?”

On May 19, 1919, Wilson, bending to the pressure of suffragists, called a special session of Congress. On June 4, 1919, the amendment passed both houses of Congress. Just over a year later, in August 1920, the Nineteenth Amendment became part of the Constitution when Tennessee voted to ratify.

Women’s suffrage faced many challenges in the coming years, including low voter turnout by women, barriers to black women’s voting rights, and protracted legal battles. It was just the beginning of a longer struggle for women’s rights. The Nineteenth Amendment entitled women to the right to vote but did not bestow on them the many other rights their male counterparts enjoyed. Even after the amendment passed, the Supreme Court rejected the idea that women had a constitutional right to serve on juries. It also concluded women had no constitutional right to go to the bar—either as a lawyer (*Bradwell v. Illinois*) or as a bartender (*Goesaert v. Cleary*). Court battles had to be fought over the meaning of the Equal Protection Clause and its application to sex discrimination. The ratification of the Equal Rights Amendment failed in the 1980s. Today, the United States is the only high-income, developed country without a national paid maternity leave law. It is also one of only seven countries that has not ratified the United Nations Convention on the Elimination of Discrimination against Women, which commits to ending gender-based discrimination. The World Economic Forum ranks the United States 65th in wage equality. The list goes on—women still have a long way to go.

The ratification of the Nineteenth Amendment was nonetheless a significant milestone in establishing women’s equality. As Harry T. Burn later explained when he defended his “aye” vote to the Tennessee assembly, “I believe we had a moral and legal right to ratify. . . . I know that a mother’s advice is always safest for her boy to follow and my mother wanted me to vote for ratification. I appreciated the fact that an opportunity such as seldom comes to a mortal man to free 17 million women from political slavery was mine.” Sometimes it pays to listen to your mother. ■