WHEN WOMEN WON THE RIGHT TO VOTE:
A HISTORY UNFINISHED

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Thanks to everyone for joining in this new virtual world we’re all quickly growing accustomed to. And thank you to the Utah State Historical Society for this invitation, and for their wonderful programming around this anniversary. I’ve been learning a great deal.

We’ve gathered here, from far and wide, to talk about the Nineteenth Amendment, the amendment that supposedly gave women the right to vote in the United States. Added to our Constitution on August 26th, 1920, it still serves, one hundred years later, as the conventional date for marking that victory. The main thru lines of this story in popular lore are pretty-well rehearsed, and have not changed much since ratification. This newspaper headline from August 18, 1920, for example, when the last of the states needed for ratification approved the amendment sings: “Tennessee House Ratifies Giving Women of the Entire Nation Vote This Fall.” Likewise, today, google searching “what is the 19th Amendment” yields similar results. Here’s one from a governmental website, ourdocuments.gov: It “granted women the right to vote”; and “legally guarantees American women the right to vote.” Also, this widely circulating digital map, created for the centennial, tracks when women around the world won voting rights. The year 1920 is emblazoned across the United States. You’ll see we are not the first to enfranchise women—but somewhere near the beginning of this global turn. In other words, U.S. democracy rates fairly well. And many of the stories you’ll hear this centennial season will champion the triumph of this moment, as one step in the steady, progressive opening of American democracy.

If you take another look at this global map, however, and zero in on the United States, you’ll see there is a tiny asterisk after 1920. Today, I want to spend my time unpacking that asterisk, because it contains multitudes. According to the note on the map, the asterisk means not “all women” voted after 1920. This intervention you may have heard. Despite contemporary headlines heralding “women of the entire nation” and present-day google results championing “guarantees,” millions of women, in
fact, still could not vote in the wake of the Nineteenth Amendment, owing to ongoing racial exclusion. As Americans and scholars of color alike have repeatedly pointed out, most Black women (and men), Latina, and other non-white Americans would not enjoy this privilege until passage of the 1965 Voting Rights Act—a next (and often said to be final) step in American democratic expansion.

Today, I’m going to read that asterisk yet another way, to tell a different, but related, story, one you’ve probably not heard before, and one that will likely surprise you. Ask yourself, without too much reflection: What is the most basic right of citizenship? Most of you likely answered: the right to vote. Yet, as I’ll explain, no women—white or otherwise—won voting rights in 1920. Neither did Black Americans (and others) win voting rights in 1965. This is because the “right to vote,” as we imagine it—as the most fundamental and important right democratic citizens possess—does not actually exist in the United States. That’s right. There is no affirmative “right to vote”—for any citizen, male or female (trans* or non-binary). That too belongs in this asterisk, and may—depending how we read the evidence—require that 1920 be erased from this map altogether and that the space inside our national outlines be left blank, because there is no such date.

Confused? Most are. To explain how this can be true, and why it matters, I’m going to depart from the traditional biographical approach to this topic—the grand fights of grand women—to instead frame our story through the Constitution itself. Mid-century suffragists were, after all, amending the Constitution. So what did (and does) the Constitution say about voting, and just how did the Nineteenth Amendment amend it?

Approaching the topic from a legal angle throws into question the way American democracy is typically understood (as a steady expansion of voting rights) and even who we are as democratic citizens (people with a right to vote). Rather, I posit that American governance has remained deeply and unyieldingly committed to a project of disenfranchisement, refusing to grant voting rights to anyone, and thereby leaving important victories vulnerable to inevitable defeat. As I unravel this story, I hope you’ll begin to see that 1920 was neither the beginning, nor the end, of women achieving voting rights, but rather the middle of a much longer, ongoing story that remains unfinished—handed, now, to you and me.

**THE CONSTITUTION**

The way we talk about voting rights in the United States often doesn’t do sufficient justice to our actual understanding of voting rights. Nearly everyone I’ve spoken to over this centennial has presumed that protections for voting rights reside inside the Constitution. What’s most surprised everyone is that the Constitution is silent on this question. The Constitutional framers (white men) deliberately skirted this issue, leaving it out of both the Constitution and the Bill of Rights. Despite centuries of activism on this very point, that founding silence continues today. Of the roughly 130 constitutional democracies around the globe at present, the United States is unusual in refusing to add this basic right to its founding charter.

The original 1789 Constitution put state governments in charge of creating voters. In other words, state governments got to create the voter eligibility laws for the inhabitants of their states. Such laws (often provisions in state constitutions) listed criteria state inhabitants had to meet in order to vote, such as age, residency requirements, sufficient property holding, being white, and being male. If you cleared these criteria, you voted.

This is what we have called “voting rights” in the United States—the ability to clear state voter eligibility criteria and thereby cast a ballot. For our purposes here, I call this a “negative” right to vote. You vote so long as you are not barred from doing so. Yet as with the Constitution, nothing at the state level invested residents with a right to participate in elections by casting a ballot, what I’d term a “positive” right to vote—the right most of us imagine having been born with (propertied white men) or having won at some point in history (everyone else).

State voter eligibility requirements have changed considerably over time, and what social
movements have “won” is the elimination of specific, targeted state obstacles, and thereby the access to voting, which is generally trumpeted as winning “the right to vote.” Those victories have been tremendously important, to be sure. But this ongoing lack of specificity around what “the right to vote” is leaves us impoverished in terms of understanding what has happened historically and how American democracy works today, in the present.

The history of women’s suffrage provides an instructive example. At the founding, not all states required that voters be “male.” New Jersey chose not to restrict along lines of gender, and like other states, also chose not to restrict along lines of race. If women, of any hue, met state requirements in New Jersey, they could—and did—vote. (Albeit in very small numbers, given law restricted women's property owning, which was a voter eligibility requirement.) By 1807, however, New Jersey added the word “male” to its voter eligibility law. And by the 1820s and 1830s (largely having to do with the expansion of slavery and wage labor), states eliminated property requirements, and uniformly now required that voters be both “male” and “white.”

Those two words, or eligibility requirements, will be our focus here. They are by no means the only things that states required voters to be (age, residency, and other requirements persisted). But those are the two disenfranchising (or eligibility) qualifications that have formed the heart of a women’s suffrage fight.

Over the 1830s and 40s, just as the advent of white male suffrage became universal across all states, a women’s rights movement emerged out of antislavery. Within that women’s rights movement, discernible by the 1850s, biracial and coed, and tightly tied to antislavery, activists made many demands. Among those (equal pay, access to the professions, property holding, equal education, etc.), women called for “the right to vote.” It was, as one adherent put it, “the duty of the women of this country to secure to themselves their sacred right to the elective franchise.”

These activists, however, did not demand a constitutional amendment, because in the early-to-mid 1800s, everyone understood that the Constitution had nothing to do with governing the voting of U.S. residents. You would not, then, go to the Constitution to try to obtain the franchise. Instead, mainstream women’s rights activists went to the individual states demanding they remove the obstacle that stood in their way: “male” and, for many women, also “white.” In other words, they pursued a negative right to vote, the removal of a state obstacle.

Like us, they called this elimination technique the pursuit of “voting rights,” throwing around ambiguous definitions that derived from a slender, if fictitious, sense of democratic inheritance and entitlement that endures to this day. Yet part of what I’m insisting upon is that we not perpetuate that ambiguity, that we look instead at the legalities undergirding this vaguely defined, if ardently defended, right.

**THE FIFTEENTH AMENDMENT: “WHITE”**

So where did the idea of a constitutional amendment for women’s suffrage come from, given that from a legal standpoint, it was an odd way to pursue voting rights? The answer came out of the American Civil War (1861–65). That war settled two questions: the nation would remain united, and chattel slavery, at least as an official institution, was dead. Out of the war came a whole new series of battles known as Reconstruction. On what basis should the nation rebuild, and how should it incorporate four million newly emancipated people. Were they citizens? Were they covered by the same laws as white Americans? Were they entitled to reparations, after the searing experience of enslavement? And were they voters? Freed people had their own demands upon freedom. Most white Americans, in the North and the South, however, were not willing to condone their (extremely reasonable) demands. Yet, for complicated reasons (including politically controlling the South, where most African Americans lived) the Republican-dominated Congress (Lincoln’s party) did take up freed people’s demands to vote, opening fractious debates about federal power to regulate this issue.

When Congress deliberated about their voting over the late 1860s, the nation was nearly
a hundred years old. Yet this marked the first time Congress had had a full-scale debate about the voting rights of national citizens—which is shocking when you think about it. What they decided to do, moreover, was absolutely revolutionary: pass a constitutional amendment to enfranchise Black men. The devil, however, was in the legal details.

During this broad-ranging debate, several different versions of an amendment were proposed, including a constitutionally created affirmation of a citizen’s right to vote, one that citizens would possess, protected within the Constitution, and therefore not easily abridged by ongoing state eligibility requirements, many of which would be rendered unconstitutional. In other words, some advocated for creating a positive right to vote. This gained almost no traction among northern or western congressmen (the states controlling Congress), however, because politicians liked disenfranchising in their home states, and they had little appetite for giving it up.

The language eventually settled upon—through last-minute deals and unorthodox methods—drew instead upon negation. The Fifteenth Amendment, ratified in early 1870, stipulated that the right 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.” In other words, federal and state governments could not use “white” as a voter criteria, and that word (along with any future words mentioning race) was now struck from all state voter eligibility laws as unconstitutional. Because the vast majority of African Americans lived in the South, Congressional Republicans effectively created the first meaningful, bi-racial democracy across, of all places, the former Confederacy (which helped Republicans politically, by giving them a foothold in their home states, and they had little appetite for giving it up).

Black men began voting in massive numbers across the South, even in the face of massive vigilante violence and white terrorism. They elected Black officials to all levels of southern state governments, including sending the first slate of Black Americans to serve in the U.S. Congress. Outraged white supremacists shouted loudly about federal overreach into state prerogatives, the indignity of Black “rule,” and the unconstitutionality of the amendment itself. But in the end, the amendment invested no Black man with a right to vote, as is often claimed (then and now). In fact, it said nothing about them at all. It merely negated a state voting criteria (“white”) and thereby created access—something that would eventually have far-reaching consequences.

More immediately, the Fifteenth Amendment stirred up controversy within the feminist-abolitionist coalition, and set some white suffragists on a new path: an amendment of their own. Those pre-war allies reorganized as the American Equal Rights Association (AERA), in 1866, just before the Fifteenth Amendment was proposed. Their goal: securing the right to vote for women and Black Americans. Although the Fifteenth Amendment soon promised to strike down “white” in state voter qualifications, this left “male” firmly in place—those two criteria I promised we’d track. They collide here.

Just as the Fifteenth Amendment headed to the states for ratification in 1869, the AERA convened its annual May meeting in New York City, where a firestorm erupted. Elizabeth Cady Stanton, one of nation’s leading women’s rights activists, tore into the proposed amendment for omitting women. She railed against “ignorant” black manhood voting before “educated” white womanhood. And she hurled racial epithets, calling black men “Sambo.” Not only would (to her mind) unfit freedmen be allowed to vote were the amendment ratified, she warned, but immigrant men (Chinese, German, and Irish) too, increasing the ranks of “ignorant,” incompetent voters to epidemic proportions. The famous suffragist Susan B. Anthony, Stanton’s close ally, backed her up. If the vote was to be given “piece by piece,” Anthony fumed, “then give it first to women, to the most intelligent & capable of the women at least”—clearly meaning native-born white women and displaying her own deeply held sense of racial hierarchy.

Frederick Douglass, himself once enslaved and now the nation’s leading African American statesman, rose to counter. Ongoing vigilante violence across the South gave Black men greater priority, he argued. “With us, the matter
is a question of life and death... When women, because they are women, are hunted down;... when they are dragged from their homes and hung upon lamp-posts; when their children are torn from their arms, and their brains dashed out upon the pavement... then she will have an urgency to obtain the ballot equal to our own.” We must have the vote now to save our lives, he urged.¹³

Stanton and Anthony refused and bolted from the convention in disgust, hastily creating the United States’ first (purportedly) national women’s suffrage organization, aptly named the National Woman Suffrage Association. This was, in many ways, how a national women’s suffrage movement—now focused on a single issue, the vote—was born: in opposition to striking the word “white” from state voter qualifications. Dedicated to the defeat of the Fifteenth Amendment, the small band who formed the National Association also hatched a brand-new idea, women’s suffrage by constitutional amendment. The only redeeming feature of the Fifteenth Amendment, Stanton and Anthony snarled, was that it had federalized suffrage, moving jurisdiction from the states to Congress. Henceforth, they urged women to besiege the congressional citadel for a Sixteenth Amendment granting women’s enfranchisement.

Their allies stood stunned. They rejected not only the pair’s brazen nativism and racism, but also their new constitutional interpretations around voting. Most whites united behind Lucy Stone, an equally famous antebellum antislavery and women’s rights advocate, who is often forgotten. She formed the rival, and much larger, American Woman Suffrage Association—dedicated to supporting the ratification of the Fifteenth Amendment and opposing Frances Ellen Watkins Harper, an educator, poet, essayist, speaker, and civil rights and women’s rights activist, who pushed back on white suffragists’ narrow notions of rights and sex. Courtesy Library of Congress, LC-USZ62-118946.
the newly hatched Sixteenth Amendment. The Fifteenth Amendment had been an emergency measure necessary to safeguard the lives of freed people, Stone argued, but it did nothing to reverse state power over appointing voters. The franchise for women had to be won state by state, in the same ways activists had always approached this work, by striking “male” from state constitutions.¹⁴

Numerous African American women also took part in this divisive, historic moment—women like Frances Ellen Watkins Harper, an educator, poet, essayist, and speaker, who was both a civil rights and women’s rights activist. As this fracture around priority (race or gender) emerged during the brief life of the AERA, she urged members not to take the bait. Delivering the type of intersectional critique Black women have been articulating for centuries, Harper insisted this was not an either-or choice. She embodied both, and she cautioned against the developing equation where Black equaled male, and women equaled white, which rendered her and millions of other Black women invisible.¹⁵ “Society cannot trample on the weakest and feeblest of its members without receiving the curse in its own soul,” she intoned, for “we are all bound up together in one great bundle of humanity.” She then leveled a damning critique against white suffragists’ narrow notions of rights and sex. “If there is any class of people who need to be lifted out of their airy nothings and selfishness,” she smoldered, as Stanton and Anthony also sat there on the stage, “it is the white women of America.”⁶

Black women’s arguments did not carry the day, and as this division developed in national women’s suffrage organizing over 1869–70, Black women largely opted out. They dipped in and out of white suffrage organizing, when it served them, but they never found comfortable homes there. One of the things we must remember on this anniversary is that if we want to recover Black women’s stories, we can’t simply look inside white organizations, since those organizations rarely represented the interests of Black women. We have to locate Black women where they were. They (and other women of color) would always organize around suffrage, but never as a single issue, a luxury they could not afford, and never just as women, given they faced so many issues along lines of race, class, and more (often in league with men). The very moniker “woman suffragist,” therefore, did not fit them, but they were always stalwart supporters of voting protection and voting rights, and they worked tirelessly for such rights, yet outside the largely white women’s suffrage organizations, on their own terms and in their own communities.¹⁷

WOMEN’S SUFFRAGE IN THE STATES

Because Stanton and Anthony succeeded in controlling movement memory by century’s end, we often tell the story of mainstream (largely white) women’s suffrage as if it revolved around the pair, their genius, and their amendment.¹⁸ That amendment, called the Sixteenth Amendment when first proposed in 1869, was modeled on the Fifteenth Amendment. The wording, in fact, was identical. The right to vote, it read, “shall not be denied or abridged by the United States or by any State on account of sex.” (Whereas the 15th had read “on account of race.”) In other words, it would strike down “male” in all state voting requirements, which the Fifteenth had left standing (the reason Black women hadn’t voted in its wake). Yet Stanton and Anthony’s advocacy for a constitutional amendment, backed by a large coalition, went nowhere for fifty years. Congress paid some deference to their insistent demands by creating a Standing Committee on Women’s Suffrage, and even taking a few floor votes. But those were never remotely within range of succeeding. It would take a half century before Congress finally passed it in 1919.

Meanwhile, if we go back to the states, where the largely forgotten Lucy Stone and her American Association labored, there were quite a lot of victories unfolding on the ground. Wyoming Territory enfranchises women in 1869. (Or, more aptly, they don’t add “male” to their voter criteria.) Utah Territory follows suit in 1870. Stone and the American Association helped support countless state campaigns to wipe the voting hurdle “male” over the 1870s and 1880s, many coming extremely close to passing.⁹ Over the 1890s into the 1910s, all but one of the Western states also chose to enfranchise women—in other words, strike down “male” on their own accord (since the prerogative is legally in the hands of state governments).²⁰
This popular lithograph, “The Awakening,” from 1915, illustrates how thoroughly the West (for reasons we don’t fully understand) adopted this reform, and illustrates how much these reforms got framed by the types of narratives I opened with, about the steady, glorious expansion of American democracy, in the form of increased voting rights. You can see here the cape on this figure, representing progress, reads “votes for women,” and she is moving triumphantly east, toward the clamoring masses on the ground there yearning for this historic, important reform, crying out for her blessings to be bestowed upon the nation-as-a-whole.

Millions upon millions of women, this lithograph reminds us, voted before 1920, a point we often forget, being preoccupied with the Constitution as the locus of voting rights. Here’s another map of what women’s voting looked like on the eve of the Nineteenth Amendment, in 1919. Suffragists themselves kept close watch over these state victories, carefully tracking them, with utilitarian graphics, such as “The Map Proves It.”

On this map, all the white states had enfranchised women on the same terms as men, granting what was termed “full suffrage.” This didn’t necessarily mean that all women could vote, because not having won a positive right, they still had to clear all the other state voting requirements. But millions faced only this one remaining obstacle, and they did begin voting once “male” stopped blocking their path. By 1919, full suffrage had even swept some eastern states, like Michigan, and the politically influential state of New York.21

Then you see a mishmash of solid shading, dots, and stripes drawn across the rest of the states. Nine of these states, colored in black, a small minority on the map, found largely along the southeastern coast, from Alabama up into Pennsylvania, retained the word “male” for all elections, meaning no women voted, on any terms. The remaining states, filled in with lines and dots, and which number about as many as states with full suffrage, had another type of voting we also often forget, called “partial suffrage.” This meant that for select types of elections, voters were not required to be “male,” whereas in all others, they were. Across these many states, occupying the center and the northeast quadrant on the map, women could qualify, depending where they lived, to vote for school questions, in municipal elections, and even for President. All through these other states, then, save for the recalcitrant nine, millions more also voted in various ways—underscoring with robust national numbers that women did not begin voting in 1920, as is so often claimed, precisely because voting governance is primarily a state, and not a national, right.

Before we depart this map, I want to quickly draw our attention to the story of Illinois, which passed municipal suffrage in 1913. One of the popular correctives this centennial has been to say that “only white women” won the vote in 1920. But given that voting governance
is local, we cannot make such blanket statements—even about women in the same demographic—because voting eligibility always varies, based on where you live. Black women in Illinois, for example, voted after the 1913 municipal suffrage laws dropped sex (given the Fifteenth Amendment had earlier cleared race). Quite famously, the nation’s leading civil rights, anti-lynching, and women’s rights crusader, Ida B. Wells, an all-around powerhouse of a human, organized the Black women’s Alpha Suffrage Club in Chicago, where Wells lived. Black women used this organization to begin leveraging their new electoral power in an organized, concerted fashion (along with men of color) to elect, in 1914, the city’s first Black alderman, Oscar de Priest (who would go on to be elected the first and only Black representative in the U.S. Congress during the early twentieth century).²³

As suffragists began to rack up victories in the states, the two rival national organizations (the National and the American Associations) merged in 1890, into the not-very-creatively-named National American Woman Suffrage Association (NAWSA). Being a mouthful, the organization is generally referred to by its acronym and pronounced “naw-saw.” Susan B. Anthony took charge of NAWSA at its 1890 formation. Lucy Stone, ailing for years with stomach cancer, died in 1893, and never had much of a presence in Anthony’s new organization. Anthony, meanwhile, handed over leadership to her appointed successor, Carrie Chapman Catt, in 1900. Stanton died two years later, in 1902, while Anthony passed in 1906. None of those founding white women lived to see the ratification of the Nineteenth Amendment, which would finally force all states into the same practice where language about sex was concerned.

THE NINETEENTH AMENDMENT: “MALE”

By the early 1900s, Carrie Chapman Catt herself had given up the fight for a federal amendment—now referred to as the Nineteenth Amendment, but retaining its original language.²⁴ She instead pursued what she called
her “winning strategy,” a state-by-state campaign. Her idea was to get key states to enfranchise women, and the rest, she predicted, would fall like dominoes, eventually bringing about a federal amendment. Her strategy worked. Part of the reason a federal amendment passed was precisely because so many women were already voting before 1919, showing this reform would not throw the world off its axis, as opponents charged it surely would.\(^{25}\)

Meanwhile, because social organizing is extremely messy, and never the kind of harmonious collaboration we imagine, things inside NAWSA began to fracture when a young upstart named Alice Paul entered the scene. Paul had a very different political sensibility than Catt. Whereas Catt worked diplomatically to curry the favor of politicians and win them over, Paul preferred applying pressure and calling them out.

Paul also set her sights on renewing a direct fight for the federal amendment. Catt allowed her to pursue the work, including Paul's plan to announce it: a dramatic, massive parade through the streets of Washington, D.C. Showing her penchant for provocation, Paul deliberately held her procession on the eve of the newly elected Woodrow Wilson's presidential inauguration, to upstage him for his open opposition to women's suffrage.\(^{26}\)

Thousands of women arrived from all over the country to march, and tens of thousands of men (largely, although not only) lined the streets to watch. There were floats (one heralding the amendment), tightly choreographed delegations (representing everything from individual states to women's educational attainments), and lots of pageantry. It was then the largest peaceful demonstration ever staged on D.C. streets. As it snaked its way through the city, elements in the crowd grew hostile. Women turned to the police for protection. As they turned their back on the marchers, men rushed into the street grabbing women's banners and throwing them to the ground. Violence overtook, as the police looked on. Injuries sent scores of women to the hospital. The melee made headlines the following day—March 14, 1913—the day of Wilson's inauguration, upstaging him further. Alice Paul now had what she wanted: the attention of America.

African American women showed up for this 1913 parade too, to insist that white women not monopolize the issue, but Paul and the other white organizers asked Black women to march in the back. Ida B. Wells, who was already effectively leveraging women's votes in Illinois, came in from Chicago. Another major black activist and voting rights advocate, Mary Church Terrell, was there, as was a Black sorority chapter from Howard University. Of course, African American women found Paul's request deeply offensive, and Ida B. Wells, for one, refused, slipping in with the Illinois delegation and integrating the parade. It formed yet another reminder, although none were needed, that leading white suffragists understood womanhood to be white—and therefore made no meaningful attempts at sisterhood.\(^{27}\)

The violence and publicity following the parade outraged Carrie Chapman Catt. Furious, she kicked Paul out of NAWSA, accusing her of endangering all the hard-earned goodwill NAWSA had patiently built over decades and thereby having jeopardized the cause. Alice Paul, electrified from the event, responded by forming a rival organization, the National Woman's Party (NWP).\(^{28}\) Once again, the mainstream national movement was divided.

Paul's National Woman's Party would be responsible for all the theatrics associated with the run-up to the amendment's 1919 passing, including picketing the White House. In January of 1917, to again pressure President Wilson, NWP members began standing vigil outside the White House fence, lined up along the back edge of the sidewalk, holding banners urging Wilson's support, and standing silent. Wilson ignored them, hoping they'd go away. But through rain and sleet, month after month, they took up their posts. When the United States entered World War I that spring, declaring its desire to make the world safe for democracy, Paul seized the opportunity to embarrass Wilson on an international stage. They read his pro-democracy speeches and set them on fire, turned his words against him on their banners, and kept on picketing—a risky move, given the deferential support usually shown war-time presidents. Catt, meanwhile, pledged NAWSA's support to the war effort—to showcase women's patriotism and, therefore, their worthiness of citizenship's principal entitlement. NWP's ongoing picketing, meanwhile,
sent her into a fury for the disrespect and bad publicity she believed it generated.

Soon, Wilson had had enough. He wanted the picketers removed. Only he had no grounds for doing so, as they were on public property and perfectly within their rights. Given arresting them for political speech violated the Constitution, he and his minions began having them arrested on the manufactured grounds of “obstructing traffic.” Refusing to pay their fines, the women were sentenced to a jail term in the Occoquan Workhouse, while more picketers took their places. They too were arrested, jailed, and replaced by new picketers. This went on, while the suffragists inside the jail endured brutality and beatings—something familiar to many Black and other women of color, but not to upstanding white women.

The prisoners soon began a hunger strike, led by Alice Paul herself, who was now among those arrested. The wardens ordered them force fed. Strapped into chairs, they had tubes forced down their noses and throats, liquid nourishment poured in. They vomited and bled. When word got out that these upstanding white women (who were by the code of white supremacy supposed to be immune from state brutality) were suffering such violence, while the nation fought in a war for the preservation of democracy, a wave of public sentiment developed in their favor. This too, along with NAWSA’s patriotic wartime service, helped push the amendment over to victory.

Soon, Wilson himself declared support, addressing Congress to urge its passage. Finally, over the summer of 1919, both houses approved the amendment by generous margins. It’s worth taking a quick detour here to remind ourselves of all those millions of women voting out West, as they and the voters in general had already sent the first woman to Congress, Representative Jeanette Rankin, a Republican from Montana, who took office in 1917. This meant that when the Nineteenth Amendment reached the floor, not only were women already casting ballots around the nation, but a woman cast her vote for the amendment from the House floor itself. But then Harry T. Burn, the youngest member of the legislature, in his early twenties, sat with the weight of history on his shoulders and a letter from his mother in his breast pocket. “I’ve been watching,” she began, “to see how you stood but have not seen anything yet.” “Be a good boy,” she continued, “and help Mrs. . . . Catt with her ‘Rats,’” by putting “the rat in ratification.” As the vote went down to failure, Burn, who had joined the opposing side, unexpectedly changed his vote. He later recalled not wanting to be on the wrong side of history or of his mother. No one could believe it. After decades of struggle, the amendment had just narrowly passed by the razor-thin margin of one. Women’s suffrage was now the law of the land.

Celebrations erupted across the country, and we arrive back to the type of newspaper headlines with which we started this talk, laying down the triumphant narration that often accompanies this story: “SUFFRAGE WINS—Giving Women of the Entire Nation Vote This
Fall.” “The federal suffrage amendment,” another brightly trumpeted, “has granted women the right to vote.”

It’s useful to come back here to the language of the Nineteenth Amendment and again query the right to vote, given that our ideas about it are often so different from its legal reality. This was an enormous victory, in many, many ways. And millions more women voted in its wake, forming the largest expansion in the franchise in U.S. history. Yet the language that passed was the 1869 iteration, which had reproduced the language of the Fifteenth Amendment, substituting “race” with “sex.” The entire amendment read:

—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.

Its reference to “the right of citizens . . . to vote” was a legal illusion, but a powerful, deeply held idea, then as now. Yet despite the soaring opening, nothing in the amendment (or inside the Constitution) conferred that illusory, positive right upon women—who are not even mentioned in the text. Nothing, moreover, “guaranteed” that all women could vote. What the amendment did do, and what it did guarantee (if followed & enforced) was ban the individual states from using the word “male” ever again in voting criteria. In states where this had not yet been fully struck, use of that word became henceforth unconstitutional, for all elections. Like the Fifteenth Amendment, this created millions of eligible new voters, but it too was a negative right, created by policing the states with federal power, and targeting a lone, single word: “male.”

STATES CREATE NEW CRITERIA

For precisely this reason, millions of women—overwhelmingly women of color—still did not qualify to vote after ratification. Because neither amendment prohibited states from controlling voter eligibility law, which remained a state power, states could—and did—erect new criteria. Their options here were limitless, save for two—race and, after 1920, sex. While the white Lady Liberty, with her Votes for Women cape, strode victoriously across the United States in that 1915 lithograph, illustrating the franchise’s expansion and a story of democratic progress, another story of democratic reversal took place simultaneously. That development is inseparable from the story of the Nineteenth Amendment.

If we go back to the history of Black men voting across the South, those bi-racial governments created in the wake of the Fifteenth Amendment were overthrown by the 1880s. White supremacists regained state control, and they desperately wanted Black men legally disenfranchised. Their voting numbers had dwindled, due to ongoing, relentless racial terrorism. But owing to federal expectations around enforcement of the Fifteenth Amendment, which grew more and more anemic, they were still legally eligible to vote. Over time, the federal government signaled that it had abandoned the entire enterprise, preferring to ignore what was happening to Black voters down South.

The white, state governments seized the opportunity and began floating new voter eligibility laws: poll taxes, literacy tests, understanding clauses, grandfather clauses—all the disenfranchisement techniques we associate with the Jim Crow South. Mississippi led the way in 1890. By the early 1910s, these innovations had fully swept the South. Their effectiveness was brutal, reducing Black male voting, once reaching turnouts of 90 percent, to almost nothing. Although these laws were racially targeted in their application, they were skillfully worded, never mentioning “race,” and thereby technically complying with the Fifteenth Amendment. Similar types of restrictive state voter laws, including new residency requirements and shorter registration windows, spread across the North and West in the early 1900s as well, as native-born whites set about “purifying” the electorate of “problem voters,” meaning largely immigrant, poor white, and people of color. Even New York instituted a literacy test.

Scores of women—who a few decades earlier might have voted in the wake of the Nineteenth Amendment—no longer could owe to these new racially (and sometimes economically)
targeted state voter “eligibility” laws. Although that amendment cleared “male,” something necessary for all women, it was not sufficient for all women, because it was so narrowly targeted. Depending where they lived, women might now be ensnared in a poll tax or a literacy test, and kept from the polls. The Nineteenth Amendment said nothing about these practices.

This wide-spread development in the states in the early 1900s reassured the largely native-born, white, male Congress that a vote for the amendment now would only, to recall Anthony’s own damning words, be giving the vote “piece by piece . . . to the most intelligent & capable of the women.”\textsuperscript{36} This was yet another, highly unsavory factor in why the Nineteenth Amendment finally passed when it did.

Congressmen affirmed this during floor debates. One crowed that “any person who really wants white supremacy in the South can not [sic] better guarantee it than by the enactment of this equal-suffrage resolution.” Women’s suffrage suddenly held an advantage: it could double the white vote. “The situation as to negro women can be handled as has been done with negro men,” another reminded his colleagues, adding “it is inconceivable that these conditions will be destroyed or even interfered with by permitting women to vote.”\textsuperscript{37}

Black women across the South did their best to rebuff such open exclusion, not letting the 1920 moment pass without a fight. They showed up all over the region, alone and in groups, often with recently disenfranchised
Black men, demanding what they too believed was their basic democratic entitlement. In Americus, Georgia, the white registrar “would hide the book or himself” when Black women showed up to register, not even allowing them the chance, underscoring the incredible power of local registrars to bar voters. The white registrar in Pheobus, Virginia handed a blank sheet of paper to the confident Susie Fountain, who showed up to take that state’s literacy test. He declared her “test” a failure, showing how fraudulently these requirements were often administered on the ground. Other women, like Indiana Little, a Birmingham schoolteacher, got arrested on charges of “vagrancy” when she tried to register. The white police then sexually assaulted her while in custody, a common method of white supremacist terrorism. White registrars sometimes permitted a few African Americans to register, to create plausible deniability that their actions were race-based. Of the six hundred Black women trying to register in Shreveport, Louisiana, for example, the registrar enrolled only four. In a few cases, southern Black women defied the odds and managed to vote, but always against great bodily threat. In Ocoee, Florida, white residents torched and leveled an entire Black community of several hundred people, based on a rumor that a single resident intended to vote. “The files of the U.S. Department of Justice, the records of the NAACP, and African American newspapers,” one historian finds, “are . . . bursting with letters of complaint, investigative reports, and affidavits that document the widespread disfranchisement of African American women, especially but not exclusively in the Jim Crow South, in the first elections” after 1920.38

Yet when these women and others—Asian American, Indigenous, Pacific Islander, Latina, and more—came to Catt and Paul’s flagship suffrage organizations with brutal stories of ongoing disenfranchisement and the urgent need to carry on the fight, those white women said no. They celebrated. And they essentially said, we don’t care about your fight, our fight is won. These mainstream white suffragists declared once again, both tacitly and explicitly, that their fight was for women, not race—as if that question were separable. Still impervious to the intersectional arguments of women of color, they claimed the mantle of progressivism while shoring up the politics of an exclusionary, whites-only democracy. Black women and others were left, yet again, to fight on their own, often in league with their disenfranchised brothers, fathers, husbands, and sons.39

THE VOTING RIGHTS ACT OF 1965

The passage of the Voting Rights Act in 1965 conventionally marks the eventual winning of voting rights for African American women (and men). That narrative tends to replicate the harmful equation of Blackness with maleness and tells the story of the civil rights movement as if it were male dominated and led, when women also did much of the work, strategic thinking, organizing, and directing. The passage of that historic legislation was women’s work too, the culmination of their ceaseless, much longer, and far more violent struggle for the vote.

The names of these women are legion, and it’s important to recognize this work too as part of the continued struggle for women’s voting rights. The scores of determined women on-the-ground worked alongside more legendary women, such as Septima Clark, born 1898, an educator and activist, who created a vast network of “citizenship schools,” which were often targets of vigilante violence, to teach literacy to her community, instilling cultural pride and mounting a frontal assault upon literacy tests. Fannie Lou Hamer, born 1917, a Mississippi sharecropper, tried to register to vote in 1962, along with a bus load of others, all of whom suffered extreme physical and economic reprisals. A commanding presence, she became a leading organizer. President Lyndon B. Johnson so feared her voice that he interrupted her live testimony on national television in 1964 with a contrived, “urgent” presidential message.40 When armed troops and police violently beat and turned back marchers crossing the Edmund Pettus bridge in Selma, Alabama, in an event known as “Bloody Sunday,” which ushered in the signing of the 1965 Voting Rights Act, women played an active role. Amelia Boynton Robinson, for example, was beaten to a pulp, her body also on the line for voting reform. Those stories, often narrated through the lens of men, were women’s ongoing fights too.41
Other women couldn’t vote after 1920 for different reasons, and they too battled on, without the meaningful support of white suffragists. Racially driven citizenship laws barred women from the polls, by barring them from national inclusion. The Page Act of 1875 and the Chinese Exclusion Act of 1882 barred both entry and citizenship, first targeting Chinese women (for presumption of prostitution), and then Chinese laborers generally (who had swollen the western shores after the 1849 California gold rush)—both marking the end of this nation’s open borders. Asian Americans residing here, such as Mabel Ping-Hua Lee, then, faced an entirely different fight, and thus followed an entirely different timeline, dependent first on securing citizenship. For such women, the 1952 Immigration and Nationality Act, which created paths to citizenship, was a critical date. Once citizens, however, they sometimes faced more fights against state-level restrictions.

Native American women often approached “voting rights” with skepticism, an undesired “right” that signaled the end of tribal sovereignty and the finality of colonization. Others believed such rights were essential, women like Zitkala-Ša (Gertrude Bonin) of the Yankton Dakota Sioux, who fought for voting recognition among native peoples. Indigenous peoples followed very different paths to citizenship, which often required renouncements of tribal allegiance (something many were unwilling to surrender), happened in stages, and wasn’t complete until after the early 1940s. States then targeted native voters with laser precision, writing separate suffrage laws to bar them.

In short, there is no single date when women, once and for all, won access to the ballot box. Because voting law is so localized, and women’s demographics differ so greatly, women faced a multitude of fights that stretched well beyond “sex.” Because these fights were also so different from one another, no clear, final date can speak to all that variation, not even 1965. Rather, women’s pursuit of the vote is an ongoing, endless string of dates, marking numerous fights that still haven’t ended. Yet the Voting Rights Act proved important for many of these women, for the robust work it did in the states, and for the access it created, well beyond Black Americans in the South.

Despite its name, the Voting Rights Act achieved reform in the same way the Fifteenth and Nineteenth Amendments had, through the negation of target state voting rules. But unlike those amendments, this was a piece of federal legislation, far more sweeping, and temporary. A crowning achievement of the civil rights movement, it was also a stain on American democracy. Up close, it seemed triumphant, more evidence of the steady opening of voting rights, but viewed from a distance, and within the long frame of voting governance, we’re reminded that it took Congress one-hundred years—an entire century—to finally go back South and enforce the Fifteenth Amendment.

The 1965 Voting Rights Act also struck down far more state voter discrimination than either amendment had. It eliminated literacy tests, which had become so corrupted by the 1960s, that they demanded impossibilities, like correctly answering how many bubbles were in a bar of soap. Ending literacy tests also helped immigrant and Latina women across the nation. The act also struck down things like the use of all-white registrars, who had proven to be such effective gatekeepers. In the South, it deputized African Americans to register people, and sent in federal officials to do the same. Black registration numbers soared, from almost nothing to upwards of eighty-five percent. Meanwhile, previous court decisions had struck down all-white primaries, and a new constitutional amendment, the twenty-fourth, had ended “poll taxes.”

The Voting Rights Act also went a step further to create an active oversight process, known as “pre-clearance.” States or jurisdictions with a history of racial discrimination—some of which fell outside the South—could no longer pass and enact voting laws without first submitting them to the Civil Rights Division of the Department of Justice (DOJ) for review. If the DOJ found them to be racially discriminatory, it could strike them down and prevent them from going into effect—which after 1965, it regularly did.

One of the most effective pieces of federal legislation ever passed, the Voting Rights Act pushed the United States into becoming an inclusive democracy, two-hundred years after its creation. The act, however, was a temporary
piece of legislation, set to expire after five years. Right-wing forces immediately targeted it for defeat. Congress nevertheless reauthorized and strengthened the Voting Rights Act multiple times. Since 1965, for example, reauthorizations have determined that a state voting practice can be considered racially discriminatory if shown to have that effect (over earlier rules requiring intent to be proven, which was nearly impossible). Reauthorizations also included the creation of bi-lingual ballots, vastly extending voting access nationwide. It is impossible to overestimate the effect of the Voting Rights Act in establishing a largely accessible, multi-racial democracy for the first time in U.S. history.47

WHACK-A-MOLE DEMOCRACY

It would not last. In each chapter of my story today—1870, 1920, and 1965—activists did propose a very different path: the creation of a positive, federal right to vote, guaranteed to all.48 This was then, and remains now, a bridge too far for most politicians, who like retaining the option of picking voters thru exclusion. The U.S. Supreme Court has also held firm here. When presented with claims that citizens were entitled to vote, the Court has unyieldingly held that “citizens . . . were not invested with the right of suffrage.” Voting, they have countered, drawing upon this gaping silence in the Constitution, is merely a “privilege,” and can therefore be denied, on almost limitless grounds (save for those now deemed unlawful). Were citizens vested with such a constitutional right, the Court has also clarified, then citizens “must be protected” from state infringement.49 And that is my key point here. The continued absence of a positive right to vote has meant citizens have very little protection from state infringement upon their ability to vote.

The jarring absence of an affirmative right to vote, so thoroughly rebuffed across all of U.S. history, has meant that activists have been forced to engage the states in an epic game of whack-a-mole. A state pops up restriction; social activists bat it down. A state pops up a different restriction; social activists whack that down. A state places new restrictions in their wake; and activists once again attempt to strike them down. Ad infinitum. Viewed over the whole of U.S. history, this becomes a foreboding pattern—menacing for the possibilities of a healthy, steadily inclusive democracy.

In 2013, this game started up again, when the U.S. Supreme Court gutted the Voting Rights Act in Shelby County v. Holder. That decision paved the way for the return of race-based and other state voter restrictions.50 Officials in Shelby County, Alabama, argued that they should no longer be subject to pre-clearance, because racial discrimination in voting was a thing of the past. DOJ enforcement of fair voting laws, then, was no longer needed. The DOJ countered that racial discrimination in voting was alive and well, submitting into evidence thousands of racially discriminatory laws they had recently prevented from taking effect. Writing the majority decision, Chief Justice John Roberts—whose job as a young lawyer was to kill the 1982 reauthorization of the Voting Rights Act (he failed)—sided with Alabama and ended the practice of pre-clearance, or federal oversight.51

State waters are now shark infested once again, rolling with new methods of state voter suppression—all possible because citizens possess no preceding, federal right to vote that the states are bound to respect. We are currently in-the-midst of the biggest wave of voter suppression since before the passage of the Voting Rights Act. Since roughly 2010, state governments have devised all sorts of new “eligibility” or disenfranchisement techniques: voter ID laws, for example; partisan gerrymandering; closing polling locations; purging voter rolls; ending same-day registration; shortening early voting; and disenfranchising the formerly incarcerated (often for life).52 The jubilant centennial of “women winning the right to vote” has co-existed with the disenfranchisement of tens of millions of women, many of whom voted previously and who are disproportionately people of color.53

So devastating has this new, unfolding chapter been, that already in 2016, before that fateful presidential election, the Economist’s Democracy Index (a non-partisan agency measuring the health of global democracies) downgraded the United States from a “full democracy” to a “flawed democracy.”54 Since then, the state of affairs has grown much worse, as state governments rush to enact more and more restrictions,
justified by false allegations of voter fraud and misleading claims of “voter protection.” Voter fraud does happen, but in minute amounts. All credible studies find that it forms a small fraction of a single percent of all votes cast. Fraud, then, does not create margins big enough to sway major elections, whereas voter suppression absolutely does.56

This anniversary we still have a great deal to learn about how this historic and widely misunderstood amendment reshaped, but also upheld, features of our democracy that have remained deeply entrenched since our national founding: namely, the continued absence of any positive, affirmative, overarching right to vote guaranteed to citizens that overrides states’ long-standing prerogative to deprive citizens of the franchise. Recognizing that, we must also reckon with how staunchly mainstream white suffragists, who advocated for this amendment on the grounds of “sex” only, were willing, in the name of whiteness, to let omission ride, tacitly and explicitly covering it up with cheers about “voting rights” for all.56

Recalling that asterisk after 1920 on the global map with which we began, I hope this exploration of the mechanisms of voting (or, voting governance) has helped you see the difficulty in using 1920 to claim women’s achievement (and guarantee) of voting rights. And I hope it’s offered you one more reason to qualify that date. Not simply because not all women won that right, but also—importantly, for who imagine ourselves to be as citizens today—because no one in the United States has ever won that right. It remains an elusive, unfinished promise of American democracy.

The massive armies of everyday people who, along with their more famous counterparts, mounted the struggles we remember here today remind us that, in the end, it is everyday citizens who hold the power to shape the future of American democracy. Those people died and sacrificed. They held strong, resisted, and persisted. And they handed us an extremely complicated legacy, putting into our care this ongoing, embattled project. It’s now up to us to write the next chapter. What will you say? What will you do? With whom will you make alliances? What now?

Notes

6. Elizabeth Cady Stanton, “The Declaration of Sentiments,” July 1848. Often credited with writing the document, she was not its sole author.
11. Foner, Reconstruction; Foner, Second Founding; DuBois, Black Reconstruction.
13. Tetrault, 29.
14. The politics behind the aggressive forgetting of Lucy Stone and of the American Association can be found in my book, Tetrault, The Myth of Seneca Falls.
15. A Black women’s studies anthology made this same point in 1982, vividly conveyed by its title. Akasha Gloria Hull, Patricia Bell-Scott, and Barbara Smith, eds., All the Women Are White, All the Blacks Are Men, But Some of Us Are Brave (Feminist Press, 1982).
18. Tetrault, Myth of Seneca Falls.
19. Sometimes, these proposed state constitutional revisions did pass, but cumbersome rules for amending state constitutions often sabotaged affirmative votes. Many states, for example, required that it pass two successive state legislative sessions (sometimes spaced two years apart). It sometimes passed the first, but then narrowly lost in the second. Records of these votes are compiled in Martha G. Stapler, ed., *The Woman Suffrage Year Book* (New York: National Woman Suffrage Publishing Company, Inc., 1917).


22. Not requiring voters be male for school elections began early, with Kentucky dropping that qualification (but retaining plenty of others) in 1838.


24. Several other amendments passed in the fifty years that the women's suffrage amendment languished, causing it to be renumbered. The Sixteenth Amendment allowed Congress to levy income tax (1913), the Seventeenth Amendment established the direct election of U.S. Senators (1913), and the Eighteenth Amendment created Prohibition (1918).


27. For a new read on the parade that identifies other women of color there, from Indigenous to Latina, see Cathleen Cahill, *Recasting the Vote: How Women of Color Transformed the Suffrage Movement* (Chapel Hill: University of North Carolina Press, 2020).

28. Paul's first organization was named the Congressional Union, before it assumed its more well-known name, the National Woman's Party, in 1916–17.

29. Harriet Agerholm, “America Falls short of being a full democracy for second year running, report finds,” *Independent* (UK), February 5, 2018. See also the annual reports from the Democracy Index, a non-partisan arm of the Economist Intelligence Unit.

30. For a fuller account of these final days, see Elaine Weiss, *The Woman’s Hour: The Great Fight to Win the Vote* (New York: Viking, 2018).


39. For the stories of Latina, Indigenous, and other women of color, see Cahill, *Recasting the Vote*.

40. Video of Ms. Hamer’s commanding, eight-minute testimony before the 1964 Democratic National Committee can be found online.


46. Berman, *Give Us the Ballot*; Waldman, *Fight to Vote*.

47. Berman, *Give Us the Ballot*; Waldman, *Fight to Vote*.

48. This forms the subject of my current book-in-progress.

49. The language excerpted here is from the majority decision in *Minor v. Happersett* (1875). Similar claims were made more recently in *Bush v. Gore* (2000), and in numerous other cases before the court.

50. The VRA still (as of this publication) prohibits race-based discrimination, but it now has to be challenged
after taking effect, which can be a long process. It also has to be challenged within a judiciary that has been stacked with conservative justices often hostile to the idea of an expansive, fully inclusive democracy.


52. These methods are all verifiable and have mountains of evidence supporting their wide-spread and rapidly growing existence. The fraud and disenfranchisement more recently alleged by Donald J. Trump, which post-dated the delivery of this lecture, on the other hand, have no basis in fact, which has been established by multiple Trump-appointed judges who have routinely dismissed these claims as baseless.


55. These lies about voter fraud are robustly interrogated in the Brennan Center for Justice’s project, “The Myth of Voter Fraud,” which compiles many reports and has conducted their own. See https://www.brennancenter.org/issues/ensure-every-american-can-vote/vote-suppression/myth-voter-fraud. Some allege changing demographics are the cause for voter suppression, which disproportionately target voters of color and young voters. On those changing demographics, see Katherine Schaeffer, “The most common age among whites in the U.S. is 58—more than double that of racial and ethnic minorities,” Pew Research Center, July 30, 2019, https://www.pewresearch.org/fact-tank/2019/07/30/most-common-age-among-us-racial-ethnic-groups/; and D’vera Cohn, “It’s official: Minority babies are the majority among the nation’s infants, but only just,” Pew Research Center, June 23, 2016, https://www.pewresearch.org/fact-tank/2016/06/23/its-official-minority-babies-are-the-majority-among-the-nations-infants-but-only-just/.

56. There were efforts throughout the mainstream suffrage campaign to claim a broader, positive right conferred upon the voter, but those did not win the day. For the most famous of these efforts, see Ellen DuBois, “Taking the Law into our Own Hands: Bradwell, Minor, and Suffrage Militance in the 1870s,” in *One Woman, One Vote: Rediscovering the Woman Suffrage Movement*, ed. Marjorie Spruill Wheeler (Troutdale, OR: New Sage Press, 1995).