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19th Amendment is not what you think

By: Dianne Post, August 14, 2020

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In this Aug. 19, 1920 photo made available by the Library of Congress, Alice Paul, chair of the National Woman's Party, unfurls a banner after the ratification of the 19th Amendment, from a balcony at the NWP's headquarters in Washington. (The Crowley Company/Library of Congress via AP)

Forgotten from the heritage of the 19th Amendment was what was really behind it – not just the right to vote but the democratization of the family and women's place in the family and the world. Reva B. Siegel, in "The Nineteenth Amendment and the Democratization of the Family," *The Yale Law Journal*, January 20, 2020, outlines the broader societal discussion at the time that a man did not have the right to represent his wife and daughters in the political arena and that women needed political power to ensure that they had control over their own bodies and the right to be paid equally – battles we continue to fight today.

Siegel posits that the 19th Amendment needs to be read in conjunction with the Reconstruction Amendments as giving voice to the disenfranchised and enforcing the Constitution more broadly. Women were seeking equal citizenship as much as the right to vote. Those fighting for the right to vote also challenged the male as head of the household and women's dependency on men in financial matters such that men controlled women's income and inherited property.

Suffragists argued for equality decades before and after the Civil War, but that fact has been erased from the history books. Yet still today the family is in need of democratization. During this pandemic, 21% of men claim they are doing all or most of the home schooling while only 3% of women agree with them.

It's no surprise that Siegel's article about the 19th Amendment was published the same day that Virginia ratified the Equal Rights Amendment making the 38th ratification needed for the ERA to become the 28th Amendment. The ERA is the continuation of what the 19th Amendment did not accomplish – the need for women to have equality under the Constitution.

A more personal look at the impetus behind the 19th Amendment is from Wendy L. Rouse of San Jose State University, “The Very Queer History of the Suffrage Movement,” 7/22/2020, Ms. Magazine, originally published by Women’s Suffrage Centennial Commission. Gail Laughlin, a lawyer who died five years after I was born, was dressing up one night and found that her evening gown had no pockets in it. She refused to wear it until pockets were sewn on. Many women, including me, buy men’s pants because they have those much desired pockets.

In 1910, Belle Squire led a protest reminiscent of the revolutionary slogan “No taxation without representation” called “No Vote, No Tax League” in which at least 5,000 women in Cook County, Illinois, refused to pay their taxes until they could vote. Belle also said she would not marry because with a vote, women’s position is raised, but with a husband, it is lowered. She didn’t yet use “Ms” but insisted that she be called Mrs. though she was not married because married women should not get more respect than single women.

New York philanthropist and suffragist Annie Tinker was called “mannish” because she led a group of women on horseback in the suffrage parades in 1913 in riding boots, breeches, a man’s coat and silk top hat. Up to the 1950s in Chicago, women had to have at least three items of women’s clothing on or they could be arrested – and a friend of mine was – repeatedly.

In San Francisco, Dr. Margaret Chung fought for the rights of Chinese and American women in the early 1900s and with her black tailored suit, hat and cane was the focus of much gossip that also included her drinking, gambling, and swearing. In the 1989 Hopkins v. Price Waterhouse case, Hopkins was declared too mannish because she carried a briefcase instead of a purse, had a martini at lunch, swore, and, oh by the way, had the highest sales record. She was told to go to charm school and get her hair and nails done.

These are necessary, not silly demands; it is “good trouble, necessary trouble” as John Lewis said. In the 1970s, my sister could not get a credit card without the name of her divorced husband or her father on the card. Not until 1973 could women serve on juries in all 50 states. Getting pregnant meant you could be fired up until 1978. Not until 2013 could women fight in combat. Though I wanted to go to Harvard or Yale when I graduated high school, I couldn’t because they didn’t take women until I was out of college. After college, the FBI rejected me (and Hillary Rodham Clinton) because they didn’t take women. Years later as part of a class action, I got a coupon for Barnes and Noble.

My first legal job interview in Arizona involved a partner putting his hand on my leg under a table. I knocked his hand away and didn’t get the job, but I could only sue for that in 1977. Not until 1979 was beating your wife illegal in all states, but not until 1993 was rape of a spouse illegal in all states.

The health insurance industry fought viciously against the ERA in the 1970s and 1980s because they did not want to have to charge or pay women fairly. Their actions forestalled laws prohibiting sex discrimination in insurance until 2010. Not until 1960 was the birth control pill available as a contraceptive and still today, some are trying to curtail that availability.

The battle that the suffragists were fighting was about more than voting, it was about women’s dignity, women’s citizenship, women’s personhood. After the 19th Amendment passed, the women knew the larger battle had not yet been won and within three years introduced the ERA in Congress. Nearly another hundred years passed before the ERA became the 28th Amendment. Let’s hope another 100 years doesn’t pass before true equality becomes not just the law but the culture of the land.

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