

WOMEN'S SUFFRAGE RIGHTS

NINETEENTH AMENDMENT

SECTION 1. The right of the 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.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

WOMEN'S SUFFRAGE

The Nineteenth Amendment was adopted after a long campaign by its advocates who had largely despaired of attaining their goal through modification of individual state laws. Agitation in behalf of women's suffrage was recorded as early as the Jackson Administration, but the initial results were meager. Beginning in 1838, Kentucky authorized women to vote in school elections and its action was later copied by a number of other States. Kansas in 1887 granted women unlimited rights to vote in municipal elections. Not until 1869, however, when the Wyoming Territory accorded women suffrage rights on an equal basis with men and continued the practice following admission to statehood, did these advocates register a notable victory. Progress continued to be discouraging, only ten additional States having joined Wyoming by 1914, and judicial efforts having failed.¹ A vigorous campaign brought congressional passage of a proposed Amendment in 1919 and the necessary state ratifications in 1920.²

Following the Supreme Court's interpretation of the Fifteenth Amendment, the state courts that passed on the effect of the Amendment ruled that it did not confer upon women the right to vote but only the right not to be discriminated against on the basis of their sex in the setting of voting qualifications,³ a formalistic distinction to be sure but one which has restrained the possible applications of the Amendment. In only one case has the Supreme

¹Minor v. Happersett, 88 U.S. (21 Wall.) 162 (1875), a challenge under the privileges of immunities clause of the Fourteenth Amendment.

²E. FLEXNER, CENTURY OF STRUGGLE—THE WOMAN'S RIGHTS MOVEMENT IN THE UNITED STATES (1959).

³State v. Mittle, 120 S.C. 526 (1922), writ of error dismissed, 260 U.S. 705 (1922); Graves v. Eubank, 205 Ala. 174 (1921); In re Cavalier, 287 N.Y.S. 739 (1936).

Court itself dealt with the Amendment's effect, holding that a Georgia poll tax statute that exempted from payment women who did not register to vote did not discriminate in any manner against the right of men to vote, although it did note that the Amendment "applies to men and women alike and by its own force supersedes inconsistent measures, whether federal or State."⁴

⁴Breedlove v. Suttles, 302 U.S. 227, 283-84 (1937).