

LAW DAY 2020



SOCIAL MOVEMENT CHANGING AMERICA: THE LEGACIES OF THE 19TH AMENDMENT



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SOCIAL MOVEMENT CHANGING AMERICA: THE LEGACIES OF THE 19TH AMENDMENT

The American Bar Association Division for Public Education and the Law Library of Congress, present the [Law Day 2020](#) public program, “Social Movement Changing America: The Legacies of the 19th Amendment.”

The national theme for Law Day 2020 is “Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100.” In 2020, we are commemorating the centennial of the ratification of this transformative constitutional amendment.

FRAMING QUESTIONS

1. How did the women’s suffrage movement and ratification of the 19th Amendment change America—constitutionally, legally, politically, socially, culturally, domestically?
2. How have American women fought for civil and political rights, including the vote, through the power of their voices and their actions?
3. How are matters of race and racism, class and subordination, all integral to the story of the 19th Amendment and its legacies?
4. How did the women’s suffrage movement inspire subsequent social movements for constitutional change? How might it continue to do so?
5. How does constitutional change happen? How has it? Will it ever again be accomplished through formal Article V amendment?
6. What did the 19th Amendment to the U.S. Constitution accomplish? When did it do so? Have the goals and aspirations of its advocates been fully realized?
7. Why—and how—should we commemorate the centennial of the 19th Amendment? Why does it (still) matter?

2020 LAW DAY VIRTUAL PROGRAM

PRESIDING

Judy Perry Martinez

President

American Bar Association

WELCOME

Jane Sánchez

Law Librarian of Congress

MODERATOR

Kimberly Atkins

Senior News Correspondent, WBUR-Boston and
Contributor, MSNBC

PANELISTS

Martha S. Jones

Society of Black Alumni Presidential Professor and
Professor of History
Johns Hopkins University

THOMAS SAENZ

President/General Counsel

Mexican American Legal Defense and Educational Fund

JULIE CHI-HYE SUK

Dean for Master's Programs and

Professor of Sociology, Political Science, and Liberal Studies
City University of New York Graduate Center

CLOSING

Pamela Roberts

National Law Day Chair

MODERATOR



KIMBERLY ATKINS is a Washington-based, senior news correspondent for WBUR-FM, Boston's NPR news station. She covers the Massachusetts congressional delegation, politics, and the federal government. Atkins is also a contributor to MSNBC, providing on-air news analysis.

She served as the Boston Herald Washington bureau chief from 2014 to early 2019, focusing her coverage on the White House, Congress, the U.S. Supreme Court and national news.

Atkins has had a distinguished career as a journalist, having been a host of C-Span's Washington Journal from 2015-2018, the Washington bureau chief for Lawyers Weekly, the Daily Record and their sister newspapers from 2013-2014. Before that, she was a staff writer for Lawyers USA, a political reporter at the Boston Herald, an education reporter for the Journal News in suburban New York, and a reporter for the Boston Globe.

A licensed attorney, Atkins was a litigation and appellate lawyer in Massachusetts before starting her career in journalism. She is currently a member of the Advisory Commission to the American Bar Association Standing Committee on Public Education. In 2011, Atkins launched her own independent womenswear fashion design firm. She holds a bachelor's degree in Journalism from Wayne State University, master's degree from the Columbia Graduate School of Journalism, and two degrees from Boston University: a master's degree in Mass Communication from the College of Communication, and JD from the School of Law.

PANELISTS



MARTHA S. JONES is Society of Black Alumni Presidential Professor and Professor of History at the Johns Hopkins University. Before joining the JHU faculty in 2017, she had held appointments at the University of Michigan since 2001, including as Presidential Bicentennial Professor in the College of Literature, Science, and Arts and as Affiliated LSA Faculty at the Law School.

Prior to the start of her academic career, Jones was a public interest litigator in New York City. She is the author of *Vanguard: How Black Women Broke Barriers, Won the Vote, and Fought for Rights for All* (Basic Books, 2020) and *Birthright Citizens: A History of Race and Rights in Antebellum America* (Cambridge University Press, 2018), winner of the Organization of American Historians Liberty Legacy Award for the best book in civil rights history and the American Historical Association Littleton-Griswold Prize for the best book in American legal history. Jones is also author of *All Bound Up Together: The Woman Question in African American Public Culture 1830-1900* (University of North Carolina Press, 2007) and numerous articles and essays.

She is currently working on a biography of U.S. Supreme Court Chief Justice Roger Brooke Taney. Jones frequently writes for public audiences for such media as the *Washington Post*, the *Atlantic*, *USA Today*, and *Time*. She has also curated many museum exhibitions, including “Reframing the Color Line” and “Proclaiming Emancipation,” in conjunction with the William L. Clements Library, and has collaborated with the Smithsonian’s National Portrait Gallery, Charles Wright Museum of African American History, PBS “American Experience,” Southern Poverty Law Center, and ARTE France.

Jones currently serves as Co-President of the Berkshire Conference of Women Historians and on the Executive Board of the Organization of American Historians. She received a BA from Hunter College, JD from the City University of New York School of Law, and PhD in History from Columbia University.



THOMAS A. SAENZ has served as President and General Counsel of the Mexican American Legal Defense and Educational Fund (MALDEF) since 2009. He had previously practiced civil rights litigation at MALDEF for 12 years, where he successfully challenged California's unconstitutional Proposition 187 and led numerous civil rights cases in the areas of immigrants' rights, education, employment, and voting rights. In between his service at MALDEF, Saenz was Counsel to Los Angeles Mayor Antonio Villaraigosa for four

years, providing legal and policy advice and serving on the four-person executive team to the mayor.

He has served as a member of the American Bar Association Commission on Hispanic Legal Rights and Responsibilities, U.S. Department of Education's Equity and Excellence Commission, Los Angeles County Board of Education, and the Los Angeles County Commission on Human Relations. In addition, Saenz served as steering committee co-chair of the California Civil Rights Coalition and on the boards of the Campaign for College Opportunity, ENCOMPASS, and the Impact Fund. Among his many honors, he has received the Peace and Justice Award from Instituto de Educacion Popular del Sur de California, the Hispanic National Bar Association's Ohtli Award, and the Corazón Award from Univision.

Saenz has taught Civil Rights Litigation as an adjunct lecturer at the University of Southern California (USC) Law School and has been widely published. He served as law clerk to Judge Harry L. Hupp of the U.S. District Court for the Central District of California and to Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. Saenz received his undergraduate degree from Yale University and JD from Yale Law School.



JULIE CHI-HYE SUK is Professor of Sociology, Political Science, and Liberal Studies at the City University of New York Graduate Center, where she also serves as the dean overseeing master's programs. She is a scholar of comparative law and society, with a focus on women in comparative constitutional law. Other research interests include discrimination and inequality; women, work, and family; civil litigation as enforcement mechanism for public law; social, political, and legal theory; and law and literature. Her 2020 book, *We the*

Women: The Unstoppable Mothers of the Equal Rights Amendment, is about the ERA's past and future. It explores the ERA as a legacy of the Nineteenth Amendment and articulates the legal significance of women as constitution-makers to guide current debates about the future of the ERA. She is a frequent commentator in the media on legal issues affecting women, including the *New York Times*, *Washington Post*, *Vox*, and *CBS News*.

Prior to joining The Graduate Center, Suk was a law professor for 13 years at Cardozo Law School in New York and taught as a visiting professor at the law schools at Harvard, Columbia, University of Chicago, and UCLA. She has lectured widely in the United States and Europe and has been a visiting fellow at the European University Institute in Florence and LUISS-Guido Carli in Rome. She is the recipient of the Paul & Daisy Soros Fellowship for New Americans and the British Marshall Scholarship. Representative publications include "Feminist Constitutionalism and the Entrenchment of Motherhood" (*Studies in Law, Politics, and Society* 2018) "An Equal Rights Amendment for the Twenty-First Century: Bringing Global Constitutionalism Home" (*Yale Journal of Law & Feminism*, 2017) (cited in the House Judiciary Committee report on H.J.Res. 79, removing the deadline on the ratification of the ERA); and "Are Gender Stereotypes Bad for Women? Rethinking Antidiscrimination Law and Work-Family Conflict" (*Columbia Law Review*, 2010).

Suk received an AB in English and French Literature from Harvard University, JD from Yale Law School, and master's and doctoral degrees in politics from Oxford University.

PERSPECTIVES ON PROGRAM THEME

SOCIAL MOVEMENT CHANGING AMERICA: THE LEGACIES OF THE 19TH AMENDMENT



No End of It

John Adams

It is dangerous to open so fruitful a source of controversy and altercation, as would be opened by attempting to alter the qualifications of voters. There will be no end of it. New claims will arise. Women will demand a vote. Lads from 12 to 21 will think their rights not enough attended to, and every man, who has not a farthing, will demand an equal voice with any other in all acts of state. It tends to confound and destroy all distinctions, and prostrate all ranks, to one common level.

[John Adams to James Sullivan \(1776\)](#)

The Idea of Democracy

Alexander Keyssar

At its birth, the United States was not a democratic nation—far from it. The very word democracy had pejorative overtones, summoning up images of disorder, government by the unfit, even mob rule. In practice, moreover, relatively few of the new nation's inhabitants were able to participate in elections: among the excluded were most African Americans, Native Americans, women, men who had not attained their majority, and adult white males who did not own land. ...To be sure, the nation's political culture and political institutions did become more democratic and between the American Revolution and the middle of the nineteenth-century. ... t]he idea of democracy became widespread during these years, the word itself more positive, even celebratory.

[*The Right to Vote: The Contested History of Democracy in the United States* \(2009\)](#)

Our Demand for Suffrage

Elizabeth Cady Stanton, Susan B. Anthony, et al.

To the Senate and the House of Representatives:

The undersigned, Women of the United States, respectfully ask an amendment of the Constitution that shall prohibit the several States from disfranchising any of their citizens on the ground of sex. In making our demand for Suffrage, we would call your attention to the fact that we represent fifteen million people—one half of the entire population of the country—intelligent, virtuous, native-born American citizens; and yet stand outside the pale of public recognition. The Constitution classes us as “free people,” and counts us whole persons in the basis of representation; and yet are we governed without our consent, compelled to pay taxes without appeal, and punished for violations of law without choice of judge or juror.

[*A Petition for Universal Suffrage \(1866\)*](#)

The Path from the 15th to the 19th Amendments

Michael Dorf

A generation after Seneca Falls, women’s rights advocates were active supporters of abolition and then Reconstruction. Suffragists like Susan B. Anthony and Elizabeth Cady Stanton made common cause with African American men, even while they lobbied Congress for Reconstruction Amendments that would not sacrifice the rights of women. The 14th Amendment itself was a mixed blessing. The generality of the Equal Protection Clause made it a potential source of women’s rights, but Section 2 of the 14th Amendment introduced the first official sex line into the Constitution’s text by penalizing states for disenfranchising “male inhabitants.” Implicitly, it permitted female disenfranchisement. Women who supported rights for African Americans then split over the 15th Amendment because it prohibited race but not sex discrimination in voting. Remediating that omission became the focus of the women’s rights movement for the next fifty years. However, the path from the 15th to the 19th Amendment was hardly a straight one.

[*“The Paths to Legal Equality,” California Law Review \(2002\)*](#)

Shall Not Be Denied ... On Account of Race

Section 1: 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 race, color, or previous condition of servitude.

Section 2: The Congress shall have power to enforce this article by appropriate legislation.

Text of the [15th Amendment](#) (1870)

Shall Not Be Denied ... On Account of Sex

Section 1: 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.

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

Text of the [19th Amendment](#) (1920)



THE WOMAN'S HOUR HAS STRUCK

Edward A. Poucher (1882–1966).

The Woman's Hour Has Struck:
Woman Suffrage is Coming.
Reproduced on the cover of *The World Magazine*, February 4, 1917.

Breckinridge Family Papers,
Manuscript Division, Library of
Congress (089.00.00)

No Federally Defined Right to Vote

Lisa Tetrault

Contrary to popular presumption, the original Constitution contains no mention of a citizen's right to vote. The 15th and 19th Amendments, then, did not extend an (unjustly stolen) "right to vote." Yet, like contemporary headlines did, we still routinely speak of them this way, as positively conferring voting rights. But neither did that, in reality, because there is no federally defined right to vote. The Constitution is mute on this question, and these twin amendments did nothing to change that. ...In divvying up the powers between the federal and state governments (federalism), our Constitution gives individual states authority over this matter. Who can vote depends largely—at the founding, and still now—upon state law. ...The 15th and 19th Amendments ...neither federalized nor conferred a non-existent "right to vote." Instead, both effectively demanded the removal, in the case of the 15th Amendment, of the word "white," and in the case of the 19th Amendment, the word "male," from state voter qualifications. After their ratification it became unconstitutional to explicitly discriminate on those two grounds. States could no longer do this, or they stood in violation of the Constitution and could be sanctioned by the federal government. So why didn't these amendments secure a right to vote for black men and all women, as is so commonly claimed? To understand this requires a deeper dive into the history—and language—of each amendment. ["Lessons from the Constitution: Thinking Through the Fifteenth and Nineteenth Amendments, Social Education \(2019\)](#)

Woman Suffrage Model for Civil Rights Campaigns to Follow

Elaine Weiss

“Power concedes nothing without a demand,” insisted the great universal suffragist Frederick Douglass, and he taught this essential lesson to the early advocates of votes for women. But this sort of power cannot be wrested simply through demand: it requires a huge societal shift, a slow change of public attitudes, eventually translated into public policy. Such change can be brought about only by decades of patient persuasion and persistent pressure, transforming an idea once considered unthinkable into something inevitable. Winning the franchise was a crucial milestone in American women’s struggle to secure their legal, economic, and societal rights, claiming their place in the modern world; but that struggle continues. ...The crusade for woman suffrage stands as one of the defining civil rights movements in the history of our country, and its organizing strategies, lobbying techniques, and nonviolent protest actions became the model for the civil rights campaigns to follow in the twentieth and twenty-first centuries.

[*The Woman’s Hour: The Great Fight to Win the Vote \(2018\)*](#)

Inspiring Twentieth-Century Progressive Reformers

Daniel Tichenor and Sidney Milkis

The memory of Lincoln and the abolitionists inspired twentieth-century progressive reformers to restore the ties between the president and social activists. The modern presidency was forged at least partially on the understanding that many prerogatives exercised by Lincoln during domestic rebellion should become more routine in American politics. This ambition, although never completely realized, made the executive central to growing governmental commitments. And it was precisely the energy, visibility, and authority of the modern presidency that made it an irresistible focal point for Alice Paul, A. Philip Randolph, and later generations of social activists.

[*Rivalry and Reform: Presidents, Social Movements, and the Transformation of American Politics \(2018\)*](#)

Other Social Movements Crucial to Woman Suffrage

Robyn Muncy

American women's struggle for the vote, a profoundly important chapter in the story of American democracy, did not unfold as an independent plot. Instead, the woman suffrage movement emerged from and was continually fed by other social movements and political causes. Between the 1830s and 1920, women's enfranchisement was intimately connected to such crusades as the struggle for racial justice, the women's rights movement, the campaign to regulate alcohol, and the labor movement. For some women, involvement in these social movements created the very desire for the vote; for many, it honed skills necessary to building a political movement. At various points, factions within those social movements became allies of the suffrage campaign, expanding its base of support. Many of these movements circulated ideas about human rights and democracy that prompted increasing numbers of Americans to advocate women's enfranchisement. In all these ways, other reform movements were crucial to the victories of woman suffrage.

["The Necessity of Other Social Movements to the Struggle for Woman Suffrage," National Park Service \(2020\)](#)

The 19th Amendment Beyond Voting

Paula Monopoli

As a matter of law, the post-ratification story of the 19th involved big, philosophical issues like the relationship between the individual and the state, as well as political issues like the relationship between the federal and state governments. It implicated significant constitutional issues, including federalism, the scope of women's citizenship and the constitutional meaning of equality. And it was shaped by the intersection of race, gender and class. ...I argue that the Nineteenth remained underdeveloped as a result of the abrupt pivot, after ratification, from suffrage to other agendas by both the National Woman's Party (NWP) and the National American Woman's Suffrage Association (NAWSA). Despite being abandoned by the women's organizations that had engineered its enactment, the validity and meaning of the 19th were contested in state and federal courts. Yet the promise that courts might interpret the 19th as having an impact beyond voting was little realized and it became a constitutional orphan, rarely cited after 1930.

[The Legal and Constitutional Development of the Nineteenth Amendment in the Decade Following Ratification \(2019\)](#)

The 19th Amendment and Equal Citizenship

Reva Siegel

The debates over woman suffrage that began with the drafting of the 14th Amendment and concluded with the ratification of the 19th Amendment are plainly relevant to understanding how the guarantee of equal citizenship applies to women. At the Founding and for generations thereafter, Americans believed women did not need the vote because they were represented in the state through male heads of household. By adopting the 19th Amendment, Americans were breaking with traditional conceptions of the family that were rooted in coverture, as well as with understandings of federalism that placed family relations beyond the reach of the national government. The debates over the 19th Amendment thus memorialize the nation's decision to repudiate traditional conceptions of the family that have shaped women's status in public as well as private law and that are inconsistent with equal citizenship in a democratic polity.

[*She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family \(2002\)*](#)

What "Ratified" the ERA

David A. Strauss

Our constitutional order would look little different if a formal amendment process did not exist. ...The Equal Rights Amendment... would have forbidden unequal treatment on the basis of sex. A version of the ERA was first proposed in 1923. It was sent to the states in 1972, but not enough states ratified it; it died in 1982. Today, it is difficult to identify any respect in which constitutional law is different from what it would have been if the ERA had been adopted.. ...It would be a mistake to say that an overly activist Court "ratified" the ERA in the face of a contrary verdict from the country. What "ratified" the ERA, in effect, was the same kind of thing that "ratified" the Child Labor Amendment: insistent pressure from society as a whole. In the case of the ERA, this took the form of the increasing presence of women in the workplace, in politics, and in other new roles. Instead of saying that the courts imposed an agenda on society, it is probably more accurate to say that the opposite occurred: because of developments in society, the Court would have found it very difficult to continue treating gender classifications as unproblematic.

[*"The Irrelevance of Constitutional Amendments," Harvard Law Review \(2001\)*](#)

Social Movements and Political Progressivism

John Halpin and Marta Cook

The relationship between political progressivism—as expressed in the platforms and actions of political parties and leaders—and social movements has not always been harmonious or cooperative. Social movements, by definition, arise from a committed minority of citizens working together to shape larger public consciousness about particular injustices in addition to working for concrete political change. Social movements have invariably advanced moral and political causes surrounding gender, racial, and class equality with much greater force and consistency than those in mainstream politics. The ideas of social movements, such as expanded suffrage and civil rights protections, often become uncontested parts of mainstream politics after prolonged struggles.

[*Social Movements and Progressivism \(2010\)*](#)

Making Voting Rights a Reality

Kevin Corder & Christina Wolbrecht

The ratification of the 19th Amendment in August of 1920 was a pivotal moment, the culmination of a more than 70-year struggle to gain voting rights for women. But what happened after ratification? In order to translate this new right into actual votes by women, local and state governments, political parties, advocacy groups, and individual women needed to learn how to navigate a new legal order. ...The initial verdict and much of the early scholarship concluded that woman suffrage was a failure, as turnout was low and the addition of women voters failed to shake up the two-party balance of power. While the observers were right in important ways—women’s turnout was indeed lower than men’s—we now know that there were a host of legal and organizational factors that conspired to block or slow the mobilization of women. The incorporation of women as full equals in the electoral process would take decades, and understanding why this is the case helps us better understand the challenges facing efforts to make voting rights a reality for traditionally marginalized groups.

[*“Did Women Vote Once They Had the Opportunity?,” Insights on Law and Society \(2019\)*](#)

Terming Black Women the “Vanguard”

Martha S. Jones

Terming Black women the “Vanguard” [of American voting rights] has a double meaning. Despite the burdens of racism, they have blazed trails across the whole of two centuries. In public speaking, journalism, banking, and education, Black women led American women, showing the way forward. Some “first” Black women leapt out front because nothing less would get them where they aimed to go. Black women emerged from brutal encounters with enslavement, sexual violence, economic exploitation, and cultural denigration, as visionaries prepared to remedy their own circumstances and, by doing so, cure the world. As the vanguard, Black women also pointed the nation toward its best ideals. They were the first to reject arbitrary distinctions, including racism and sexism, as rooted in outdated and disproved fictions. They were the nation’s original feminists and antiracists, and they built a movement on these core principles. They raised the bar high for all Americans and showed allies, among men and women, Black and White, how to work in coalition. Too often, they experienced disappointment. But undeterred, Black women continued to reach for political power that was redemptive, transformative, and a means toward realizing the equality and the dignity of all persons.

[*Vanguard: How Black Women Broke Barriers, Won the Vote, and Insisted on Equality for All \(2020\)*](#)

Why the 19th Amendment Matters Today

Neil S. Siegel

The story of the 19th Amendment. ...includes a half-century of social movement contestation over whether permitting women to vote would destroy or democratize the American family and the American constitutional structure. That story also includes pitched debates over the framing, ratification, and subsequent interpretation of the 19th Amendment. ...The full story of the 19th Amendment has always involved much more than a narrow debate over a determinate decision rule regarding women’s access to the franchise—as vitally important as that specific constitutional right is. Americans might bear in mind all of the reasons why the 19th Amendment matters today as they mark the centennial of the Amendment. And as difficult as it may be for many Americans to do, they might honor the occasion without indulging in an uncritical celebration of all the moral and democratic progress that Americans have made on “the woman question.” They might instead supplement their solemn pride in a measure of progress that has been genuinely substantial with profound gratitude for the women and men who have been responsible for it, as well as with circumspection and introspection about why the journey to equal citizenship stature for women in the United States has been so arduous. Americans might also maintain a keen appreciation of all the hard work that remains.

[*Why the Nineteenth Amendment Matters Today: A Citizen’s Guide for the Centennial \(2020\)*](#)

Yet They Persisted

Library of Congress

The campaign for women's voting rights lasted more than seven decades. Considered the largest reform movement in United States history, its participants believed that securing the vote was essential to achieving women's economic, social, and political equality. Culminating 100 years ago in the 19th Amendment to the U.S. Constitution, the fight for women's suffrage was not for the fainthearted. Determined women organized, lobbied, paraded, petitioned, lectured, and picketed for years. Suffragists were ridiculed, patronized, and dismissed by opponents; yet they persisted. Some were assaulted and endured the harsh confines of prison for daring to claim rights equal to men, but they would not be denied. The movement questioned the country's commitment to democracy, exposed the nation's longstanding class, regional, and racial divides, and challenged existing gender stereotypes. Arguments and strategies for and against women's suffrage varied over time and place. Proponents forged uneasy alliances and overcame countless controversies. Although few of the women who began the suffrage campaign before the Civil War lived long enough to witness its final victory in August 1920, their work was carried on by their daughters, granddaughters, and other women whom they had inspired, nurtured, and taught. Their collective story is one of courage, perseverance, savvy, creativity, and hope that continues to inspire women today.

[Library of Congress Exhibit: Shall Not Be Denied: Women Fight for the Vote \(2019-2020\)](#)

Constitutional Commitment to Sex Equality

Julie C. Suk

Most constitutions around the world declare equality between women and men. But the U.S. Constitution has struggled with its commitment to sex equality. Efforts to add sex equality to the U.S. Constitution, beginning with women's right to vote, have been fraught with controversy and resistance. After a battle that lasted decades, American women achieved the constitutional right to vote when the 19th Amendment was ratified in 1920. Newly armed with votes, a suffragist vanguard introduced an idea that seemed revolutionary in 1923—that women should have rights fully equal to those enjoyed by men. But the revolution became an evolution, persisting across generations, still unfinished. Even with all the ratifications completed, a cloud of uncertainty hangs over the ERA [Equal Rights Amendment] because Congress set up time limits on ratification that expired in 1982. With only thirty-five states having ratified it by that deadline, three states short of the thirty-eight needed, the ERA was declared a failure and forgotten for a generation. But it made a surprising comeback in 2017, as the Women's March gave Nevada the momentum to ratify the amendment. The #MeToo movement moved Illinois legislators to ratify the ERA in May 2018. Then the "Pink Wave" got a record number of women elected to Congress later that year, resulting in 23.7 percent of Congress being female. That wave spread to Virginia, as more women were elected to the Virginia legislature in November 2019 than ever before. Women, now occupying leadership positions in the Virginia General Assembly, led their state to finally deliver the thirty-eighth ratification, after decades of failed attempts. But opponents—including the Trump Administration—have tried to stop the ERA by saying that it's just too late.

[*We the Women: the Unstoppable Mothers of the Equal Rights Amendment \(2020\)*](#)

Equal Power for Women

Pauli Murray

I suggest that what the opponents of the [Equal Rights] Amendment most fear is not equal rights but equal power and responsibility. I further suggest that underlying the issue of equal rights for women is the more fundamental issue of equal power for women. No group in power has surrendered its power without a struggle. Many male opponents of equal rights for women recognize the more fundamentally revolutionary nature of the changes which a genuine implementation of such an amendment would bring about. A society in which more than half the population is absent from the formal authority and decision-making processes is a society in dangerous imbalance. Those who argue in support of the idea of fundamental differences between men and women only reinforce the compelling reasons why women should have access to equal power through the implementation of equal constitutional rights.

Statement at Senate Judiciary Committee Hearings on the Equal Rights Amendment (1970)

Power Concedes Nothing Without a Demand

Frederick Douglass

The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being, putting all other tumults to silence. It must do this or it does nothing. If there is no struggle there is no progress. Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground; they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.

This struggle may be a moral one, or it may be a physical one, and it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will.

No Struggle, No Progress (1857)

Program Partners



The mission of the [***ABA Division for Public Education***](#) is to advance public understanding of law and its role in society. This public program for Law Day 2020 is supported by the [Leon Jaworski](#) Fund for Public Education.



The mission of the [***Law Library of Congress***](#), the national law library, is to make its resources available to Members of Congress, the Supreme Court, other branches of the U.S. Government, and the global legal community. The Library of Congress's current exhibition, [Shall Not Be Denied: Women Fight for the Vote](#), commemorates the ratification of the 19th Amendment.



About the Law Day Public Program Series

Since 2001, the American Bar Association Division for Public Education has conducted an ongoing series of public programs to commemorate [Law Day](#). In examining fundamental matters of law, history, politics, and culture related to annual Law Day themes, they have sought to help us better understand who we are as Americans and as global citizens.

The American Bar Association Division for Public Education gratefully acknowledges our program partner, the Law Library of Congress, for virtually hosting the 2020 Law Day Public Program. We especially appreciate the efforts and contributions of Donna Sokol, Robert Brammer, and Glenn Ricci.

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