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Unmasking the Nineteenth Amendment Centennial Through the Pandemic Lenses of Liberty, Loss, Masculinity, and Leadership

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**UNMASKING THE NINETEENTH AMENDMENT
CENTENNIAL THROUGH THE PANDEMIC LENSES OF
LIBERTY, LOSS, MASCULINITY, AND LEADERSHIP**

Jamie R. Abrams*

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I. INTRODUCTION

Celebrating the Centennial of the Nineteenth Amendment¹ in this political, economic, and social moment was a tale of two extremes. On the one hand, the Centennial occurred contemporaneously with the election of Kamala Harris as the nation's first woman Vice President offering a tremendous celebratory bookend of political success. On the other hand, we celebrated the Centennial amid a global pandemic that has taken over 740,000 American lives² and in a crescendo of searingly painful calls for racial justice. In reflecting on the Centennial in *this* political, social, and economic moment, this article unmaskes the lenses of loss, liberty, masculinity, and leadership in our suffrage narrative.

Organizations began Centennial celebrations starting in 2019.³ This was before phrases like social distancing, flatten the curve, and uncivil war were in our national vocabulary,⁴ and before names like George Floyd and Breonna Taylor were being chanted in our communities. We were all still shaking hands, studying from history books in classrooms filled to capacity, and anticipating a traditional

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1. U.S. CONST. amend. XIX (“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.”).
2. *COVID Data Tracker*, CTRS. FOR DISEASE CONTROL & PREVENTION, <https://covid.cdc.gov/covid-data-tracker/#datatracker-home> [<https://perma.cc/S2U7-XVFJ>] (last visited Nov. 1, 2021).
3. *See 19th Amendment Centennial Celebration*, CNTY. OF L.A., <https://lacounty.gov/wgi-19-amendment-centennial/> [<https://perma.cc/TD62-BPJL>] (last visited Aug. 21, 2021) (“On Tuesday, August 6th, 2019, the LA County Board of Supervisors identified August 2019-August 2020 as the year to commemorate and celebrate the ratification of the . . . Nineteenth Amendment . . .”). The Nineteenth Amendment became official on August 26, 1920, when U.S. Secretary of State Bainbridge Colby signed a proclamation certifying the constitutional amendment. *Why is August 26 Known as Women’s Equality Day?*, NAT’L CONST. CTR. (Aug. 26, 2020), <https://constitutioncenter.org/blog/why-august-26-is-known-as-womans-equality-day> [<https://perma.cc/LGZ2-27WU>].
4. Tim Herrera, *The 20 Phrases that Defined 2020*, N.Y. TIMES (Dec. 18, 2020), <https://www.nytimes.com/2020/12/18/style/words-of-the-year-2020.html> [<https://perma.cc/PQB7-85Z7>]; Lynn Sweet, *Joe Biden Inauguration Speech Text: ‘We Must End this Uncivil War’*, CHI. SUN TIMES (Jan. 20, 2021, 1:59 PM), <https://chicago.suntimes.com/politics/2021/1/20/22240780/joe-biden-inauguration-speech-text> [<https://perma.cc/S2PT-3WDD>].

ballot box presidential election. My writing on the Centennial would have focused on expanding the story of women’s suffrage to talk about its implications on larger political and social rights—a classic academic paper featuring classic suffragists like Sojourner Truth,⁵ Susan B. Anthony,⁶ Elizabeth Cady Stanton,⁷ Ida B. Wells-Barnett,⁸ and Lucretia Mott,⁹ and classic quotes such as Abigail Adams’s 1776 letter to John Adams urging him to “remember the ladies”¹⁰ and the famous Suffragette banner outside the White House asking “Mr. President[—]What will you do for woman suffrage[?]”¹¹ This version of a suffrage article would have been predictable and forgettable.

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5. See generally SOJOURNER TRUTH, NAT’L WOMEN’S HIST. MUSEUM (Debra Michals ed., 2015), <https://www.womenshistory.org/education-resources/biographies/sojourner-truth> [<https://perma.cc/GT8F-YKKR>]. Sojourner Truth (1797–1883) was a former enslaved person who fought for the abolition of slavery and women’s suffrage. *Id.*
 6. See generally SUSAN B. ANTHONY, NAT’L WOMEN’S HIST. MUSEUM (Nancy Hayward ed., 2018), <https://www.womenshistory.org/education-resources/biographies/susan-b-anthony> [<https://perma.cc/PG2V-KCYT>]. Susan B. Anthony (1820–1906) was an abolitionist and a key figure in the women’s suffrage movement very closely associated with the Nineteenth Amendment. *Id.*
 7. See generally ELIZABETH CADY STANTON, NAT’L WOMEN’S HIST. MUSEUM (Debra Michals ed., 2017), <https://www.womenshistory.org/education-resources/biographies/elizabeth-cady-stanton> [<https://perma.cc/M6LR-SZ7B>]. Elizabeth Cady Stanton (1815–1902) was an abolitionist who campaigned for women’s suffrage and the right for married women to own property. *Id.*
 8. See generally Arlisha R. Norwood, *Ida B. Wells-Barnett*, NAT’L WOMEN’S HIST. MUSEUM (2017), <https://www.womenshistory.org/education-resources/biographies/ida-b-wells-barnett> [<https://perma.cc/NSH7-34JY>]. Ida B. Wells-Barnett (1862–1931) was a former enslaved person and journalist who investigated lynching and other white mob violence directed towards Black people. *Id.*
 9. See generally LUCRETIA MOTT, NAT’L WOMEN’S HIST. MUSEUM (Debra Michals ed., 2017), <https://www.womenshistory.org/education-resources/biographies/lucretia-mott> [<https://perma.cc/5FCD-4PPL>]. Lucretia Mott (1793–1880) was an abolitionist who spoke out against racial and gender inequality. *Id.*
 10. Letter from Abigail Adams, First Lady of the United States, to John Adams, Second President of the United States (Mar. 31, 1776) (on file with Mass. Hist. Soc.), <https://masshist.org/digitaladams/archive/doc?id=L17760331aa> [<https://perma.cc/3374-X6QM>] (“If p[ar]ticular care and attention is not paid to the Ladies we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.”).
 11. *The First Picket Line—College Day in the Picket Line* (photograph), LIBR. OF CONG. (Feb. 1917), <https://www.loc.gov/pictures/resource/cph.3a32338/> [<https://perma.cc/H546-TMBM>] (showing women protesting outside of the White House with multiple banners with slogans like “Mr. President[—]how long must women wait for liberty[?]” and “Mr. President[—]what will you do for woman suffrage[?]”).

When Spring of 2020 arrived, many of us transitioned into being full-time professors as well as cafeteria workers, I.T. specialists, homework helpers, and screen time monitors for our children. Our law students struggled with finances, COVID-19 diagnoses, and deep professional worries, but we still believed this was all a relative blip in time. I worried that my own children were struggling emotionally, academically, and psychologically,¹² but I smiled, baked bread, shared memes about toilet paper shortages, watched *The Tiger King*, and seized the moment. I had yet to see a clear connection between what was happening in our communities, schools, and families and my writing about the Nineteenth Amendment Centennial. I saw my private life in one space and my public life in another.

When late Spring and Summer 2020 came around, my family and I marched with our community for racial justice in the wake of the police killings of George Floyd,¹³ Breonna Taylor,¹⁴ Ahmaud Arbery,¹⁵ and so many more. I then envisioned using Centennial reflections to celebrate the women of color who worked tirelessly for suffrage, such as Anna J. Cooper,¹⁶ Mary Church Terrell,¹⁷ and Adella Hunt Logan.¹⁸ I thought more heavily about the faults of our

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12. See generally Joyce Lee, *Mental Health Effects of School Closures During COVID-19*, 4 THE LANCET CHILD AND ADOLESCENT HEALTH 421, 421 (June 2020) (noting that with school closures, many students are unable to access mental health resources and social distancing measures may lead to increased isolation).
 13. Anna Boone, *One Week in Minneapolis*, STAR TRIB. (June 3, 2020), <https://www.startribune.com/george-floyd-death-ignited-protests-far-beyond-minneapolis-police-minnesota/569930771/> [<https://perma.cc/HJ87-5HW2>].
 14. Dennis Vogt, *Coroner Identifies Woman Shot and Killed in Officer-Involved Shooting*, WAVE 3 NEWS (May 16, 2020, 8:50 AM), <https://www.wave3.com/2020/03/15/coroner-identifies-woman-shot-killed-officer-involved-shooting/> [<https://perma.cc/4TCW-VFZE>].
 15. Nefeteria Brewster, *No Charges Two Months After White Father and Son Fatally Shoot Black Man*, ATLANTA BLACK STAR (Apr. 28, 2020), <https://atlantablackstar.com/2020/04/28/no-charges-two-months-after-white-father-and-son-chase-down-fatally-shoot-black-man-running-in-south-georgia-neighborhood/> [<https://perma.cc/VD36-AKYX>].
 16. See generally ROSALYN TERBORG-PENN, *AFRICAN AMERICAN WOMEN IN THE STRUGGLE FOR THE VOTE: 1850–1920* (1998). Anna J. Cooper (1858–1964) was a Black feminist educator who advocated for Black civil rights and women’s rights. *Id.* Born into slavery, Cooper became the fourth Black woman in the United States to receive her Ph.D. *Id.*
 17. See *id.* Mary Church Terrell (1863–1954) was a Black educator and activist who advocated for civil rights and Black women’s empowerment. *Id.* She was instrumental in the creation of the National Association for Colored Women and served as the organization’s first president. *Id.*
 18. See *id.* Adella Hunt Logan (1863–1915) was a Black educator and administrator who advocated for women’s suffrage and access to education. *Id.*

oft-celebrated suffrage leaders and how to rewrite narrow conventional narratives.¹⁹

I also thought about abandoning this writing project entirely. My kids had not been in school in months. I had lost months of productivity. What was previously known as the Second Shift,²⁰ a shift that *followed* a day of work, had become an *overlapping* shift with the first shift and continuing into the second shift. I then began working my own *third shift* to produce anything other than teaching and office hours.

Then the 2020 election happened, revealing firsthand suffrage in all its imperfections. We saw voter suppression in full swing.²¹ We also saw record turnout with expanded mail-in voting and early voting.²² We saw just how fragile suffrage and core democratic principles are and how much ongoing work needs to happen to secure those rights. Then I watched Kamala Harris walk out on the stage in her suffrage white suit.²³ Happy and hopeful tears flowed for the first time in

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19. See, e.g., MIDGE WILSON & KATHY RUSSELL, *DIVIDED SISTERS* 29–30 (1996). Although Susan B. Anthony advocated suffrage for women and Black people, she did not want Black men to be able to vote before women could vote, stating “I will cut off this right arm of mine before I will ever work or demand the ballot for the Negro and not the woman.” *Id.* See generally Danielle M. Conway, *Black Women’s Suffrage, the 19th Amendment, and the Duality of a Movement*, 13.1 ALA. C.R. & C.L. L. REV. 1, 7 (forthcoming 2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3910837 (“Telling herstory by accounting for diverse voices is a narrative device that depends on challenging constructed truths of past events, resurrecting voices omitted from history, and highlighting new knowledge resulting from the inclusion of different perspectives.”).
20. See generally ARLIE HOCHSCHILD WITH ANNE MACHUNG, *THE SECOND SHIFT* (2003) (describing the reality that in dual career households where women work outside of the home, women are still responsible for the majority of the childcare and housework).
21. *Voting Laws Roundup: February 2021*, BRENNAN CTR. FOR JUST. (Feb. 8, 2021), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2021> [<https://perma.cc/UXN6-8BSW>]. See generally GILDA DANIELS, *UNCOUNTED: THE CRISIS OF VOTER SUPPRESSION IN AMERICA* (2020).
22. See Jen Kirby & Rani Molla, *9 Questions About 2020’s Record Breaking Early Vote, Answered*, VOX (Nov. 3, 2020, 11:08 AM), <https://vox.com/21527600/early-vote-explained> [<https://perma.cc/P29D-9VW3>] (noting that close to 100 million Americans voted early in 2020, compared to those who voted early in 2016, and noting that sixty-three million people voted by mail in 2020, compared to the thirty-three million people who voted by mail in 2016).
23. Einav Rabinovitch-Fox, *Kamala Harris’s White Suit Was a Nod to the Suffragists Before Her – but That’s Only Part of the Story*, FAST CO. (Nov. 10, 2020), <https://www.fastcompany.com/90573494/kamala-harris-white-suit-was-a-nod-to-the-suffragists-before-her-but-thats-only-part-of-the-story> [<https://perma.cc/G92H-7STZ>].

months, and I felt that renewed surge of pride in our Democracy and our ongoing pursuit to form “a more perfect union.”²⁴

When I finally sat down to write this article in Winter 2021 for a forthcoming speech, the teary excitement of Kamala Harris’s historic election and the jubilation of celebrating on Black Lives Matter Plaza outside the White House had faded.²⁵ It had faded in a jolting and sobering way, especially living three miles outside of Washington, D.C., in what had become by then a temporarily militarized city.

Instead, self-described “patriots” dripping in twisted distortions of liberty, masculinity, and losses stormed the United States Capitol.²⁶ And who were they after specifically? They were after two of our most powerful and impressive women leaders: Speaker of the House, Nancy Pelosi, and New York Congresswoman, Alexandria Ocasio-Cortez.²⁷ They were also in pursuit of Mike Pence, with toxic masculinity framing this pursuit, as the mob perceived Pence as “weak” and “pathetic.”²⁸ A noose erected on the West Lawn of the Capitol²⁹ painfully reminded Americans that displays of masculinity masquerading as patriotism were also deeply intertwined with white supremacy.

24. U.S. CONST. pmbl.

25. *Thousands Flock to Black Lives Matter Plaza to Celebrate Biden’s Win*, NBC WASH. (Nov. 7, 2020, 11:22 PM), <https://www.nbcwashington.com/news/politics/decision-2020/cheers-erupt-in-dc-as-joe-biden-defeats-president-trump/2466428/> [<https://perma.cc/SUY4-W7D3>].

26. See James Poniewozik, *Impeachment Video Reveals a True American Horror Story*, N.Y. TIMES (Feb. 10, 2021), <https://www.nytimes.com/2021/02/10/arts/television/impeachment-trial-capitol-riot-video.html> [<https://perma.cc/DQ7Y-348D>].

27. Monica Hesse, *Capitol Rioters Searched for Nancy Pelosi in a Way That Should Make Every Woman’s Skin Crawl*, WASH. POST (Feb. 10, 2021, 9:37 PM), https://www.washingtonpost.com/lifestyle/style/nancy-pelosi-capitol-insurrection-footage-impeachment-trial/2021/02/10/34bb843c-6bec-11eb-9f80-3d7646ce1bc0_story.html [<https://perma.cc/A5JC-PLBE>].

28. *Id.*; Brian Naylor, *Trump Calls on Pence to Reject Electoral Votes. Pence Says He Won’t*, NPR (Jan. 6, 2021, 1:39 PM), <https://www.npr.org/sections/congress-electoral-college-tally-live-updates/2021/01/06/953998465/trump-calls-on-pence-to-reject-electoral-votes-pence-says-he-wont> [<https://perma.cc/P93G-VMGL>]; Jen Juneau, *Former Vice President Mike Pence Says He, Donald Trump Don’t ‘See Eye to Eye’ on Capitol Riot*, PEOPLE (June 4, 2021, 10:27 AM), <https://people.com/politics/mike-pence-donald-trump-disagree-about-capitol-riots/> [<https://perma.cc/MC3K-T5RW>] (quoting Trump as attributing the loss of the election to Mike Pence and the “weak and pathetic” Mitch McConnell).

29. Rhea Mahbubani, *Nooses Spotted as Pro-Trump Rioters Spark Chaos and Lawlessness on Capitol Hill*, BUS. INSIDER (Jan. 6, 2021, 5:40 PM), <https://www.businessinsider.com/nooses-spotted-as-pro-trump-rioters-spark-chaos-on-capitol-2021-1> [<https://perma.cc/WQ6J-E2VW>].

Drawing upon this context, this article unmasking new revelations about the Centennial in light of these profound political, social, and economic transformations. This article explores the centennial through the lens of 2020's added perspectives on liberty, loss, masculinity, and leadership.

II. THE LIBERTY LENS

A. "Women's" Suffrage

Women's suffrage is both narrower and broader than we typically commemorate it. First, on its face, the Nineteenth Amendment does not even affirmatively grant women the right to vote as an affirmative right.³⁰ Our constitution is a system of negative rights, not positive rights. Rather, the Nineteenth Amendment prohibits discrimination based on sex in voting.³¹ Second, nor can the Nineteenth Amendment be celebrated as "women" obtaining the right to vote. We need to strike that phrasing from our history books entirely. The Nineteenth Amendment was ratified in a political, legal, and social moment in which those rights were not actualized for women of color and native women. Black women, particularly in the South, would not fully actualize their fundamental right to vote until the Civil Rights Act of 1964.³² Rather, in the 1920 U.S. Census—at the time of the ratification—there were 9.9 million Black Americans, of which 85% lived in the South.³³ Southern states imposed extensive formal barriers that compromised the enfranchisement of Black voters, such as poll taxes, literacy tests, and voter intimidation.³⁴

30. U.S. CONST. amend. XIX ("The rights 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.").

31. *Id.*

32. Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (1964) (codified as 42 U.S.C. § 2000e-2(a)) (ending segregation in public places and banning employment discrimination on the basis of race, color, religion, sex, or national origin). *See generally* Chinyere Ezie, *Not Your Mule? Disrupting the Political Powerlessness of Black Women Voters*, 92 COLO. L. REV. 659, 662 (2021) (concluding that Black women are "trapped constituents" in the Democratic Party where their votes are "taken for granted because their political alternatives are limited"). *Id.* at 663–69 (chronicling a fifty-year fight to secure the right to vote for Black women).

33. Nan D. Hunter, *Reconstructing Liberty, Equality, and Marriage: The Missing Nineteenth Amendment Argument*, 108 GEO. L.J. 73, 75 n.3 (NINETEENTH AMEND. SPECIAL EDITION 2020).

34. *See* John E. Filer et al., *Voting Laws, Educational Policies, and Minority Turnout*, 34 J.L. & ECON. 371, 373–74 (1991). *See generally* Ezie, *supra* note 32, at 663–69.

Native American women were not eligible to vote until they obtained citizenship through the 1924 Indian Citizenship Act.³⁵ However, they continued to face many barriers and obstacles until the Voting Rights Act of 1965 and a series of legal challenges which actualized the right.³⁶ Women of Asian descent also faced barriers until the Immigration and Nationality Act of 1952.³⁷ So, the suffrage movement's successes were undoubtedly narrower than our celebrations suggest. And it is problematic that we celebrate women's suffrage in this way both because of its inaccuracies and what it obscures about the movement. The major suffrage groups abandoned efforts to gain voter access for women of color in the South to pursue other projects.³⁸

Even today, these struggles continue. Recent Supreme Court cases have gutted the Voting Rights Act of 1965,³⁹ creating political

35. Indian Citizenship Act of 1924, 8 U.S.C. § 1401(b) (2018) (recognizing Native Americans as citizens of the United States).

36. H.R. REP. NO. 116-317, ch. 3, at 196–200 (2019).

37. See KEVIN COLEMAN, CONG. RSCH. SERV., RS20206, ASIAN PACIFIC AMERICAN POLITICAL PARTICIPATION AND REPRESENTATION IN ELECTIVE OFFICE 1 (2003) (“The McCarran-Walter Act of 1952 (66 Stat. 163) eased some restrictions on gaining citizenship and abolished the category called ‘alien, ineligible for citizenship[.]’”).

38. See Paula Monopoli, *The Constitutional Development of the Nineteenth Amendment in the Decade Following Ratification*, 11 CONLAWNOW 61, 65 (2020), <https://ideaexchange.uakron.edu/cgi/viewcontent.cgi?article=1105&context=conlawnow> [<https://perma.cc/2AMW-JZU3>] (“Those groups also did not join the efforts of African American suffrage leaders like Ida B. Wells-Barnett and Mary Church Terrell, the National Association of Colored Women’s Clubs (NACWC) and the National Association for the Advancement of Colored People (NAACP) in responding to voter suppression in the South with litigation and legislation. This reluctance to support enforcement legislation and judicial challenges to voter suppression was fueled, in part, by racism. But it was also fueled by the [National Women’s Party’s (NWP’s)] perception that it needed white southern support for its new federal amendment—the Equal Rights Amendment. And that it needed similar support for state legislation that removed the legal disabilities of women.”). See generally Conway, *supra* note 19, at 2.

By making the sojourn through history using the lens of Black women, an opening is created to understand the perpetuation of racial injustice and oppression through the practices of withholding citizenship and the franchise. It also offers a window into the expertise and resilience of Black women in building and maintaining relationships, alliances, and coalitions to press for the larger vision of universal suffrage, even when their putative partners choose self-interest over the collective.

Id.

39. *Shelby Cnty. v. Holder*, 570 U.S. 529 (2013) (holding Section 5 of the Voting Rights Act requires jurisdictions to obtain federal approval before enacting any changes in

conditions for the return of suppressive practices, such as voter purges in Georgia and the disenfranchisement of 700,000 Floridians in Senate Bill 7066.⁴⁰

B. Women's Political and Civil Rights

On the other hand, the suffrage victories were also broader than our celebrations eulogize.⁴¹ The suffrage movement was about far more than the vote alone.⁴² This is particularly poignant today as we observe COVID-19's cruel collateral casualties to women's social, political, and economic standing.

The Centennial holds modern relevance to women's liberty and equality more broadly than the vote.⁴³ The entire foundation of our democracy was a family-based system with men as heads of households.⁴⁴ Because woman's legal and political identity was subsumed by her husband's, there was no reason to consider

voting procedures); *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321 (2021) (upholding two voting restrictions and articulating "guideposts" governing Section 2 claims going forward).

40. See, e.g., Nick Corasaniti & Reid J. Epstein, *What Georgia's Voting Law Really Does*, N. Y. TIMES (Apr. 2, 2021), <https://www.nytimes.com/2021/04/02/us/politics/georgia-voting-law-annotated.html> [<https://perma.cc/WJA5-VHGD>]; Ko Bragg, *Courts Asked to Analyze 'Undue Burden' of Florida's Felony Disenfranchisement Law on Black Women*, THE 19TH (Feb. 13, 2021, 8:00 AM), <https://19thnews.org/2021/02/courts-analyze-undue-burden-floridas-felony-disenfranchisement-law-black-women/> [<https://perma.cc/W9NU-TZ9E>]; Nina Totenberg, *High Noon for the Future of the Voting Rights Act at the Supreme Court*, NPR (Mar. 2, 2021, 5:00 AM), <https://www.npr.org/2021/03/02/970729426/high-noon-for-the-future-of-the-voting-rights-act-at-the-supreme-court> [<https://perma.cc/8BJJ-8F3T>] (Thirty-three states "introduced, refiled, or carried over more than 165 restrictive laws this year . . .").
41. See generally Hunter, *supra* note 33, at 80 ("New approaches to liberty and a radical reinvention of the relationship between public and private arose from a social movement that sought to overthrow the legal structure of marriage as surely as the Framers sought to overthrow British control of the colonies."); Tracy Thomas, *Reclaiming the Long History of the "Irrelevant" Nineteenth Amendment for Gender Equality*, 105 MINN. L. REV. 2623, 2625–27 (2021) (documenting how "[t]he conventional narrative misses much of the story" and significance of the Nineteenth Amendment).
42. Tracy A. Thomas, *More than the Vote: The Nineteenth Amendment as Proxy for Gender Equality*, XV STAN. J. C.R. & C.L. 349, 350 (SPECIAL ISSUE 2020) (describing the early suffrage movement as a "full-scale reform of law and society to bring about women's freedom and equal opportunity").
43. See generally Reva B. Siegel, *The Nineteenth Amendment and the Democratization of the Family*, 129 YALE L.J.F. 450 (2020).
44. *Id.*

women's suffrage at all.⁴⁵ Because of coverture, married women were unable to control property, enter contracts, hold legal rights to their children, or control their wages.⁴⁶ It was not until the Fourteenth Amendment in 1868 that the word "male" was even used in the constitution describing voting because it was so obvious at our founding that married women would not be enfranchised due to coverture.⁴⁷ In fact, opponents of suffrage strategically called women's suffrage "double suffrage" communicating this idea that married women were already represented vis-à-vis their husbands.⁴⁸

Family and political rights were thus intertwined—women's "enforced dependency" through marriage justified depriving her political rights.⁴⁹ Thus, women could not achieve the public right without transforming the private condition.⁵⁰ The liberty at stake in the Nineteenth Amendment was about "democratizing the family so that women could represent themselves in government."⁵¹ In a sense, Seneca Falls was America's "first marriage equality movement."⁵²

The Nineteenth Amendment also cannot be understood without its connection to the reconstruction amendments.⁵³ The Fifteenth Amendment enfranchised Black men as the Nineteenth Amendment did for women.⁵⁴ The Fifteenth Amendment, though, was ratified

45. 1 William Blackstone, *Of the Rights of Persons, in COMMENTARIES ON THE LAWS OF ENGLAND* 121, 442 (Philadelphia, Robert Bell 1771). Coverture is a legal doctrine under which a woman's rights and obligations are transferred to her husband upon marriage and she is considered to be under her husband's protection and authority. *Id.*

46. Hunter, *supra* note 33, at 82.

47. U.S. CONST. amend. XIV, § 2 ("[T]he basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."); see also Allison Lange, *The 14th and 15th Amendments*, NAT'L WOMEN'S HIST. MUSEUM (2015), <https://www.womenshistory.org/resources/general/14th-and-15th-amendments> [<https://perma.cc/A7VL-WFTR>] ("Elizabeth Cady Stanton wrote, '[i]f that word "male" be inserted, it will take us a century at least to get it out.'").

48. Susan Schulten, *The Crooked Path to Women's Suffrage*, N.Y. TIMES (June 4, 2019), <https://www.nytimes.com/2019/06/04/opinion/the-crooked-path-to-womens-suffrage.html> [<https://perma.cc/8HYP-QDNH>].

49. Hunter, *supra* note 33, at 78.

50. *Id.* (describing the "demand for the vote" as "inseparable from a challenge to coverture").

51. Siegel, *supra* note 43, at 451.

52. Hunter, *supra* note 33, at 73, 84–85. See Conway, *supra* note 19, at 17–21.

53. See Siegel, *supra* note 43, at 482.

54. U.S. CONST. amend. XV, § 1 ("The rights 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."); *id.* amend. XIX, § 1 ("The rights of citizens of the United State to vote shall not be denied or abridged by the United States or by any State on the account of sex.").

along with the Thirteenth and Fourteenth Amendments.⁵⁵ The relationship between the Fourteenth and Fifteenth Amendments is deeply relevant because the Fifteenth furnished political rights to vote, whereas the Fourteenth granted all persons equal protection under the law and protected citizens from deprivations of privileges and immunities.⁵⁶ The Fourteenth Amendment originated as distinctly framed around civil rights, but separate from political rights (the right to vote, hold office, serve on a jury, and serve in a militia).⁵⁷ Adopters of the Fourteenth and Fifteenth Amendments saw political and civil rights together in this package of amendments.⁵⁸ While it was not the ‘woman’s hour’ after the Civil War, the Fifteenth Amendment nonetheless became the structural parallel to the Nineteenth Amendment.⁵⁹

After the Nineteenth Amendment, women’s rights advocates had a glimmer of hope that the amendment would carry more considerable equality gains for women replicating the Fifteenth Amendment. The Supreme Court’s 1923 decision in *Adkins v. Children’s Hospital* was a “flickering moment” when the Court interpreted the Nineteenth Amendment as being about the larger “contractual, political, and civil status of women.”⁶⁰ *Adkins* considered a District of Columbia

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55. *Id.* amend. XV, § 1; *id.* amend. XIII, § 1 (“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”); *id.* amend. XIV, § 1 (“All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.”).
56. *Id.* amend. XIV, § 1 (“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws.”).
57. See AKHIL REED AMAR, *AMERICA’S CONSTITUTION: A BIOGRAPHY* 467, 471 (2005) (noting that today when we talk about civil rights we mean voting, but when the Fourteenth Amendment was ratified, it meant to own property, to contract, to sue, to pursue a career, to inherit, to worship, to assemble, etc.).
58. Akhil Reed Amar, *The Fifteenth Amendment and “Political Rights”*, 17 *CARDOZO L. REV.* 2225, 2227 (1996).
59. See Reva B. Siegel, *She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family*, 115 *HARV. L. REV.* 947, 951 (2002); see also AMAR, *supra* note 57, at 425 (2005) (“[H]ere is exactly the identical same amendment applied to the other half of the Negro race. The southern man who votes for the Susan B. Anthony Amendment votes to ratify the fifteenth amendment.”) (citing 58 *CONG. REC.* 618 (1919)). See generally Marjorie Spruill Wheeler, *A Short History of the Woman Suffrage Movement in America*, in *ONE WOMAN, ONE VOTE: REDISCOVERING THE WOMAN SUFFRAGE MOVEMENT* (Marjorie Spruill Wheeler ed., 1995).
60. *Adkins v. Children’s Hosp.*, 261 U.S. 525, 553 (1923) (holding a minimum wage law unconstitutional because women no longer need “special protection . . . in her

minimum wage law passed by Congress in 1918 “to protect the women and minors.”⁶¹ The law fixed minimum weekly wages by industry.⁶² The District of Columbia Children’s Hospital sued alleging that these minimum wage requirements—a modern day “living wage” movement—violated their freedom to contract.⁶³ If women were willing to work for less than the prescribed amount, the hospital argued, it should be allowed to pay the market rate.⁶⁴

The Supreme Court held five to three that this law was an unconstitutional violation of the Hospital’s Due Process rights.⁶⁵ It argued that citizens were equally free to engage in “private bargaining.”⁶⁶ The minimum wage laws, applied to all women without regard to their need, were an “arbitrary interference with the liberty of contract.”⁶⁷ The Supreme Court argued that women’s inferior “civil status” to men was at a “vanishing point” after the Nineteenth Amendment.⁶⁸ The Court suggested that women had equal bargaining power in the work place because of their right to vote.⁶⁹ This case offered hope that the Nineteenth Amendment’s implications were more sweeping on equality grounds than just the

contractual and civil relationships” in light of the “present day trend” that “culminat[ed] in the Nineteenth Amendment”), *overruled by* *W. Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937) (recognizing the “earnestness and vigor” of *Adkins*, but stating the decision was a “departure” and the “public interest” demanded the protection of women from “unscrupulous and overreaching employers”); Siegel, *supra* note 43, at 466.

61. *Adkins*, 261 U.S. at 541–42 (explaining that the legal purpose of the law is “[t]o protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living”).
62. *Id.* at 556 (“These orders fix the sum to be paid to a woman employed in a place where food is served or in a mercantile establishment, at \$16.50 per week; in a printing establishment, at \$15.50 per week; and in a laundry, at \$15 per week, with a provision reducing this to \$9 in the case of a beginner.”).
63. *Id.* at 545 (“[T]he right to contract about one’s affairs is part of the liberty of the individual protected by [the Fifth Amendment].”) (citing *Lochner v. New York*, 198 U.S. 45, 53 (1905)).
64. *See id.* at 547.
65. *See id.* at 545.
66. *Id.* at 545, 554 (“It is simply and exclusively a price-fixing law, confined to adult women . . . who are legally as capable of contracting for themselves as men.”).
67. *Id.* at 548, 553, 555 (“[W]hile [the minimum wage law] has no other basis to support its validity than the assumed necessities of the employee, it takes no account of any independent resources she may have.”).
68. *Id.* at 553.
69. *Id.* at 553–55.

vote.⁷⁰ Some states began to interpret the Nineteenth Amendment as standing for more than just the right to vote, such as jury service.⁷¹

It would ultimately be a staggering 103 more years before the Fourteenth Amendment (the Fifteenth Amendment's structural parallel) was interpreted as a structural parallel with the Nineteenth Amendment to provide women equal protection of the laws.⁷² It would take until 1971 and a mother grieving the tragic loss of her son to suicide before notions of women's equality would be recognized by the Supreme Court.⁷³

Emphasizing how the liberty at stake in the Nineteenth Amendment was both broader and narrower than we typically understand in our history books aligns with the modern landscape too. Women have achieved the vote, but the larger interconnected pieces of equality that Seneca Falls represented are not holding. The COVID-19 pandemic struck at the Nineteenth Amendment's Centennial plummeting women's employment rates to rates from 1988.⁷⁴ This occurred because women disproportionately hold jobs in the service sector, particularly Black women.⁷⁵ This occurred because women are still disproportionately engaging in undervalued and unpaid caregiving for elders and children.⁷⁶

The Nineteenth Amendment gains were greater for White women while Black women, Indigenous women, and all women of color

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70. *See id.* at 553 (“In view of the great—not to say revolutionary—changes . . . culminating in the Nineteenth Amendment, it is not unreasonable to say that these differences [between the civil status of men and women] have now come . . . to the vanishing point.”).
71. Monopoli, *supra* note 38, at 67 (noting that “there were widely disparate state court approaches to construction of the Nineteenth”).
72. *See Reed v. Reed*, 404 U.S. 71, 74–77 (1971).
73. *Id.* at 71–72, 77. “By providing dissimilar treatment for men and women who are thus similarly situated, the challenged section violates the Equal Protection Clause.” *Id.* at 77.
74. Kweilin Ellingrud & Liz Hilton Segel, *COVID-19 Has Driven Millions of Women Out of the Workforce*, *FORTUNE* (Feb. 13, 2021, 10:00 AM), <https://fortune.com/2021/02/13/covid-19-women-workforce-unemployment-gender-gap-recovery/> [<https://perma.cc/A4TA-8EKV>].
75. Diana Boesch & Shilpa Phadke, *When Women Lose All the Jobs: Essential Actions for a Gender-Equitable Recovery*, *CTR. FOR AM. PROGRESS* (Feb. 1, 2021, 9:02 AM), <https://www.americanprogress.org/article/women-lose-jobs-essential-actions-gender-equitable-recovery/> [<https://perma.cc/JU7E-M6MC>].
76. Diana Boesch & Katie Hamm, *Valuing Women's Caregiving During and After the Coronavirus Crisis*, *CTR. FOR AM. PROGRESS* (June 3, 2020, 3:15 PM), <https://www.americanprogress.org/article/valuing-womens-caregiving-coronavirus-crisis/> [<https://perma.cc/9G6F-G4DD>].

were not given the same protections for decades to come. The movement for women's suffrage largely ended at ratification, yet the movement could have done so much more through litigation in the South and enabling legislation to see these rights actualized for all women.⁷⁷

The gains in public spaces dramatically transformed private family life. What were not transformed in an enduring way, however, were the cultural norms in public and private life that leave us just now welcoming our first "Second Gentleman," and still wrestling with the disproportionate burden on women to provide caregiving.⁷⁸ Just as the attendees at the Seneca Falls Convention understood keenly in 1848 that women's political rights were infused with the family and private reforms, so too has COVID-19 exposed the ongoing need for revolutionary changes to gender roles within the family and the workforce.⁷⁹

III. THE LOSS LENS

Discussions regarding social policies in the wake of the COVID-19 pandemic also reveal new lessons looking at the Nineteenth Amendment Suffrage Centennial through the lens of loss. Women's political victories, while celebrated, have often come in the wake of loss. Most recently, the United States has elected one woman Vice President, but women's representation in the Senate is still so dismal that Vice President Kamala Harris's election removed the only Black woman serving in the Senate.⁸⁰

77. See generally PAULA A. MONOPOLI, CONSTITUTIONAL ORPHAN: GENDER EQUALITY AND THE NINETEENTH AMENDMENT (2020).

78. See Cindi Leive, *Doug Emhoff and the Second Gentleman Effect*, N.Y. TIMES (Jan. 30, 2021), <https://www.nytimes.com/2021/01/30/opinion/kamala-harris-doug-emhoff-husband.html> [<https://perma.cc/YFE7-RFV8>] (discussing gender roles and Second Gentleman Doug Emhoff); see also Boesch & Hamm, *supra* note 76 (explaining how woman disproportionately face caregiving family responsibilities compared to men).

79. See generally Hunter, *supra* note 33, at 76.

80. Juana Summers, *'Fully Erased': With Harris' Rise, There Are No Black Women in the Senate*, NPR (Feb. 1, 2021, 5:00 AM), <https://www.npr.org/2021/02/01/962556138/fully-erased-with-harris-rise-there-are-no-black-women-in-the-senate> [<https://perma.cc/K69M-DJ5F>]. Twenty-four women now currently serve in the Senate, comprising just under a quarter of its total body. *Women in the Senate*, U.S. SENATE, <https://www.senate.gov/reference/Index/Women.htm> [<https://perma.cc/U2SP-F9VQ>] (lasted visited Aug 6, 2021). The total number of women serving in the House of Representatives is just 118. Alexis Lanza, *Meet the New Women in the House of Representatives*, THE 19TH (Dec. 17, 2020, 5:20 PM), <https://19thnews.org/2020/12/meet-new-women-house-of-representatives/> [<https://perma.cc/ES9M-UNNV>]. See generally SiX and N.O.B.E.L. Women, *No Democracy Without Black Women*, STATE INNOVATIVE EXCH.,

We saw thousands of women of color mobilize entire communities to vote in the 2020 election, but we also saw tens of thousands of women of color die from COVID-19.⁸¹ As of November 2021, over forty-five million Americans have contracted COVID-19 and over 740,000 Americans have died from it.⁸² Despite the ubiquity of the virus, COVID-19 has not affected all communities equally. Although men and women contract COVID-19 at similar rates, men have died at higher rates than women.⁸³ When adjusting for population, African Americans, Indigenous Americans, Latinos, and Pacific Islanders have all died at higher rates than White Americans.⁸⁴ There are many factors at play here. Socially, non-White Americans are more likely to live in multigenerational households with children and vulnerable elderly family members.⁸⁵ Additionally, African Americans and Latinos are more likely to have chronic health conditions like diabetes and obesity, which put them at risk for serious illness.⁸⁶

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- <https://stateinnovation.org/no-democracy-without-black-women/> [<https://perma.cc/ZJT6-GWL6>] (last visited Nov. 2, 2021) (concluding that there are “too few Black women in elected office, and especially in state legislatures” where only 4.82% of legislators are Black women).
81. See Aimee Allison, Opinion, *The Lesson of 2020? Women of Color Know How to Win*, NEWSWEEK (Nov. 7, 2020, 1:18 PM), <https://www.newsweek.com/lesson-2020-women-color-know-how-win-opinion-1545754> [<https://perma.cc/UG78-3HKR>]; see also Naomi Cahn, *COVID-19’s Impact on Women of Color*, FORBES (May 10, 2020, 6:01 PM), <https://www.forbes.com/sites/naomicahn/2020/05/10/mothers-day-and-covid-19s-impact-on-women-of-color/> [<https://perma.cc/8CQ4-7QFU>] (providing statistics on rates of death from COVID-19 according to race).
82. See *COVID Data Tracker*, *supra* note 2 (showing cumulative cases and deaths in the United States).
83. Heather Shattuck-Heidorn et al., *What’s Really Behind the Gender Gap in Covid-19 Deaths?*, N.Y. TIMES (June 24, 2020), <https://www.nytimes.com/2020/06/24/opinion/sex-differences-covid.html> [<https://perma.cc/C6AW-MAU3>].
84. See *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, APM RSCH. LAB (Mar. 5, 2021), <https://www.apmresearchlab.org/covid/deaths-by-race> [<https://perma.cc/4U3Y-UEW5>] (Latino, Indigenous, Black & Pacific Islander Americans have experienced the highest death tolls from COVID-19).
85. See D’Vera Cohn & Jeffrey S. Passel, *A Record 64 Million Americans Live in Multigenerational Household*, PEW RSCH. CTR. (Apr. 15, 2018), <https://www.pewresearch.org/fact-tank/2018/04/05/a-record-64-million-americans-live-in-multigenerational-households> [<https://perma.cc/C8PV-3XSM>]; see also Elly Yu, *Extended Families Living Together Raise Risk for COVID-19 Transmission*, NPR (Aug. 8, 2020, 7:00 AM), <https://www.npr.org/2020/08/08/899841137/extended-families-living-together-raise-risks-for-covid-19-transmission> [<https://perma.cc/PW2K-JTPF>].
86. See Jeremy A.W. Gold et al., *Race, Ethnicity, and Age Trends in Persons Who Died from COVID-19 — United States, May–August 2020*, 69 MORBIDITY & MORTALITY

These COVID-19 statistics reinforce the interconnectedness of women's political, social, economic, and civil equality.

Those grim statistics only contemplate loss of life. Loss of housing, employment, and food security are equally worrisome.⁸⁷ Millions of Americans have lost their jobs, their savings, and their security,⁸⁸ which have disproportionately hurt women. In March 2020, when many state governments issued stay at home orders to flatten the curve, U.S. unemployment rates for women greatly outpaced male unemployment rates.⁸⁹ Although the unemployment rate decreased, it has not yet rebounded to pre-pandemic levels for anyone.⁹⁰ In December 2020, the Bureau of Labor Statistics reported a net loss of 140,000 jobs.⁹¹ Broken down by gender, men gained 16,000 jobs in December 2020 and women lost 156,000.⁹² Additionally, while the December 2020 unemployment rate was 6.3% for all women, it was 8.4% for Black women and 9.1% for Latinas.⁹³

Many American families are either experiencing homelessness and hunger or are teetering on the precipice. Food banks are overwhelmed, and many families are still struggling to meet their needs.⁹⁴ When schools closed, children struggled initially to access free or subsidized lunches.⁹⁵ Government moratoriums on evictions protected some families, but even those were threatened with legal

WKLY. REP. 1517, 1520 (2020), <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6942e1-H.pdf> [<https://perma.cc/VGM5-XX9U>].

87. See Daniel Flaming et al., *Locked Out: Unemployment and Homelessness in the COVID Economy*, ECON. ROUNDTABLE (Jan. 11, 2021), <https://economict.org/publication/locked-out/> [<https://perma.cc/284G-K42U>].

88. See Anneken Tappe, *One Year After the Worst Jobs Loss on Record, Millions of Americans Remain Out of Work*, CNN (May 6, 2021, 9:00 AM), <https://www.cnn.com/2021/05/06/economy/pandemic-job-loss-anniversary/index.html> [<https://perma.cc/2A4D-YCYE>].

89. GENE FALK ET AL., CONG. RSCH. SERV., R46554, UNEMPLOYMENT RATES DURING THE COVID-19 PANDEMIC 10 (2021).

90. *Id.* at 5.

91. Claire Ewing-Nelson, *All of the Jobs Lost in December Were Women's Jobs*, NAT'L WOMEN'S L. CTR. (Jan. 2021), <https://nwlc.org/wp-content/uploads/2021/01/December-Jobs-Day.pdf> [<https://perma.cc/MMF3-FF25>].

92. *Id.*

93. *Id.*; see Conway, *supra* note 19, at 2 (noting that 2020 brought intersecting crises for Black women revealing larger struggles for civil and human rights).

94. FEEDING AMERICA, THE IMPACT OF CORONAVIRUS ON CHILD FOOD INSECURITY 6 (2020), https://www.feedingamerica.org/sites/default/files/2020-04/Brief_Impact%20of%20Covid%20on%20Child%20Food%20Insecurity%204.22.20.pdf [<https://perma.cc/G3KE-A63S>].

95. *Id.* at 5.

challenges⁹⁶ and timed to phase out. While there was some assistance in the form of stimulus payments, single mothers only received a fraction of the money married couples received.⁹⁷ Undocumented persons and their spouses were barred from receiving financial stimulus help entirely.⁹⁸

These statistics remind us that the victory of suffrage was far from one-dimensionally celebratory in its journey either. Rather, in celebrating suffrage, we often erase the extent to which both leadership and liberty emerged from loss. Loss plays an integral role in the political story of the Nineteenth Amendment. Personal losses shaped the movement. Elizabeth Cady Stanton became the suffragette that she was after six of her siblings died leaving no sons.⁹⁹ These personal losses motivated her work for equality.¹⁰⁰

The first case to strike down a sex-based classification law as unconstitutional under the Equal Protection Clause came from loss as well. Sally Reed, the plaintiff in the case, received a call from her son, Skip, asking to come home from his court-ordered visitation with his father.¹⁰¹ Sally convinced Skip to stay at his father's house, where Skip then shot himself with his father's hunting rifle in the basement of his dad's house that day.¹⁰² In the aftermath of this tremendous loss, Sally petitioned the court to administer Skip's estate, worth less than \$1,000 from mowing lawns, but it was money that Skip was saving for college.¹⁰³ This case was not about women's rights at all. It was about loss. Idaho law preferred males to females in administering a will.¹⁰⁴ The Supreme Court struck down this sex-based preference following the legal strategy of Pauli Murray and

96. *E.g.*, *Terkel v. CDC*, No. 6:20-cv-00564, 2021 WL 742877, at *1–2 (E.D. Tex. Feb. 25, 2021).

97. *See* Nicole Karlis, *Rep. Katie Porter on How the Stimulus Package “Penalizes” Single Parents*, SALON (Mar. 5, 2021, 4:14 PM), <https://www.salon.com/2021/03/05/rep-katie-porter-the-stimulus-package-penalizes-single-parents/> [<https://perma.cc/P4PL-D8T6>].

98. *See* Caitlin Dickerson, *Married to an Undocumented Immigrant? You May Not Get a Stimulus Check.*, N.Y. TIMES (Apr. 28, 2020), <https://www.nytimes.com/2020/04/28/us/coronavirus-undocumented-immigrants-stimulus.html> [<https://perma.cc/QS85-HDKE>].

99. ELLEN CAROL DUBOIS, SUFFRAGE 16 (2020).

100. *Id.*

101. SUPREME COURT DECISIONS AND WOMEN'S RIGHTS: MILESTONES TO EQUALITY 40 (Clare Cushman ed., 2001) (providing historical background to iconic women's rights cases).

102. *Id.*

103. *Id.* at 40–41.

104. IDAHO CODE ANN. §§ 15-312, 15-314 (repealed 1972).

Ruth Bader Ginsburg, finally achieving for women what the Fourteenth Amendment had done with the Fifteenth Amendment for Black men.¹⁰⁵

There were also losses to the movement. When Lucretia Mott was banned from joining the American Anti-Slavery Society because she was a woman, she formed her own Philadelphia Female Anti-Slavery Society to carry the work forward along with Black women, such as Charlotte Forten.¹⁰⁶ When the organization held an integrated convention in 1838 at Pennsylvania Hall, a mob burned the building to the ground.¹⁰⁷ Ida Wells Barnett had her offices firebombed for writing about lynching.¹⁰⁸ The Triangle Shirtwaist Factory fire yielded tragic losses to working class women that forever changed the suffrage movement in New York.¹⁰⁹

With a newly sensitized lens to COVID-19 losses, we can see entirely new lessons from the women's suffrage movement. The Spanish flu struck in 1918 at the peak of the national women's suffrage movement, disproportionately afflicting young men while many men were already fighting in World War I.¹¹⁰ The "great influenza," as it was known, killed more than fifty million people, while World War I killed seventeen million.¹¹¹ The wartime conditions of cramped ships, shared living spaces, and weakened

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105. Philippa Strum, *Pauli Murray's Indelible Mark on the Fight for Equal Rights*, AM. C.L. UNION (June 24, 2020), <https://www.aclu.org/issues/womens-rights/pauli-murrays-indelible-mark-fight-equal-rights> [<https://perma.cc/ENB4-BE9M>] ("In 1971, when Ginsburg submitted her first gender equality brief to the U.S. Supreme Court in *Reed v. Reed*, she put Pauli Murray and Dorothy Kenyon's names on its cover page. Neither had actually worked on the case, but Ginsburg recognized that their delineation of the connection between race and gender, and of the way to use the equal protection clause to litigate for gender equality, were crucial steps that paved the way.").
 106. Victoria Elliott, *A Great Inheritance: Prejudice, Racism, and Black Women in Anti-Slavery Societies*, NAT'L PARK SERV., <https://www.nps.gov/articles/000/a-great-inheritance-prejudice-racism-and-black-women-in-anti-slavery-societies.htm> [<https://perma.cc/L76Y-3JZC>] (Nov. 19, 2020).
 107. DUBOIS, *supra* note 99, at 6.
 108. *White Mob Destroys Memphis Office of Ida B. Wells Newspaper, A History of Racial Injustice*, EQUAL JUST. INITIATIVE, <https://calendar.eji.org/racial-injustice/may/27> [<https://perma.cc/5BD7-WRNP>] (last visited Aug. 4, 2021).
 109. Chabeli Carrazana, *Labor Rights Mobilized Women During Suffrage – and Now*, THE 19TH (Aug. 18, 2020, 10:45 AM), <https://19thnews.org/2020/08/womens-suffrage-centennial-labor-rights/> [<https://perma.cc/5QKS-EYQQ>].
 110. Christine Crudo Blackburn et al., *How the 1918 Flu Pandemic Helped Advance Women's Rights*, SMITHSONIAN (Mar. 2, 2018), <https://www.smithsonianmag.com/history/how-1918-flu-pandemic-helped-advance-womens-rights-180968311/> [<https://perma.cc/BB3L-4GVN>].
 111. *Id.* (noting that this was a "mere third of the fatalities caused by the flu").

immune systems left a perfect storm of issues.¹¹² The flu killed 670,000 Americans.¹¹³ The disproportionate number of male deaths, which in 1918 were 175,000 more domestic male deaths than women's deaths, left grave labor shortages that women were able to fill.¹¹⁴

After the war, twenty-five percent more women were in the workforce than before the war.¹¹⁵ As they began to work in increased numbers and in sectors previously inaccessible to women, they demanded better wages, better working conditions, and voting rights.¹¹⁶ While the Spanish flu was devastating on a level we understand all too well, its losses also "helped elevate women in American society socially and financially, providing them more freedom, independence and a louder voice in the political arena."¹¹⁷

In the case of World War I, losses led to political opportunities. In other movements, women's losses as women and as mothers led to their political engagement. Moms Demand Action, for example, is a highly impactful movement for gun-sense legislation.¹¹⁸ Shannon Watts founded the movement the day after the Sandy Hook tragedy in pursuit of gun-sense legislation.¹¹⁹ While its membership is not limited to moms, its advocacy brand draws on the narratives of moms protecting their families from the staggering losses of gun violence.¹²⁰ Likewise, Mothers Against Drunk Driving (MADD) was perhaps one of women's most successful political advocacy initiatives.¹²¹ It was founded in 1980 by a housewife and a mother who tragically lost her thirteen-year-old daughter to a drunk driver with several prior convictions.¹²² She carried her daughter's photograph as she advocated for changes to California's drunk driving laws and was quickly joined by other grieving mothers.¹²³ MADD has since changed the narrative about drunk driving from a

112. *Id.* (noting that some contracted the flu on the ship over to Europe).

113. *Id.*

114. *Id.*

115. *Id.* (entering fields like manufacturing and textiles).

116. *Id.*

117. *Id.*

118. *See About Our Story*, MOMS DEMAND ACTION, <https://momsdemandaction.org/about> [<https://perma.cc/B4SU-8YPB>] (last visited Aug. 22, 2021).

119. *Id.*

120. *Id.*

121. *See Saving Lives, Serving People*, MADD, <https://www.madd.org/history> [<https://perma.cc/YDF2-R5KG>] (last visited Aug. 22, 2021).

122. *Id.*

123. *See id.*

collection of statistics to a powerful and emotive reform movement.¹²⁴ Within just a couple of years, MADD enacted stringent laws in dozens of states.¹²⁵ MADD's reforms have endured and changed our culture surrounding drunk driving.¹²⁶ Mothers of the Movement is likewise a political movement among mothers who have lost their children to violence, including police killings.¹²⁷ Native American communities, troubled by an uptick in Indigenous women going missing and being murdered, channeled their losses into advocacy for reforms to the Violence Against Women Act and other forms of political action.¹²⁸

These organizations have each channeled the pain of loss into progress, both formally through legislation and culturally through changed attitudes and views. COVID-19 reminds us that loss of all sorts can be channeled toward progress. Today, women's COVID-19 losses likewise compel both legal reform and cultural transformation. Many of those reforms are *exactly* the same as Seneca Falls in 1848. The idea that we have come so far and yet have so much more to do reflects that women's political engagement and advocacy is hitting more substantial cultural and structural barriers. One of those barriers is the way in which the very definition of citizenship remains infused with problematic performances of masculinity.

124. See *About Our Story*, *supra* note 118.

125. See *Saving Lives, Serving People*, *supra* note 121.

126. See *id.*; see also *20 Years Ago, .08 BAC National Standard Signed into Law*, MADD (Oct. 22, 2020), <https://www.madd.org/press-release/20-years-ago-08-bac-national-standard-signed-into-law/> [<https://perma.cc/6C9F-E4RQ>].

127. See Will Drabold, *Meet the Mothers of the Movement Speaking at the Democratic Convention*, TIME (July 26, 2016, 5:18 PM), <https://time.com/4423920/dnc-mothers-movement-speakers> [<https://perma.cc/27G6-KYQJ>]; Nadia Latif & Leila Latif, *We Know What it is to Bury a Child' – The Black Mothers Turning Mourning into a Movement*, THE GUARDIAN (Nov. 22, 2016, 12:00 PM), <https://www.theguardian.com/world/2016/nov/22/mothers-of-the-movement-trayvon-martin-sandra-bland-eric-garner-amadou-diallo-sean-bell> [<https://perma.cc/J6VZ-7KVN>].

128. See, e.g., Jacqueline Agtuca et al., *MMIW: Understanding the Missing and Murdered Indigenous Women Crisis Beyond Individual Acts of Violence*, RESTORATION MAG., June 2020, at 36, 39–40, <https://www.niwrc.org/sites/default/files/files/magazine/restoration.17.2.pdf> [<https://perma.cc/C7A4-8FHW>]; Elizabeth Carr, *116th Congress Legislative Update: Legislation to Watch VAWA, FVPSA, MMIW, and Alaska*, RESTORATION MAG., *supra*, at 47, 48; *Ending Violence Against Native Women*, INDIAN L. RES. CTR., <https://indianlaw.org/issue/ending-violence-against-native-women> [<https://perma.cc/7GX6-FUMD>] (last visited July 27, 2021).

IV. THE MASCULINITY LENS

Celebrating the Centennial after watching thousands of mostly White men storm the United States Capitol revealed a particularly powerful truth about the state of women’s rights.¹²⁹ As we think about losses and liberty, masculinity is a vital part of the narrative. Over 740,000 Americans have died from COVID-19 in part because of masculinized leadership. In this case, mask-ulinized, as leaders—both male and female—portrayed masks as weak.¹³⁰ The U.S. Capitol insurrection occurred following former-President Trump’s masculinized proclamations of so-called “weak Republican [leaders].”¹³¹ These masculinized framings are not new. In fact, their roots are firmly planted in the suffrage story.

Our conceptions of citizenship itself have always been deeply infused with a dominant masculinity and no constitutional amendments have cured this. From our nation’s founding, we fused masculinity and citizenship within our republican government tradition. Suffrage victories have been won exclusively through “bullets for ballots” approaches.¹³² Sarah Livingston Jay famously toasted revelers in 1789: “May all our Citizens be Soldiers, and all

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129. See, e.g., Robert A. Pape, *What an Analysis of 377 Americans Arrested or Charged in the Capitol Insurrection Tells Us*, WASH. POST (Apr. 6, 2021, 10:58 AM), <https://www.washingtonpost.com/opinions/2021/04/06/capitol-insurrection-arrests-cpost-analysis/> [https://perma.cc/FJB2-AGW4]; Ko Bragg, ‘Can’t Wait to Tell My Grandkids I Was Here’: *The Women Arrested for Storming the Capitol*, THE 19TH (Feb. 26, 2021, 4:21 PM), <https://19thnews.org/2021/02/women-arrested-storming-the-capitol/> [https://perma.cc/HTV6-KLYK] (reviewing 230 cases connected to the insurrection, of which twenty-eight include charges against women).
130. See, e.g., Scottie Andrew, *The Psychology Behind Why Some People Won’t Wear Masks*, CNN (May 6, 2020, 12:53 PM), <https://www.cnn.com/2020/05/06/health/why-people-dont-wear-masks-wellness-trnd/index.html> [https://perma.cc/QNS7-DU8Z] (explaining that “[m]any view the mask as a walking symbol of vulnerability”).
131. See Brian Naylor, *Read Trump’s Jan. 6 Speech, A Key Part of Impeachment Trial*, NPR (Feb. 10, 2021, 2:43 PM), <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial> [https://perma.cc/BWF3-K7CY] (“For years, Democrats have gotten away with election fraud and weak Republicans. And that’s what they are. There’s so many weak Republicans.”); see also Aaron Rugar, *How Trump’s Speech Led to the Capitol Riot*, VOX (Jan. 8, 2021, 2:10 PM), <https://www.vox.com/22220746/trump-speech-incite-capitol-riot> [https://perma.cc/QRX2-6GPH].
132. See, e.g., Jamie R. Abrams, *Examining Entrenched Masculinities in the Republican Government Tradition*, 114 W. VA. L. REV. 165, 167, 185, 196 (2011).

our Soldiers Citizens.”¹³³ This toast conveyed “a foundational fusion” within our republican government tradition—coupling military service, citizenship, and masculinities.¹³⁴

Our republican government structure¹³⁵ historically fused military service and citizenship together. While the republic would not be protected by *the king’s* men; the republic’s *men* would still protect it.¹³⁶ The clause positioned self-governance and self-defense as symbiotic. The word republic itself derives from Latin *res publica*, and *publica* comes from the word pubic, which means manhood or maturity.¹³⁷ While the founding model abandoned English monarchies and professional armies, it left untouched men’s governance over women in the home. Reflecting the republican government tradition *in the home*, men bore the privileges of governance and the responsibilities of it.¹³⁸ The irony that male founders freed themselves of tyranny while retaining their own domestic tyranny at home is exactly what the *Declaration of Sentiments* drew upon.¹³⁹

In this republican government framework, women had to carve out forms of civic participation that carefully navigated masculinized conceptions of citizenship. They defined roles such as mothers of citizens of the republic.¹⁴⁰ In the republican mother tradition, women leveraged indirect principles of service, such as allegiance and loyalty.¹⁴¹ Gradually republican mothers moved into public reforms that cultivated the health of the republic through advocating for aid to widows, orphans, health care, and other social reforms, positioning

133. LINDA K. KERBER, NO CONSTITUTIONAL RIGHT TO BE LADIES: WOMEN AND THE OBLIGATIONS OF CITIZENSHIP 236 (1998).

134. See Abrams, *supra* note 132, at 166–75.

135. U.S. CONST. art. IV, § 4.

136. Abrams, *supra* note 132, at 171.

137. VIRGINIA BERNHARD ET AL., FIRSTHAND AMERICA: A HISTORY OF THE UNITED STATES (Forest McDonald et al. eds., 2d ed. 1992), reprinted in WOMEN’S RIGHTS IN THE UNITED STATES: A DOCUMENTARY IN HISTORY 35, 36 (Winston E. Langley & Vivian C. Fox eds., 1994) (addressing whether women gained from the revolution).

138. Abrams, *supra* note 132, at 176 n.73 (citing LINDA K. KERBER, NO CONSTITUTIONAL RIGHT TO BE LADIES: WOMEN AND THE OBLIGATIONS OF CITIZENSHIP 14 (1998)).

139. ELIZABETH CADY STANTON, DECLARATION OF SENTIMENTS (1848), reprinted in SOPHONISBA P. BREKINRIDGE, WOMEN IN THE TWENTIETH CENTURY: A STUDY OF THEIR POLITICAL, SOCIAL, AND ECONOMIC ACTIVITIES app. 1, at 347–50 (1933).

140. *Id.*

141. BERNHARD ET AL., *supra* note 137, at 125–26 (citing Susan B. Anthony, *The Loyal Women of the Country to Abraham Lincoln, President of the United States*, in 2 HISTORY OF WOMAN SUFFRAGE 67, 67–68 (Elizabeth Cady Stanton, Susan B. Anthony & Matilda Joslyn Gage eds., 1887)).

women to support the survival, longevity, and health of the republic.¹⁴²

The Civil War presented dire shortages in manpower that forever changed military service and citizenship. When President Lincoln could no longer adequately man the union army with volunteers,¹⁴³ and when the first effort at a draft proved largely unsuccessful,¹⁴⁴ he deployed his Commander in Chief power by issuing the Emancipation Proclamation as a war measure freeing slaves and investing them in a Union victory.¹⁴⁵ Over 700,000 men responded to Lincoln's call for arms, undermining Southern power and tipping demographics to the North.¹⁴⁶

The Fifteenth Amendment confirmed the success of the “bullets for ballots” strategy awarding Black men the right to vote.¹⁴⁷ Scholars have thoroughly written about Elizabeth Cady Stanton and others' efforts to leverage women's war efforts in pursuit of women's suffrage.¹⁴⁸ Stanton tried to show how women too were inspired by

142. DENNIS W. JOHNSON, *THE LAWS THAT SHAPED AMERICA: FIFTEEN ACTS OF CONGRESS AND THEIR LASTING IMPACT* 108 (2009).

143. After the 1861 battle at Fort Sumter some 700,000 men answered President Lincoln's call and enlisted voluntarily. EUGENE CONVERSE MURDOCK, *PATRIOTISM LIMITED 1862-1865: THE CIVIL WAR DRAFT AND THE BOUNTY SYSTEM*, 4, 4-5 (1967). Indeed, the initial volunteer surge was so sizeable that the Secretary of War closed up its recruiting offices. *Id.* at 5.

144. *See* Militia Act of 1862, ch. 201, 12 Stat. 597. *See also* MURDOCK, *supra* note 143, at 5 (explaining that this extraordinary step came just two weeks after meager numbers of volunteers responded to Lincoln's renewed call for enlistment). The first compulsory national draft authorized the President to call able-bodied men between eighteen to forty-five into service for nine months on a state quota system. *See* Militia Act of 1862 (“[H]e may specify in his call the period for which such service will be required, not exceeding nine months . . . and the enrollment of the militia shall in all cases include all able-bodied male citizens between the ages of eighteen and forty-five, and shall be apportioned among the States according to representative population.”). Implementation troubles, protest, and fraud quickly dominated the draft. MURDOCK, *supra* note 143, at 10-11.

145. Emancipation Proclamation, 12 Stat. 1268 (1863).

146. MURDOCK, *supra* note 143, at 5.

147. U.S. Const. amend. XV, § 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 race, color, or previous condition of servitude.”).

148. *See* Susan B. Anthony, *The Loyal Women of the Country to Abraham Lincoln* (1863), in *HISTORY OF WOMEN'S SUFFRAGE*, 67, 67-68 (Elizabeth Cady Stanton, Susan B. Anthony & Matilda Joslyn Gage eds., 1887), *reprinted in* *WOMEN'S RIGHTS IN THE UNITED STATES: A DOCUMENTARY HISTORY*, *supra* note 137, at 125-26.

true patriotism and working under the national flag, but the “woman question” was deferred for another day, another war.¹⁴⁹

The most significant post-Civil War setback for women’s suffrage was the word male inserted in the Fourteenth Amendment.¹⁵⁰ Such word choice reinforced principles of male governance, supporting the entrenched masculinities thesis over broader equality principles. The word male revealed the changing political paradigm regarding citizenship and sex. While the *implied* disenfranchisement of women was sufficient in the Founding Era, increased agitation for suffrage necessitated careful drafting to avoid enfranchising women after the Civil War. The Fourteenth and Fifteenth Amendments worked together to do this.¹⁵¹

Suffragists ultimately secured the women’s vote by successfully leveraging their loyalty and military service within the “bullets for ballots” framework and prevailing masculinities of the time. From 1913 to 1920, the suffrage movement shifted from state to national strategies.¹⁵² Suffragists challenged male protectionist ideologies of national leaders. For example, Alice Paul strategically challenged the protectionist assumptions in the aftermath of the suffrage parade to upstage President Wilson’s inauguration.¹⁵³ The parade was a near-riot as police stood idly by as hostile onlookers antagonized and attacked marchers, doing nothing to restore order.¹⁵⁴ The suffrage parade, like the January 6, 2021 insurrection, led to a Congressional investigation because it was such a profound breakdown in state action.¹⁵⁵ It challenged the question of who was protecting who from

149. Linda K. Kerber, “*Ourselves and Our Daughters Forever*”: *Women and the Constitution 1787–1876*, in ONE WOMAN, ONE VOTE: REDISCOVERING THE WOMAN SUFFRAGE MOVEMENT, *supra* note 59, at 21, 31. This reality was troubling for suffragists in the backdrop of the divisive question at the outset of the war of whether to get involved in the war effort or continue suffrage activism. *See generally* Andrea Moore Kerr, *White Women’s Rights, Black Men’s Wrongs, Free Love, Blackmail, and the Formation of the American Woman Suffrage Association*, in ONE WOMAN, ONE VOTE: REDISCOVERING THE WOMAN SUFFRAGE MOVEMENT, *supra*, at 61, 63–65 (articulating the competing claims of race and sex).

150. U.S. Const. amend. XIV, § 2.

151. Reva B. Siegel, *Collective Memory and the Nineteenth Amendment: Reasoning About “the Woman Question” in the Discourse of Sex Discrimination*, in HISTORY, MEMORY, AND THE LAW 131, 147 (Austin Sarat & Thomas R. Kearns eds., 2002).

152. CHRISTINE LUNARDI, *FROM EQUAL SUFFRAGE TO EQUAL RIGHTS* xiii (1986).

153. *Id.* at 9, 29 (crediting Alice Paul with critical tactical shifts in the suffrage movement as she brought a dynamic force that “propelled American suffragism to its successful end”). Paul sought to hold the political leaders directly “responsible for the fate of a federal suffrage amendment.” *Id.* at 20.

154. *Id.* at 29.

155. *See* S. REP. NO. 63-53 (1913).

what and who was serving who. Was the government protecting women in their oppression or protecting male power? Harriot Stanton Blanch captured this contradiction when she wrote to Wilson: “[T]he Government, which is supposed to exist for the good of all, left women, while passing in peaceful procession in their demand for political freedom, at the mercy of a howling mob on the very streets which are at this moment so efficiently officered for the protection of men.”¹⁵⁶

Suffragists used these contradictions to stir national support for a federal amendment.¹⁵⁷ Alice Paul and others continued this campaign by widely publicizing their later arrests and the brutality of their confinements.¹⁵⁸ They protested in Lafayette Park just as the Black Lives Matter (BLM) movement did in the summer of 2020.¹⁵⁹ Suffragist tactics successfully challenged protectionist assumptions that romanticized state oppression of women just as BLM protests challenged the role of law enforcement in communities. The suffrage movement challenged hegemonic masculinity just as the modern racial justice movement challenges the hierarchies embedded in state power structures and systems.

President Wilson, like Lincoln, invoked his Commander in Chief power to declare suffrage a vital war measure. Wilson’s 1918 State of the Union Address emphasized that women were important in the war effort and that “[t]he least tribute we can pay them is to make them the equals of men in political rights, as they have proved themselves their equals in every field of practical work they have entered, whether for themselves or for their country.”¹⁶⁰ Wilson declared the amendment vital to the winning of the war.¹⁶¹

Seneca Falls was the first chapter in women’s larger challenge to presumptive male leadership in the home, in the statehouse, and in the economy. We have made tremendous strides, but the larger project of disentangling citizenship and masculinity continues in the

156. Abrams, *supra* note 132, at 194 (quoting JOHNSON, *supra* note 142, at 106–07).

157. *Id.* (citing LUNARDINI, *supra* note 152, at 30–31).

158. Lynda G. Dodd, *Parades, Pickets, and Prison: Alice Paul and the Virtues of Unruly Constitutional Citizenship*, 24 J.L. & POL. 339, 404–07 (2008).

159. *See id.* at 418; Ben Lefebvre, *Park Police Failed to Warn BLM Demonstrators Before Clearing Lafayette Park, Watchdog Says*, POLITICO (June 9, 2021, 2:09 PM), <https://www.politico.com/news/2021/06/09/dc-police-tear-gas-trump-photo-op-492630> [<https://perma.cc/3HEB-443Z>].

160. WOODROW WILSON, *Address Before Going Abroad, in SELECTED ADDRESSES AND PUBLIC PAPERS OF WOODROW WILSON* 289, 292 (Albert Bushnell Hart ed., 1918).

161. LUNARDI, *supra* note 152, at 145; JOHNSON, *supra* note 142, at 132.

present. This 1920 quote by Crystal Eastman, head of the National Women's Party, still resonates today:

It must be womanly as well as manly to earn your own living, to stand on your own feet. And it must be manly as well as womanly to know how to cook and sew and clean and take care of yourself in the ordinary exigencies of life . . . [B]read-winning wives have not yet developed home-making husbands . . . [W]e must bring up feminist sons.¹⁶²

Even today, women are disproportionately contributing to this pandemic and their communities through caregiving.¹⁶³ In that sense, Doug Emhoff's rise to Second Gentleman is perhaps as important as Kamala's in changing gendered norms.¹⁶⁴ Bold new ideas, like the "Marshall Plan for Moms," bear our consideration to change gendered caregiving norms.¹⁶⁵

The Trump Presidency broadly and the Capitol insurrection particularly reveal the implications of masculinized citizenship today. This is a serious ongoing challenge for feminists. The COVID-19 era reminds us that many performances of masculinities are harmful. Women's equal political participation cannot just be about women leaders, it must also examine masculinized conceptions of citizenship and leadership itself.

V. THE LEADERSHIP LENS

Studying the Centennial through the lens of 2020's unparalleled tests in leadership reveals many important insights to women's rights

162. Crystal Eastman, *Now We Can Begin – 1920*, *Archives of Women's Political Communication*, IOWA STATE UNIV. (Dec. 1, 1920), <https://awpc.cattcenter.iastate.edu/2017/03/09/now-we-can-begin-1920/> [<https://perma.cc/4NMN-CNRQ>].

163. *See Women, Caregiving, and COVID-19*, CTRS. FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/women/caregivers-covid-19/index.html> [<https://perma.cc/YJ97-88KH>] (last visited Aug. 14, 2021) ("Two out of every three caregivers in the United States are women . . .").

164. *See* Leive, *supra* note 78.

165. *See* Veronica Stracqualursi, *50 Prominent Men Join Push for 'Marshall Plan for Moms' Proposal*, CNN POLITICS, <https://www.cnn.com/2021/02/26/politics/marshall-plan-for-moms-male-allies/index.html> [<https://perma.cc/AUE3-FG2P>] (Feb. 26, 2021, 9:54 AM) ("When more than 30 years of progress for women in the workforce can be erased in 9 months, the underlying system is broken. It's time to create a new structure that works for women, that respects and values their labor Along with stimulus checks to moms, the Marshall Plan for Moms . . . calls on the Biden administration to pass policies like paid family leave and pay equity and retraining programs for women to return to work.").

work.¹⁶⁶ 2020 was a year of immense leadership challenges for leaders running school districts, Congress, the postal service, sports programs, colleges, law enforcement agencies, classrooms, voting precincts, health departments, hospitals, and even families. These challenges reveal insights to the women's rights movement.

We should reflect on the distortions created when we discuss historic leaders by their resulting accomplishments without also studying their failures, abandoned approaches, and resilient adaptations to adversity. When we look back in the rearview mirror of history in a eulogistic way to celebrate and commemorate, the leaders appear to march down an already illuminated path, obscuring the dead ends and stalled efforts. Authentic leadership—transformative leadership—involves more defeat, setbacks, contentiousness, resilience, adaptation, pivoting, and persevering than we package up in our history books and centennial celebrations.

When we look in our rearview mirror of history, we celebrate the finish line and the cheering crowds, not the starting line, not the apathetic or even hostile crowds, not the stumbles, nor the breaking points. The Seneca Falls Convention, for example, is celebrated as the birthplace of women's political and civil rights.¹⁶⁷ It set out a bold agenda for women's freedoms in education, the family, and political life, seeing women's oppression as deeply interconnected to civic, political, legal, and social reforms.¹⁶⁸ Scholars study Seneca Falls as the first chapter of the suffrage story leading to the Nineteenth Amendment as the closing chapter.

During that time, however, the demand for woman's suffrage was the most contentious piece of the larger declaration of rights. It was not the tidy sound byte of Seneca Falls that we make it out to be today.¹⁶⁹ Rather, what made Seneca Falls so revolutionary was the

166. See David Robson, *Covid-19: What Makes a Good Leader During a Crisis?*, BBC (Mar. 27, 2020), <https://www.bbc.com/worklife/article/20200326-covid-19-what-makes-a-good-leader-during-a-crisis> [<https://perma.cc/PB6N-GYL4>].

167. The Seneca Falls Convention occurred on July 19, 1848. *The Seneca Falls Convention, Today in History – July 19*, LIB. OF CONG., <https://www.loc.gov/item/today-in-history/july-19/> [<https://perma.cc/6QJL-D2ZD>] (last visited Aug. 5, 2021) (“Heralded as the first American women’s rights convention, the two-day event was held in the Wesleyan Chapel in Seneca Falls, New York. The convention had been advertised on July 11, 1848, in the Seneca County Courier. Despite the minimal amount of publicity, there were an estimated 300 attendees at the inaugural meeting.”). See generally Thomas, *supra* note 41, at 109–10.

168. STANTON, *supra* note 139.

169. See Thomas, *supra* note 42, at 349–50, 353 (explaining that Elizabeth Cady Stanton uniquely understood the importance of the vote to women’s political participation).

way in which it connected the personal, political, moral, and social concerns of women together in a comprehensive platform of which the vote was only one piece.¹⁷⁰ If anything, the economic condition of women was the more robust dominant theme, which is notable as we look back 100 years later and see how quickly this pandemic has cost women their economic and labor footing.

Elizabeth Cady Stanton was a leader who distinctly saw the right to vote as a path to unlocking other interconnected rights.¹⁷¹ Many movement members instead thought that political participation was corrupt, and their moral views opposed it.¹⁷² Elizabeth Cady Stanton's own husband called women's suffrage a "farce" and refused to attend Seneca Falls after suffrage was added to the platform.¹⁷³

Voting in 1848 did not look like voting today with the patriotic stickers and endless barrage of signs in front of polling places at schools and community centers. Rather, voting occurred in private locations like stables, warehouses, and even saloons—the exact places that “respectable women” did not frequent.¹⁷⁴ Voting was rowdy and often involved excessive drinking, and sometimes it turned violent.¹⁷⁵

Today we tend to *background* the other rights discussed at the Convention and *foreground* its role in suffrage, but it took extraordinary leadership, courage, and commitment to keep suffrage in the discussion. It would ultimately take a seventy-two-year commitment to achieve this goal. Imagine if someone recruited you for a cause today that would not be achieved until 2093 when most of us would not even be alive to see victory. In the case of Native American women and African American women, of course, they waited seventy-two years to see a right achieved *on paper* but not in practice. Black women would not fully realize their right to vote for another forty-five years.¹⁷⁶ This is the original “[n]evertheless, [she]

170. *Id.* at 359.

171. *Id.* at 349, 359.

172. *Id.* at 349–50.

173. *Id.* at 350.

174. SUSAN WARE, WHY THEY MARCHED 15–16 (2019).

175. *Id.* at 16.

176. See Civil Rights Act of 1964, Pub. L. No. 88-353, 78 Stat. 241 (1964). See generally Ezie, *supra* note 32, at 662 (“The problem facing Black women voters is not abstract. Rather, as Black women’s political participation grows, their political power is shrinking, as is their share of American prosperity by all available metrics.”).

persisted.”¹⁷⁷ Looking at leadership from the windshield, instead of the rearview mirror, in which the path is not yet illuminated or clear, is the vision of leadership we need to embrace over the celebratory, perfunctory history book excerpts.

Consider all of the suffrage pivots and detours. From 1848 to 1920, suffragists began with a broad strategy pursuing women’s property, economic, and political rights. After the civil war, suffragists focused on the targeted goal of national suffrage within the Fifteenth Amendment. When the Fifteenth Amendment passed only enfranchising Black men, suffragists focused on the Privileges and Immunities Clause of the Fourteenth Amendment, arguing that this clause already gave women the right to vote as leaders like Susan B. Anthony and Sojourner Truth attempted to vote.¹⁷⁸ They then pursued the right to vote through the putative Sixteenth Amendment mirroring the Fifteenth. They then pivoted to a state strategy, securing many victories, particularly in the West. They then returned to a national campaign while also pursuing state suffrage. Congress ultimately passed the Nineteenth Amendment in 1919.

Then suffragists worked for a year to secure the three-quarters of the state ratifications, which happened in a squeaker famously thanks to Henry Burns of Tennessee’s mother.¹⁷⁹ Then, with suffrage achieved, suffragists had to begin the tedious local work of registering female voters throughout the country. Once registered, they had to keep women engaged and voting to actualize their political power.¹⁸⁰ This course reflects many twists, turns, adaptations, and pivots, all led by resilient leaders adapting to dead ends and obstructions.¹⁸¹

Seneca Falls involved leaders who truly imagined turning the world upside down.¹⁸² Suffrage was not pre-ordained or even well-

177. *Nevertheless, They Persisted: Women’s Voting Rights and the 19th Amendment*, OR. HIST. SOC’Y, <https://www.ohs.org/museum/exhibits/nevertheless-they-persisted.cfm> [<https://perma.cc/M6WM-53FQ>] (last visited Aug. 12, 2021).

178. WARE, *supra* note 174, at 14, 18–19, 30. The Supreme Court ultimately rejected this approach. *See* *Minor v. Happersett*, 88 U.S. 162, 165, 178 (1874) (holding that voting was not a right of federal citizenship subject to the protection under the Fourteenth Amendment’s Privileges & Immunities Clause).

179. WARE, *supra* note 174, at 266.

180. *See* Ellen Carol DuBois, *Woman Suffrage: The Afterstory*, 11 CONLAWNOW 53, 53–54 (2019–2020) (stating that suffrage was considered a “failure” by some after ratification and explaining that women’s voter turnout was particularly low in the South—for example, it was 6% in Virginia).

181. *See generally* Thomas, *supra* note 41.

182. WARE, *supra* note 174, at 13, 15–16.

supported. For example, two-thirds more people attended the Seneca Falls Convention in 1848 than signed it.¹⁸³ Approximately 300 people attended, but only a handful dared to speak.¹⁸⁴

Likewise, looking in the rearview mirror at Stacey Abrams' vision for Georgia, we see the success in mobilizing voters. We see a headline-worthy leadership story wrapped up in a victory. Stacey Abrams endured a political loss. She 'rose up' from it to mobilize voters and volunteers to turn out the Georgia vote.¹⁸⁵ The idea of blue Georgia seemed implausible until it happened. However, it did not just happen overnight. Stacey Abrams worked for ten years to achieve this goal, first through her New Georgia Project and then through Fair Fight.¹⁸⁶ She fought actively against powerful forces. The systemic forces came from active opponents, such as then-Secretary of State Brian Kemp's purging of more than 100,000 voters from the voter rolls,¹⁸⁷ seventy percent of whom were Black.¹⁸⁸ The systemic oppositional forces to her leadership also came from leaders in Abrams' own party who believed her strategy was "just crazy."¹⁸⁹

It is vitally deserving to celebrate Abrams and the many other Black women who worked tirelessly to flip Georgia and ultimately the Presidency. Abrams should be celebrated not just for what she achieved but how she did it—registering hundreds of thousands of voters one by one.¹⁹⁰ Just like the birth of the women's suffrage movement back in 1848, Abrams had to create organizations that did not yet exist.¹⁹¹ We need to study with whom she did it—thousands

183. DUBOIS, *supra* note 99, at 10; *see* Conway, *supra* note 19, at 31.

184. *See* DUBOIS, *supra* note 99, at 10–12.

185. Maya King, *How Stacey Abrams and Her Band of Believers Turned Georgia Blue*, POLITICO, <https://www.politico.com/news/2020/11/08/stacey-abrams-believers-georgia-blue-434985> [<https://perma.cc/CK2F-GXRH>] (Nov. 8, 2020, 11:05 AM).

186. Reid J. Epstein & Astead W. Herndon, *Stacey Abrams' 10-Year Project to Flip Georgia is Near Fruition*, N.Y. TIMES (Jan. 6, 2021), <https://www.nytimes.com/2021/01/05/us/politics/stacey-abrams-georgia.html> [<https://perma.cc/JN7R-JYDT>].

187. King, *supra* note 185.

188. Daniel Strauss, *Georgia NAACP Readies Lawsuit Against Kemp over Voter Registration*, POLITICO, <https://www.politico.com/story/2018/10/11/georgia-naacp-voter-registration-lawsuit-842679> [<https://perma.cc/Y47X-QEDP>] (Oct. 11, 2018, 6:39 PM).

189. King, *supra* note 185.

190. *Id.* (explaining that Stacey Abrams registered 200,000 voters before her 2018 gubernatorial election and 800,000 before the 2020 presidential election).

191. *The New Georgia Project is a Nonpartisan Effort to Register and Civically Engage Georgians*, THE NEW GA. PROJECT, <https://newgeorgiaproject.org/about/> [<https://perma.cc/N7H9-6FY7>] (last visited Aug. 4, 2021); *Our Story*, FAIR FIGHT, <https://fairfight.com/about-fair-fight> [<https://perma.cc/A927-3JRS>] (last visited Aug. 4, 2021).

of other volunteers, particularly Black women and community organizations.¹⁹² We need to study why she did it—in response to voter suppression campaigns.¹⁹³ We need to study where she did it—in local communities.¹⁹⁴

We also need to reflect on what it is that Abrams did because it is powerfully revealing of the suffrage work left to do. She had to persuade voters not to agree with any position or policy, but to persuade voters, predominantly Black voters and young voters, that their individual votes mattered.¹⁹⁵ Her leadership reveals just how much work must be done. Black communities are particularly and systemically plagued with understaffed voting facilities, broken machines, long lines, and complications in mail-in voting.¹⁹⁶

As sobering as it is to absorb, we must also process the reality that just as so many see inspiration and hope in leaders like Stacey Abrams, many Americans are and were equally inspired by the leaders who organized, orchestrated, and executed the U.S. Capitol insurrection.¹⁹⁷ Likewise, just as inspirational leaders and organizations led the suffrage movement, groups also worked just as hard to oppose women's suffrage.¹⁹⁸ Just as Stacey Abrams understood that entire communities of Black and young voters felt explicitly or implicitly disenfranchised from our political system, so too do those who stormed the U.S. Capitol. No matter how they came to that position, whether it was built on conspiracy theories or facts, they too felt disenfranchised from the political system, and their

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192. Stacey Abrams (@staceyabrams), TWITTER (Jan. 22, 2021, 8:24 PM), <https://twitter.com/staceyabrams/status/1352789148873101312> [https://perma.cc/2Y8U-SX6G]. See generally Conway *supra* note 19, at 38 (“Black women are indispensable to the telling of America’s attempts to build a nation; as well, these women are equally important in measuring the success of social and political movements for universal suffrage and the achievements of democratic ideals.”); *id.* at 44–45 (describing the importance of relationship-building).
193. Quinn Scanlan, *Democrats, Voting Rights Advocates Blast New Georgia Election Bill*, ABC NEWS (Feb. 20, 2021, 8:44 AM), <https://abcnews.go.com/Politics/democrats-voting-rights-advocates-blast-georgia-election-bill/story?id=75999023> [https://perma.cc/GK8Q-KNKR].
194. *Meet Our Founder*, FAIR FIGHT, <https://fairfight.com/about-stacey-abrams/> [https://perma.cc/253Y-R73C] (last visited Aug. 24, 2021).
195. King, *supra* note 185 (“Only the message is not trying to persuade them to share Democratic values. Your message is to persuade them that voting can actually yield change.”).
196. BRENNAN CTR. FOR JUST., *supra* note 21.
197. Poniewozik, *supra* note 26; Leive, *supra* note 78; Epstein & Herndon, *supra* note 186.
198. WARE, *supra* note 174, at 112–13 (profiling two sisters who led on opposite sides of the suffrage movement).

leaders found ways to mobilize that disenfranchisement. Our leaders reflect the larger social, political, and economic conditions in place that allow them to lead.

This is why a more honest account of leadership is important. Our understanding of leadership is still so narrow, so gendered, so racialized, and so dishonest. We do our modern leaders a tremendous disservice by glorifying and revering select historic leaders, without honestly considering their faults, failures, and missteps.¹⁹⁹

Instead of rewriting our historical accounts one person at a time, we need to rewrite our national understanding of leadership. No Women's History Month or Black History Month changes the dominant composition, color, and tenor of our country's leadership. Our public squares, parks, courthouses, churches, banks, presidency, and government buildings are filled with what Dr. Lyra Monteiro calls the power structures of: "White Columns, White Marble, and White Supremacy."²⁰⁰ Twenty-seven amendments to the Constitution later, our country is still adorned with "white men, collectively advancing an argument that is impervious to the social movements of the past several decades."²⁰¹ Our nation is draped in white marble and in the strong imposing columns of white supremacy.²⁰²

We have etched in stone the iconic names of select leaders of the suffrage movement and we continue to pay homage to them. We need to expand beyond these white statues and etched names and teach school children and modern feminists about the tremendous work of Black, Indigenous, and other women of color's contributions to suffrage. We need to expand beyond our Euro-centric understanding of women's rights.²⁰³ Brittany Cooper writes in her book, *Beyond Respectability: The Intellectual Thought of Race Women*, that it is time to stop just memorizing names like Ida B. Wells and Mary Church Terrell out of respect and using them in

199. See generally Conway, *supra* note 19, at 41–43.

200. Lyra D. Monteiro, *Power Structures: White Columns, White Marble, White Supremacy*, MEDIUM (Oct. 27, 2020), <https://intersectionist.medium.com/american-power-structures-white-columns-white-marble-white-supremacy-d43aa091b5f9> [<https://perma.cc/T9BS-EJUW>].

201. *Id.*

202. *Id.*

203. See, e.g., KATHERINE M. MARINO, FEMINISM FOR THE AMERICAS: THE MAKING OF AN INTERNATIONAL HUMAN RIGHTS MOVEMENT 6 (Thadious M. Davis & Mary Kelley eds., The University of North Carolina Press 2019) (explaining how many historical narratives position U.S. and European narratives as the "apex of global 'progress'" in ways that "fail to recognize how transformative the international sphere was for feminist thought and activism in the interwar years . . .").

conversation just to acknowledge their existence. Rather, we need to deeply engage with their intellectual contributions to the movement.

Consider, for example, the legacy of Ida B. Wells Barnett. Most modern accounts remember her for her role in joining the D.C. Suffrage Parade after leaders like Alice Paul had segregated the parade.²⁰⁴ This contribution remembers Wells Barnett in her relationship with white, female, suffrage leaders. However, Ida Wells Barnett contributed to the movement in many more ways. She was a writer who exposed the harms of lynching.²⁰⁵ She studied individual lynching cases, the role of the state, and the role of White women particularly.²⁰⁶ In fact, she was posthumously awarded the Pulitzer Prize in 2020 for her substantive writings exposing lynching.²⁰⁷ Just months after Wells' recognition, a noose would be erected on the lawn of the U.S. Capitol, reminding us that the work she was doing, shedding light on the depths of violence against Black Americans, remains some of the most important work yet to be achieved.

We also need to move beyond just signature leaders and look at Latina suffrage leaders like Adelina Otero-Warren,²⁰⁸ Maria De Lopez,²⁰⁹ and Aurora Lucero.²¹⁰ We need to study Native Americans' contributions to the suffrage movement like Zitkála-Šá²¹¹

204. DeNeen L. Brown, *Ida B. Wells Gets Her Due as a Black Suffragist Who Rejected Movement's Racism*, WASH. POST (Aug. 25, 2020), <https://www.washingtonpost.com/history/2020/08/25/mosaic-ida-b-wells-black-suffragist-union-station/> [<https://perma.cc/L9VV-N523>].

205. IDA B. WELLS, *SOUTHERN HORRORS: LYNCH LAW IN ALL ITS PHASES (1892)*, reprinted in *THE COLLECTED WORKS OF IDA B. WELLS-BARNETT* (2015).

206. *Id.*

207. *The Pulitzer Prizes - Ida B. Wells*, PULITZER, <https://www.pulitzer.org/winners/ida-b-wells> [<https://perma.cc/K728-VARV>] (last visited July 26, 2021).

208. Mariana Brandman, *Adelina Otero-Warren*, NAT'L WOMEN'S HIST. MUSEUM, <https://www.womenshistory.org/education-resources/biographies/adelina-otero-warren> [<https://perma.cc/G7SZ-NHSM>] (last visited July 27, 2021) (explaining that she was the first Hispanic woman to run for U.S. Congress and leader in New Mexico's woman's suffrage movement).

209. Mariana Brandman, *Maria Guadalupe Evangelina de Lopez*, NAT'L WOMEN'S HIST. MUSEUM, <https://www.womenshistory.org/education-resources/biographies/maria-guadalupe-evangelina-de-lopez> [<https://perma.cc/8AAS-8WKT>] (last visited July 27, 2021) (explaining Maria Lopez rallied the crowd at Los Angeles Plaza on October 3, 1911, by giving a speech in favor of woman's suffrage entirely in Spanish).

210. Merrihelen Ponce, *The Lives and Works of Five Hispanic New Mexican Woman Writers, 1878-1991*, UNM DIGIT. REPOSITORY (1992) (explaining that Aurora Lucero is best known "for her folkloric studies of early New Mexican dances and folk drama" and incorporation of the folklore into educational curriculums).

211. *Zitkála-Šá (Red Bird / Gertrude Simmons Bonnin)*, NAT'L PARK SERV., <https://www.nps.gov/people/zitkala-sa.htm> [<https://perma.cc/3RSK-2VTH>] (last

and Inshata Theumba.²¹² Our entire understanding of suffrage is Euro-centric and largely ignores the work happening in Asia, South America, and Africa in what has been called “First World arrogance.”²¹³

At the Presidential Inauguration, Amanda Gorman powerfully called upon us to remember that “there is always light, if only we’re brave enough to see it. If only we’re brave enough to be it.”²¹⁴ The problem with only lifting up Susan B. Anthony or Stacey Abrams or Ida Wells Barnett for their courage in casting a ballot, running for office, or integrating a suffrage parade, is that we cast a few powerful lights that seem unattainable and unachievable to most. It makes us look only to these revered lighthouses that we perceive as distant and larger than life. Notably, Stacey Abrams succeeded not by shining her light brighter than others, but by convincing thousands of volunteers and 800,000 individual voters in Georgia that *they* were the light.

VI. CONCLUSION

While organizations nationwide spent years planning to celebrate the Nineteenth Amendment Centennial with packed academic conferences, an illuminated Mount Rushmore, and festive local events, 2020 took a dramatic turn, the pains of which we continue to endure. While 2020 powerfully ushered in one grand moment of celebration in our first woman Vice President, the global pandemic cost millions of women their jobs. COVID-19 has ended the lives of hundreds of thousands, disproportionately persons of color, the medically vulnerable, and the elderly. The pandemic has called upon women to collapse the public-private divide and blur the “first” and “second shift,” stretching human capacity at a moment of our least human connections. The Suffrage movement was flawed and

visited July 30, 2021) (“[Zitkála-Šá’s] autobiographical and Lakota stories presented her people as generous and loving instead of the common racist stereotypes that portrayed Native Americans as ignorant savages.”).

212. Esther Bergdahl, *Native American Writer and Activist Susette La Flesche*, MENTAL FLOSS (Jan. 26, 2017), <https://www.mentalfloss.com/article/91283/retrobituaries-native-american-writer-and-activist-susette-la-flesche> [https://perma.cc/SR2U-PWHE] (“[InshataTheumba] has been called the first published Native American writer and artist[,]” testified before Congress, met with the President, and reported on both the Ghost Dance movement and the massacre at Wounded Knee.).

213. WARE, *supra* note 174.

214. Amanda Gorman, *The Hill We Climb: The Amanda Gorman Poem that Stole the Inauguration Show*, THE GUARDIAN (Jan. 20, 2021, 2:11 PM), <https://www.theguardian.com/us-news/2021/jan/20/amanda-gorman-poem-biden-inauguration-transcript> [https://perma.cc/5KNU-Q27S].

fragmented, but it was also an extraordinary moment of community-building and sisterhood even for women activists. We hit its Centennial perhaps at a moment of women's greatest isolation.

Perhaps the most disturbing metaphor for the state of our country is that after a mob of largely White men desecrated our United States Capitol, it was Black custodial workers who cleaned the Capitol so that the country could get back to the work of transitioning power.²¹⁵ That is a symbolic and a literal statement on our country.

This article unmask some new suffrage lenses as we shift from the celebratory banners and sashes to the complex lenses of loss, liberty, masculinity, and leadership. This article has explored how searing losses shaped vital moments in women's political advocacy, how our distorted stories of historic leaders skew our engagement with modern leaders, and how our suffrage story remains dripping in militarized masculinity masquerading as leadership. This project seeks to rewrite the romanticized eulogy to the Nineteenth Amendment to inspire the important work that remains in building our "more perfect union" for all.

Masks cover our mouths to stop the spread of COVID-19 through tiny particles. As we move forward to consider women's rights, more figurative masks are restraining our progress. Unmasking the lessons of the suffrage movement teaches us that we need to channel the losses that COVID-19 has exposed to achieve greater progress, cultivate new leaders, and transform our political culture.

215. Elvina Nawaguna & Kayla Epstein, *'It was Degrading': Black Capitol Custodial Staff Talk About What It Felt Like to Clean up the Mess Left by Violent Pro-Trump White Supremacists*, BUS. INSIDER (Jan. 13, 2021, 9:28 AM), <https://www.businessinsider.com/capitol-riot-custodial-staff-cleanup-janitors-maga-trump-white-supremacists-2021-1> [<https://perma.cc/6QL6-PXC6>].

