



# Celebrating the 19th Amendment's Centennial

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In August, the United States will celebrate the 100th anniversary of the 19th Amendment and women's constitutional right to vote. It declared that "[t]he 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." U.S. Const. amend. XIX. Congress passed the 19th Amendment in June 1919, but it took months for ratification to be completed. Wisconsin was the first state to ratify on June 10, 1919. West Virginia ratified the Amendment on March 10, 1920. On August 18, 1920, Tennessee became the thirty-sixth state, meeting the minimum number of states required to ratify the Amendment, and the Amendment was certified on August 26, 1920.

That did not mark the end for its detractors: the U.S. Supreme Court granted certiorari and upheld the Amendment as constitutionally established two years later. *Leser v. Garnett*, 258 U.S. 130 (1922). Mississippi rejected the 19th Amendment on March 29, 1920 and it was not until 64 years later on March 22, 1984, that it belatedly ratified the amendment! Ratification marked the culmination of the long-fought suffrage movement, which began in earnest hand-in-hand with the emancipation movement at the beginning of the Civil War. Women lobbied, challenged voting laws through the legal process, held marches and demonstrations, and practiced civil disobedience leaving some to be jailed. Suffrage leader Elizabeth Cady Stanton bravely pronounced "that best protection any woman can have . . . is courage."

The courage of our foremothers paid off. Women's rights expanded after the Civil War, notably in West Virginia in the 1890s. Sounding like the opening line to a Jane Austen novel, in 1892 the Supreme Court of Appeals wrote that "[i]t is a principle of the common law, universally recognized, that a married woman cannot make contracts. Her contract is absolutely void." *Pickens' Ex'rs v. Kniseley*, 15 S.E. 997, 998 (W. Va. 1892). Yet by 1924, the Supreme Court of Appeals noted that "[t]he legal status of married women, relating to suits by and against them, has also undergone radical change in this state." *Hamilton v. Hamilton*, 95 W. Va. 387, 121 S.E. 290, 290 (1924).

Slowly, women gained the right to contract and own property regardless of their marital status and to take part in sociopolitical discourse. On February 20, 1885, by a vote of 33 to 30, the West Virginia House of Delegates defeated a bill which would have made West Virginia University a coeducational institution for men and women. After the state Senate rejected a similar bill, the faculty voted to admit women to the university in 1889. In 1891, Harriet Lyon became the first female graduate. In 1956, West Virginia became the last state in the U.S. to allow women to serve as jurors. In 1953, Virginia Mae Brown was appointed Assistant Attorney General of West Virginia, the first woman to hold that post. On November 8, 1988, Margaret Workman became the first woman justice elected to the West Virginia Supreme Court of Appeals.

Much like racial inequality, however, constitutional milestones did not usher in equality and women continued to fight for legal status. Married women could not bring suit against their husbands for intentional torts until 1978! *Coffindaffer v. Coffindaffer*, 161 W. Va. 557, 567, 244 S.E.2d 338, 343 (1978). To date, West Virginia has never had a female Governor or Attorney General. Looking back over the last 100 years, and looking forward to the future, it is clear that there has never been a more important time for women to become part of the political process, to run for office, and to vote! The Center for American Women and Politics reports that in every presidential election since 1980, the proportion of eligible female adults who voted has exceeded the proportion of eligible male adults who voted. However, the proportion of eligible women who choose to exercise their hard-won right to vote is still too small; Pew Research reports that only 55% of women who were eligible to vote cast ballots in the 2018 November midterms (compared to a smaller 51.8% of men). Pragmatic and structural barriers to voting still exist, and we must work together to overcome these barriers. As we celebrate the 19th Amendment's Centennial, take action. Encourage your peers to get involved. As suffragist Dorothy Day pragmatically stated, "[n]o one has a right to sit down and feel hopeless. There is too much work to do."