

Let's Celebrate!

Commemorating 100 Years of Women's Right to Vote

BY KATHLEEN HEARN CROSHAL

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

—Amendment XIX, Ratified August 18, 1920

As a lawyer, a judge, and a woman, I'm excited to be "holding office" during the 100th anniversary of the 19th Amendment and a woman's right to vote. But how to approach this important topic in my President's Message?

I was lying awake one night pondering this question when it occurred to me that my own grandmothers were not constitutionally guaranteed the right to vote until they were 35 and 38 years old, respectively. Sadly, my paternal grandmother died when I was 2, but neither my maternal grandmother nor my mother (who was 6 when the 19th Amendment passed) had ever spoken to me about the struggle for a woman's right to vote. Is this a case of how quickly we begin to take things for granted?

To be clear, my family emphasized that voting was a hard-fought right—and they routinely stressed the importance of exercising this right—but the fight they were referring to was the Revolutionary War. The fight for women's suffrage, though less bloody, lasted much longer. By most accounts, it officially began in 1848 in Seneca Falls, New York with the passage of a resolution calling for the right to vote, and concluded 72 years later in 1920 with the ratification of the 19th Amendment.¹ This column recalls some of the victories and



setbacks that occurred along the way, particularly in Colorado.

States Fight for the Right

Like most movements that require a major ideological shift, the fight for women's suffrage made progress in fits and starts. While the national suffrage movement struggled to gain any traction until 1918,² individual states enjoyed varying degrees of success during the late 1800s and early 1900s. In 1869, the Wyoming Territory became the first in the nation³ to grant women full suffrage when its legislature voted to give women the right to vote (the right was then written into its state constitution during its bid for statehood in 1890). Things went less smoothly in the Utah and Washington Territories: In Utah, the territorial legislature gave women voting privileges in 1870, only to rescind them in 1887 over the issue of polygamy. In Washington, a bill passed in 1883, but the territorial supreme court

overturned the law in 1887. The next successful effort was in Colorado, which made history in 1893 as the first state to pass a measure by popular vote rather than legislative action. Over the next two decades, enfranchisement spread through Western states. Then, in 1913, Illinois became the first state east of the Mississippi to give women the vote (albeit on a limited basis).⁴ All told, by the time the 19th Amendment was ratified, 29 states and the Alaska Territory had granted women full or partial suffrage.

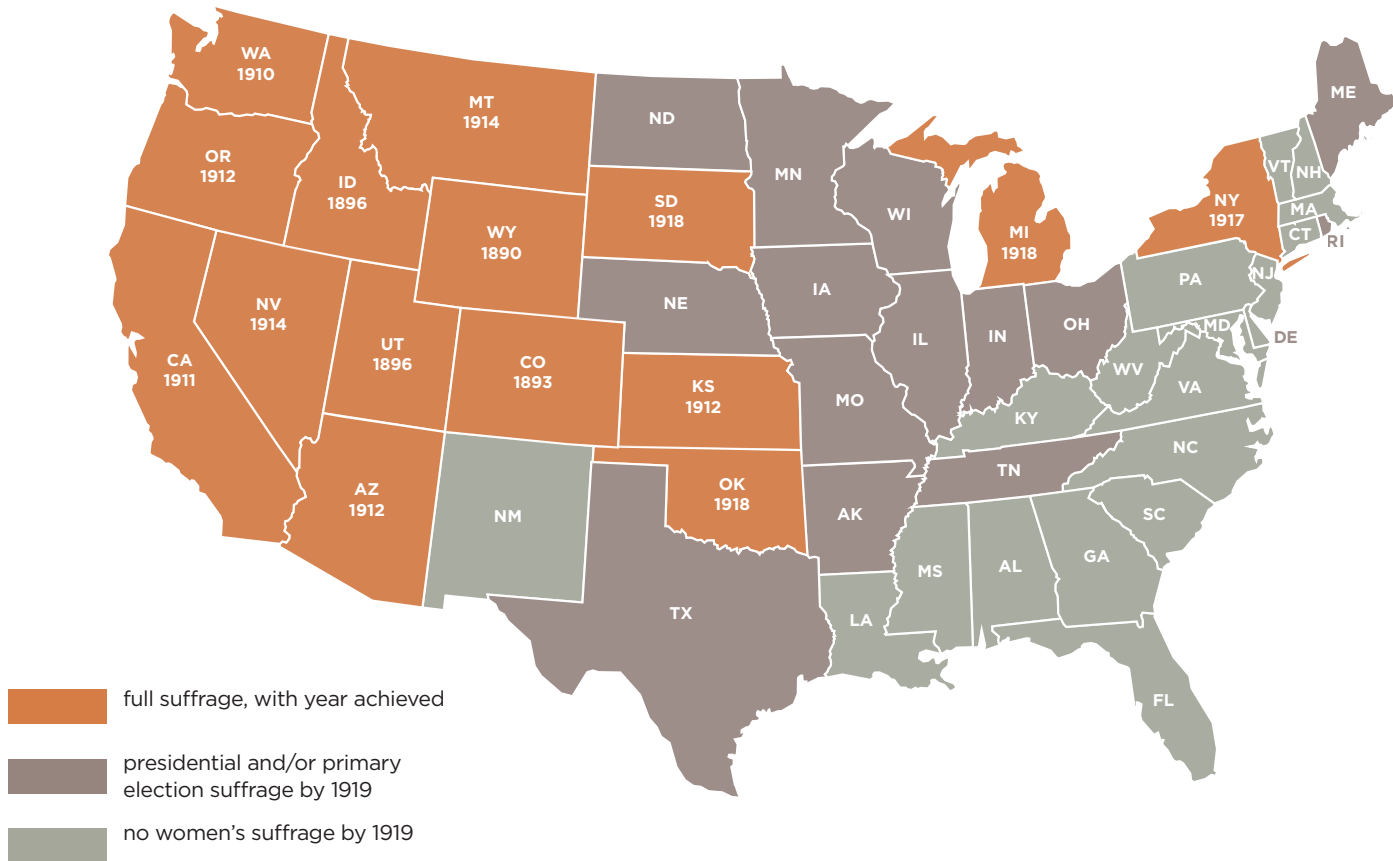
Making History in Colorado

Before the successful 1893 vote, there were several attempts to secure the vote for Colorado women. In 1870, Colorado's territorial governor urged legislators to follow Wyoming's lead and grant women the vote, but they rejected the idea. During the 1875-76 convention to draft a state constitution, delegates hoping to include equal suffrage in the constitution were outvoted. But as a consolation prize, the constitution makers agreed to allow voters to decide the issue by referendum in 1877.⁵ During the run-up to the 1877 election, several national suffrage leaders barnstormed Colorado, including Susan B. Anthony.⁶ But there was not enough support, and the electorate defeated the referendum by a 2-to-1 margin.⁷ Boulder, which was a hotbed of Populists, was the only county to vote in favor of the measure.⁸

It was 16 years before Colorado suffragists made another attempt. But by this time, they had learned the importance of grassroots organizing and forming coalitions. Rather than lobbying and testifying, they galvanized the support of national and state organizations, worked with prominent journalists to garner publicity, rallied support from the Populist and Republican parties, and won endorsements from dozens of newspapers across the state.⁹ The opposition saloonkeepers and brewers—who feared women voters would bring on the prohibition of alcohol—were less organized and mounted little opposition.¹⁰

On November 7, 1893, constitutional amendment HB 118, prohibiting sex discrimination at the ballot box, passed in Colorado. The all-male electorate voted 35,798 in favor of the referendum and 29,551 against, for a 55%

WOMEN'S SUFFRAGE, 1919



majority win.¹¹ Paving the way for the victory was a provision in the state constitution of 1876 permitting suffrage to be enacted with a simple majority vote of both legislature and electorate;¹² a constitutional amendment would have required a supermajority of two-thirds (66%).

Spotlight on Colorado Suffragists

A discussion of women's suffrage in Colorado would not be complete without at least a few stories of the fascinating, strong, and determined Colorado women whose efforts paved the way for success.

Minnie Reynolds Scalabrino (1865–35) is sometimes referred to as “press secretary” in the 1893 fight for women's right to vote in Colorado.¹³ She was born in Norwood, New York. As a writer, she signed her articles as M.J. Reynolds. Around 1890, the editors of *The Rocky Mountain News* became aware of her writing

and offered her a job as a reporter. When she arrived in Denver, the editors were startled to learn M.J. was a woman. Although the paper went ahead with the hire, the editor relegated Reynolds to writing for the society page. Later she was moved to the women's page, and eventually she was able to do political writing. Minnie's sister Helen, a dedicated suffragette, joined Minnie in Colorado. The two of them worked on the 1893 campaign. They were members of the Colorado Equal Suffrage Association, which turned to the National American Woman Suffrage Association for help. Carrie Lane Chapman Catt came to Colorado to work on this effort. Reynolds worked to convince 75% of the newspapers in Colorado to grant space for pro-suffrage columns and editorials in their papers. In 1898, she was one of the founders of the Denver Woman's Press Club. In 1901, Minnie obtained work in New York and resigned

her position with *The Rocky Mountain News*. Because of her role in the 1893 campaign, she was considered an authority on suffrage campaign techniques.

The 1893 campaign also benefited from the hard work of Dr. Ethel Strasser of Grand Junction, Dr. Anna Chamberlain of Colorado Springs, Dr. Jessie Hartwell of Salida, Denver teacher Martha A. Pease, African-American suffragist Elizabeth P. Ensley of Denver, and Denver journalists Ellis Meredith and Caroline Churchill, to name just a few.¹⁴ Many of these women were also involved in the Colorado Equal Suffrage Association.

Other Colorado activists turned their attention to the national effort to ratify the 19th Amendment. Among them was Jessie Haver Butler (1886–1985), a suffragist and lobbyist from my home base of Pueblo.¹⁵ Butler was raised on a ranch and attended grade school

CELEBRATE LAW DAY THIS MAY

Law Day is observed each year on or around May 1. In honor of this 100th anniversary of the 19th Amendment, Law Day 2020 will be a centennial celebration of women's constitutional right to vote. State and local bar associations, lawyers, judges, and other legal professionals are encouraged to participate by hosting programs this May that focus on the 19th Amendment and the battle for women's suffrage. Law Day planning resources are available at lawday.org.



and high school in Pueblo. Encouraged by her high school teachers, she decided to attend college, receiving an A.B. from Smith College in 1909. After completing her degree, she was a secretary and later assistant director of New York City's Pulitzer School of Journalism. Next, she joined the Massachusetts Minimum Wage Commission and worked on getting a minimum wage for women. Then she moved to Washington D.C., where from 1917–18 she was secretary and lobbyist for the National Consumers League. Haver lobbied for minimum wage for women in industry. She was a legislative advocate for the League of Women Voters in 1919 and is considered one of the founders of this organization. In 1918 and 1919, she accompanied Carrie Chapman Catt on a cross-country lecture trip for suffrage. She was also active in the National Organization for Women.

Some may be surprised to learn that prominent Coloradans Margaret Tobin Brown (the “Unsinkable Molly Brown”) and Elizabeth “Baby Doe” Tabor were both part of Colorado's women's suffrage movement. Brown was an active member of the National American Woman Suffrage Association as early as her time living in Leadville.¹⁶ Tabor donated rooms in the Tabor Grand Opera House for the Colorado suffrage campaign headquarters.¹⁷

The Story of Ratification

Colorado became the 18th state to ratify the 19th Amendment on December 15, 1919. By the summer of 1920, 35 states had ratified the measure, bringing it one vote short of the required 36. Southern states were adamantly opposed to the amendment, and eight of them—Alabama, Delaware, Georgia, Louisiana, Maryland, Mississippi, South Carolina, and Virginia—had already rejected it.¹⁸ Five states had not voted, including Tennessee, which was seen as the best hope for ratification before the 1920 presidential election. The Tennessee governor called a special session of the General Assembly for August 9, 1920.

The resolution passed in the Tennessee Senate within four days, but the House delayed and rescheduled the vote for August 18. On that momentous day, in what became known as the war of the roses, those opposed to the ratification wore red roses and those in favor wore yellow roses.¹⁹ The youngest member of the Tennessee legislature at age 24, Harry Burn, wore a red rose. Procedurally, first, there was a motion to table the vote on ratification. Burn voted to postpone, leaving the vote deadlocked. Thus, the speaker called for the vote on ratification. The suffragists would need to find one more vote to make the 19th Amendment the law of the land.²⁰

Earlier that morning, Burn had received a note from his mother, Phoebe Ensminger Burn. In the note to her son, she wrote, “Hurrah and vote for Suffrage! Don't keep them in doubt. I notice some of the speeches against. They were bitter. I have been watching to see how you stood, but have not noticed anything yet.”²¹ After endorsing the great work of Carrie Chapman Catt, she implored her son to “be a good boy

and help Mrs. Catt put the ‘rat’ in ratification.”²²

Burn, still wearing his red rose, surprised everyone when he voted “aye” to ratification. Thus, the 19th Amendment became law, ensuring that the right to vote could not be denied based on sex. The next day, Burn explained, “I knew that a mother's advice is always safest for a boy to follow, and my mother wanted me to vote for ratification.”²³

After the 19th Amendment was ratified and certified, the National Woman's Suffrage Association was disbanded, and the League of Women Voters was born.

Conclusion

Getting people in power to share power is a difficult task. It took a Revolutionary War to get the (white, property-owning male) residents of the 13 colonies the right to vote. It took a Civil War, a constitutional amendment, and a century-long struggle to get black Americans the right to vote. And you just read a little about what women went through. Yet even today, we are not done. Women and minorities remain underrepresented in our government, and there are still attacks on the right to vote.

There is so much one can learn from these struggles. Perhaps the focus should be the price we have paid in this country for the right to vote and therefore how truly precious this right is. I believe that attorneys are guardians of the Rule of Law and it is our obligation to protect and advance these hard-won, precious rights. **CL**

NOTES

1. More than 8 million American women voted for the first time in the November 1920 elections, but the struggle for women's suffrage continued for many women of color and other minority groups until 1965, when the Voting Rights Act prohibited racial discrimination in voting and secured voting rights for minorities. See Pirani, “19 things you never knew about the 19th Amendment and women's suffrage,” *Atlanta Journal-Constitution* (Aug. 18, 2017), <https://www.ajc.com/news/national/things-you-never-knew-about-the-19th-amendment-and-women-suffrage/GgGfKwBeaulkiKwkZW4SnK>.

2. The 19th Amendment was drafted and introduced to Congress in 1878. The proposal sat in committee for nearly a decade only to be rejected in 1887 with a 16-to-34 vote. Another proposal wasn't brought to the House

until 1918. See Pirani, *id.* Suffragists also tried to bring about change through the courts. However, in *Minor v. Happersett*, 88 U.S. 162 (1874), the U.S. Supreme Court held that the U.S. Constitution neither extended nor prohibited suffrage to women. Accordingly, the Court left it to individual states to determine the parameters of who would be extended full political citizenship.

3. Chronologically, New Jersey was the first state to allow women to vote. Its 1776 constitution gave wealthy white women and free non-whites the right to vote, and this was reinforced in the 1790s by the state's supreme court. However, in 1807 the state legislature amended the constitution to restrict the vote to free white males. History Colorado, "Which State Had Women's Suffrage First? A Timeline of Voting Rights in the United States" (July 25, 2019), <https://www.historycolorado.org/story/womens-history/2019/07/25/which-state-had-womens-suffrage-first>.

4. *Id.*

5. Colorado Encyclopedia, Women's Suffrage Movement, <https://coloradoencyclopedia.org/article/womens-suffrage-movement>.

6. History Colorado, "The Road to the Vote" (Nov. 7, 2019), <https://www.historycolorado.org/story/womens-history/2019/11/07/road-vote>.

7. Romero II, "Law and Equity in Colorado's Nineteenth Century Suffrage Movement" 32 *Colo. Law.* 43 (May 2013).

8. Jones, "Colorado led the way for women's right to vote," *Journal-Advocate* (Dec. 10, 2017), <https://www.journal-advocate.com/2017/12/10/colorado-led-the-way-for-womens-right-to-vote>.

9. "Why Did Colorado Suffragists Fail to Win the Right to Vote in 1877, but Succeed in 1893?" <https://womhist.alexanderstreet.com/colosuff/intro.htm>.

10. Abbott et al., *Colorado: A History of the Centennial State* (5th ed. Univ. Press of Colo. 2013).

11. "The Road to the Vote," *supra* note 6.

12. "Why Did Colorado Suffragists Fail to Win the Right to Vote in 1877, but Succeed in 1893?" *supra* note 9.

13. Colorado Encyclopedia, Minnie Reynolds Scalabrino, <https://coloradoencyclopedia.org/article/minnie-reynolds-scalabrino>.

14. Women's Suffrage Movement, *supra* note 5.

15. Jessie Haver Butler papers, Sophia Smith Collection of Women's History, <https://findingaids.smith.edu/repositories/2/resources/581>.

16. Historic Denver's Molly Brown House Museum, "A Right to Vote!" <https://mollybrown.org/a-right-to-vote>.

17. Turning Point Suffragist Memorial Association, Suffragists in Colorado, <https://suffragistmemorial.org/suffragists-in-colorado>.

18. Pirani, *supra* note 1.

19. Bomboy, "The vote that led to the 19th Amendment" (Aug. 18, 2019), <https://constitutioncenter.org/interactive-constitution/blog/the-man-and-his-mom-who-gave-women-the-vote>.

20. *Id.*

21. Cohen, "The Mother Who Saved Suffrage: Passing the 19th Amendment," History.com (Aug. 16, 2010), <https://www.history.com/news/the-mother-who-saved-suffrage-passing-the-19th-amendment>.

22. *Id.*

23. *Id.*

Would You Like

A SEAT ON OUR BOARD?

Help shape the future of the CBA's official publication by serving on the *Colorado Lawyer* advisory board. To be eligible, you just need to be a CBA member who enjoys reading and talking about *Colorado Lawyer*. **If this sounds like you, please email your résumé to Susie Klein, managing editor, at sklein@cobar.org. The application deadline is May 1.** Board members meet quarterly, either in-person or by phone, and serve a three-year term.



COLORADO
LAWYER