

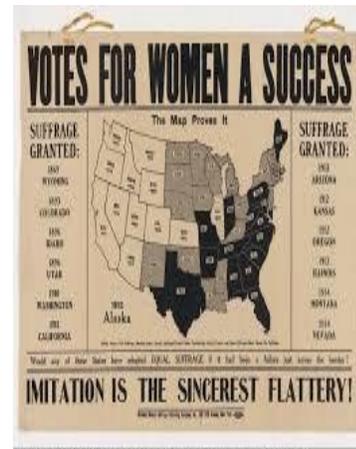
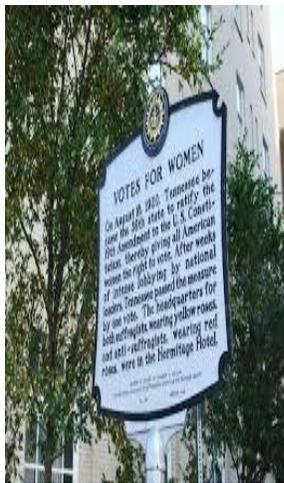
History

BOOK CLUB NEWSLETTER

MEETING THURSDAY 3/21/19 Dover Library (Issue 3. 32) March 21, 2019

Editor's note. This is a reminder of the 32nd meeting of Dover Library's History Book Club. If you have comments, historical events you wish to have shared, or articles to be published, please call 335-8344

DELAWARE; GROUND ZERO IN THE FIGHT FOR THE 19TH AMENDMENT



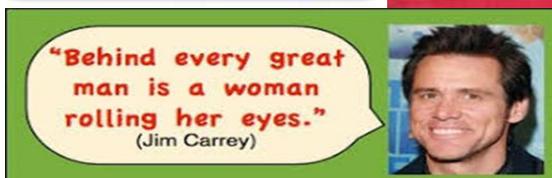
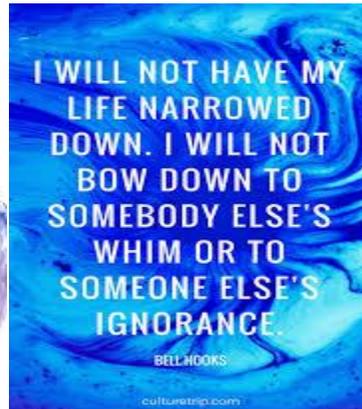
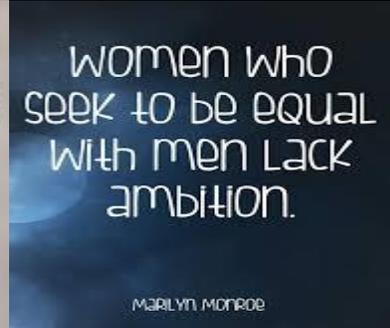
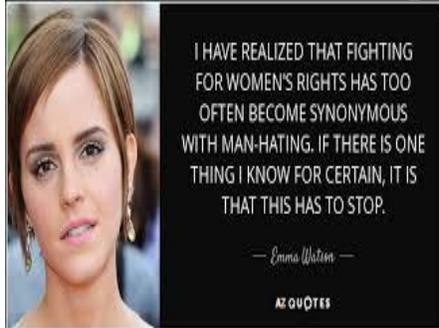
It was considered a “make or break time” for the suffragettes. They had the endorsement of 35 states, and needed one more to pass the 19th Amendment. Which of the states’ that hadn’t yet voted would most likely put them over the top? Should they target Tennessee or “Delaware?” Tennessee was deemed insufficiently progressive. Delaware was selected, and the battle began.

Many modern assumptions about the Delaware 19th battle fight are flat out wrong. The battle did not pit women against reactionary men. Actually, women were leaders of both the pro- and anti-suffragette sides. Mabel Vernon and Florence Bayard Hilles led the fight for the amendment while Mary Thompson and Emily Bissell (who later originated “Christmas seals”) fought against it. Both political parties were similarly divided.

You could recognize partisans by their boutonnieres; supporters of the 19th Amendment wore white flowers; those opposed wore red. Both sides campaigned hard. The suffragettes were particularly unorthodox. To prevent a loss, those who favored the amendment kidnapped the speaker of the Delaware House. He was locked in the basement of “The Golden Fleece” bar in Dover! To encourage Irish support, the suffragettes recruited the support of Emanon De Valera.

In July the Delaware Senate voted for the amendment, but the house in the end simply adjourned, and thus the bill was defeated. On August 20th, Tennessee passed the bill and became the 36th state to do so, thus amending the US Constitution. Come and join the conversation with Kaitlyn Dykes at the Dover Library’s History Book Club, and learn more about a fascinating time in history.

Quotes About Women's Rights



History Book Club Page

Agenda for this meeting

Introduction..... 3 min
Kaitlyn Dykes, Speaker 40 min
Discussion/ Other books read..... 25 min

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by Kimberly A. Hamlin from “Origins”

Future Meetings

- April – Lincoln’s Last Moments/ Women & Lincoln’s Assassination
- May – Anti-Semitism, Racism and Islamophobia

Editor’s Note

We usually have 13 to 16 members attend the average History Book Club Meeting. While there are a solid group of members who make virtually all meetings, there are many who pick and choose when they will attend, and that is all right. Last year we had far fewer attending meetings in June, July and August. At the last History Book Club meeting it was suggested that we skip trying to meet during these months. It is hard to compete, after all, with our states’ beaches! We will discuss this at the next meeting. If you have an opinion on this issue, please join us.

In addition, this is the end of our third year. Should there be any fundamental change in the future? I am getting older, and my health is not good, so maybe there are other reasons for change. Any ideas?

New Topic. As members who attended our last meeting know, the group suggested that if we could not get Kathryn Canavan to speak on “The Forgotten Women of the Lincoln Assassination for Women’s History Month in March, we should get her for April, the month of the Lincoln Assassination. She agreed, but since then has also lectured on that topic for the Delaware Archives, which was attended by a large crowd including some of our members. Kathryn is a superb presenter. To avoid duplication, she will give a different lecture, integrating that topic with information about her other book, “The Last Days of Abraham Lincoln.” Come and enjoy!

Finally, Kimberly Hamlin’s article on the history of the ERA I found fascinating, and I hope you enjoy it as well. ERA and the nineteenth amendment have a lot in common and the reaction of society tells us a lot about politicians and society. I cut it out of a much longer article, and I know I made some mistakes. If you care to see more, google it and get the original.

Are Women People? The Equal Rights Amendment Then and Now by Kimberly A. Hamlin

Editor's Note: In some ways, the feminist movement of the late 19th and early 20th centuries culminated with the ratification of the 19th Amendment to the United States Constitution that finally gave American women the right to vote. Many feminists in the 1960s and 1970s felt that adding the Equal Rights Amendment would be the next step in the movement for women's equality. So far, the ERA has failed to win passage, though it came close. This month, historian Kimberly Hamlin examines the remarkable story of the ERA to look at who supported it, who opposed it, and how those coalitions shifted across the 20th century. She reminds us why the ERA movement remains as vital today as it was over the last century.

On March 22, 2017, Nevada became the 36th state and the first state in 40 years to [ratify the Equal Rights Amendment \(ERA\)](#). Proponents believe this surprise victory signals that [the ERA](#) has a renewed chance to become the 28th Amendment to the U.S. Constitution. To be adopted, amendments must be approved by Congress and then sent to the states for ratification by a two-thirds majority, or 38 states. With Nevada's recent vote, the ERA now needs the approval of just two more. All eyes are on Illinois and Virginia.

Groups such as the [ERA Coalition](#) are organizing federal and state-based ratification efforts as well as building popular momentum through screenings of the 2016 documentary "[Equal Means Equal](#)." There is a procedural hurdle, however, that may or may not be cleared: Congress set a 10-year time limit for state ratifications, which technically expired in 1982, placing the existing state approvals in legal limbo.

Forty-five years after Congress approved it, might [the ERA](#) become the 28th Amendment to the Constitution? And, if so, what would that mean for American women and men? The success or failure of the ERA hinges on what "equality" means for women and on the extent to which equality can be legislated. Historically, the ERA has struggled to sustain consensus support among women because, unlike [the vote](#) (the 19th Amendment was ratified in 1920), it has not always been clear that the ERA would benefit all women since women's needs vary according to their professional and marital status, as well as their race, class, and sexual orientation.

At the outset, the ERA was envisioned as a way to remove barriers for educated and professional women. Since its revival in the 1960s, the ERA has served as shorthand for a larger feminist agenda that promotes, as the bumper sticker says, the radical notion that women are people.

When the ERA is described in terms of equal pay for equal work, Americans tend to support it. However, when it is understood as a tool to eradicate gender-based distinctions in public and private life, including those governing who changes the diapers and prepares dinner, support withers.

This creates a conundrum. If cultural norms surrounding motherhood create the conditions of female inequality, can equality be attained legally without changing traditional gender norms and expectations?

The Origins of the Equal Rights Amendment

First introduced by Alice Paul in 1923, the ERA aimed to overturn the many forms of sex discrimination that persisted after women attained the vote in 1920. Paul and her allies in the National Woman's Party (NWP) pointed out that more than 1,000 state laws discriminated against women, including those barring women from serving on juries, attending graduate schools, holding many jobs, and controlling their own bank accounts.

Rather than fight these individual laws one by one, the NWP hoped to overturn them all with one federal amendment. The original text of the ERA, written by Paul, read simply: "Men and women shall have equal rights throughout the United States and every place subject to its

jurisdiction.”

The goal of the ERA was to erase sex as a basis of legal classification, but the vast majority of activist women (together with the vast majority of Americans) rejected this line of thinking. Opponents argued that women *were* different from men and, as such, needed legal protection, not legal equality.

Women’s groups, labor unions, and others representing female factory workers had long pushed for protective legislation to spare women from the worst industrial ills of the era, such as unregulated hours on the job, dangerous working conditions, and physical tasks too arduous for pregnant bodies.

In the years leading up to the introduction of the ERA, the Supreme Court endorsed workplace protections for women only in the case of *Muller v. Oregon* (1908). In 1905, Curt Muller, a laundry owner from Portland, was arrested for violating the state law prohibiting women from working more than 10 hours per day. He appealed his conviction all the way to the Supreme Court, arguing, “It is time we ceased to classify women, in general, with children, criminals, and idiots. They are citizens, and their privileges and immunities may not thus be abridged by legislative majority.”

Florence Kelley, the powerful leader of the National Consumers League (NCL), disagreed. She enlisted future Supreme Court Justice Louis Brandeis to argue the case in favor of the Oregon 10-hour workday for women. In his brief, Brandeis advanced the idea that special protective laws for women were necessary because “facts of common knowledge” establish that “overwork is more disastrous to the health of women than of men” because of “women’s special physical organization.”

For women, overwork could impair “childbirth and female functions.” he Supreme Court voted unanimously to uphold the Oregon law. Writing for the Court, Justice David J. Brewer expounded on the juridical and political necessity of separate laws for women because “as healthy mothers are essential for vigorous offspring, the physical well-being of women becomes an object of public interest and care in order to preserve the strength of the race.”

Brewer’s brief also set the legal precedent that women should be considered “a class by herself,” rather than as a gender-neutral subject alongside men. After the *Muller* decision affirmed sex as “a valid basis for classification,” the majority of states enacted protective labor laws for women only and, despite the fact that many women did not have children, the courts considered all women mothers.

Throughout the 1920s, women debated what the ERA would mean for the legal protections secured under *Muller v. Oregon*. Opponents feared that the ERA would harm working-class women by invalidating gender-based workplace safety laws. Paul and her allies argued that the ERA would require safety laws that protected both men and women. These debates divided and sapped the women’s movement. By the end of the decade, not a single state had passed an equal rights provision and, along with many other reform movements, the women’s movement lost momentum and supporters. The Supreme Court ruling that women should be “a class by herself” remained unchallenged.

A New Deal for Women?

Throughout the Great Depression and World War II, women entered the workforce in record numbers but in increasingly sex-segregated jobs (for example, as secretaries). Business and professional women’s groups continued to endorse the ERA, but women in labor and politics remained opposed.

In the 1930s, New Deal legislation extended some protections to all workers, regardless of gender, in large part thanks to the efforts of First Lady Eleanor Roosevelt. An outspoken ERA opponent, Roosevelt helped draft early versions of New Deal proposals ensuring an eight-hour workday and collective bargaining for men and women alike. She supported equal pay for

women but also gender-based protective legislation because the state “must concern itself with the health of the women because the future of the race depends on their ability to produce healthy offspring.”

“Women are different from men,” explained Roosevelt in her 1933 manifesto *It’s Up to the Women*. “They are equal in many ways but they cannot refuse to acknowledge their differences.” In 1943, Alice Paul rewrote the text of the Equal Rights Amendment and, notably, removed the word “women.” The revised (and current) text reads: “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.”

Despite vocal opposition from women’s groups, including the League of Women Voters, the American Association of University Women, and the Young Women’s Christian Association, the ERA first came to Senate floor in 1946. In a vote of 38 to 35, it achieved a simple majority but fell short of the necessary two-thirds required. Cheering the ERA’s first Senate defeat, the *New York Times* proclaimed, “Motherhood cannot be amended.”

The New Feminism and the New ERA

In 1960, after newly elected [President John F. Kennedy](#) failed to appoint any woman as a cabinet secretary, longtime female activists in the Democratic Party demanded inclusion. Specifically, they proposed the creation of a Commission on the Status of Women to be led by Eleanor Roosevelt. Esther Peterson, head of the Labor Department Women’s Bureau, supported both equal pay and protective legislation, and she hoped that the commission would “substitute constructive recommendations for the present troublesome and futile agitation about the equal rights amendment.”

On October 11, 1963, the 24-member commission submitted its proposals to “enable women to continue their roles as wives and mothers while making a maximum contribution to the world around them.” In particular, the report recommended the removal of legal barriers to jury service, divorce and custody law reform, and federal support for daycare. The report rejected the ERA on the grounds that women’s equality was already guaranteed by the 5th and 14th Amendments (which, ironically, is the amendment that introduced the word “male”

The press and public paid little attention to the commission or its findings, but by the end of 1963, Congress passed the first Equal Pay Act and provided federal funds for daycare. By 1964, 32 states had formed their own commissions on women. Even though the Kennedy commission denied the need for the ERA, by the mid-1960s many labor groups and wage-earning women were coming to support it. As Eleanor Roosevelt explained, “[M]any of us opposed the amendment because it would do away with protection in the labor field. Now with unionization, there is no reason why you shouldn’t have it if you want it.”

At the time, ending racial segregation and discrimination was a much more pressing concern than promoting equal opportunity for women. But the two causes were (and remain) fundamentally intertwined because of the ways that race and gender intersect—for example, were African American women to be considered as women, or as African Americans?—and because of the ways anti-discrimination laws were written.

Title VII of [the Civil Rights Act](#) of 1964 was introduced to prohibit discrimination by race. At the last minute, Representative Howard W. Smith of Virginia, a longtime supporter of the ERA and an opponent of civil rights, inserted the word “sex” into an amendment. Some thought he did so to tank the bill, others saw it as an act of “southern chivalry to white women.” Smith’s amendment threw the fate of the Civil Rights Act into question. After much wrangling and thanks to the bipartisan support of the few women in Congress, the Civil Rights Act passed with the word “sex” included.

In one of the many ironies of ERA history, the Civil Rights Act designed to obviate the need for an ERA instead deepened it. Female civic leaders, including some who had opposed inserting “sex” into Title VII, were dismayed to find that the Equal Employment Opportunity Commission, created to enforce the Civil Rights Act, investigated charges of racial

discrimination much more actively than charges of sex discrimination. What was the point of having a law against sex discrimination if it was not enforced? Maybe women needed an Equal Rights Amendment after all.

In 1966, a new civil rights organization for women was founded to address the inequities highlighted by the uneven enforcement of the 1964 Civil Rights Act: the National Organization for Women (NOW). NOW revived the ERA in 1967, and the amendment appealed to a new generation of women in ways Alice Paul and earlier activists could not have imagined.

The women of Paul's generation believed that a woman should be able to choose a career or a family, a radical notion at the time. A priority of "second wave" feminism was to dismantle the old idea that women's roles were inherently maternal and to suggest that a woman could have both a career and a family. NOW, for example, rejected the notion that "mothers have a special child-care role that is not to be equally shared by fathers." "Equal" provided the buzzword for the movement and, thus, the Equal Rights Amendment seemed a fitting, all-encompassing goal.

With workplace protections secured by legal precedent and strong labor unions, working-class white women now divided their support on equal rights. In many cases, it was union women who led the charge for equal pay and against workplace discrimination. They filed Title VII discrimination lawsuits and encouraged their unions to support the ERA. As one member of the Chemical Workers Union explained at a Congressional hearing: "We do not want separate little unequal unfair laws and separate little unequal low-paid jobs."

Working-class housewives, however, viewed the ERA as a threat to their status and as an assault against their values. These women were not angling to break into the all-male fields they saw around them—coal miner, construction worker, auto manufacturer—and feared that stripping sex-based distinctions from the law would deprive them of spousal benefits, such as alimony and social security, provided to stay-at-home wives.

1970s also helped to elect a handful of women to Congress and to convince both major political parties of the need for federal laws to ensure the equality of women. Representative Martha Griffiths, a former lawyer and judge from Missouri who had served in Congress since 1954, steered the ERA through Congress.

The ERA passed the House in 1970 and 1971 but stalled in the Senate as a result of attempts to add an amendment recusing women from the draft. Finally, on March 22, 1972, the Senate passed the ERA by a vote of 84-8. President Richard Nixon signaled his support and, by the end of 1973, 30 of the necessary 38 states had ratified.

In the early 1970s, equality for women appeared inevitable and public opinion polls repeatedly showed strong majority support for the ERA. Congress passed a host of laws guaranteeing equal access for female medical students, tax deductions for child-care expenses for working parents, and expanded pay equity, among many others. The courts also displayed a novel enthusiasm for equality by rejecting single-sex education, overturning workplace protections that applied only to women, and upholding sex discrimination lawsuits.

Popular culture, too, celebrated the equality of women in TV shows such as the iconic "Mary Tyler Moore Show" which ran from 1970-1977. Mary Roberts, the single protagonist, moved to Minneapolis after being dumped by her boyfriend and, in the series finale, a still single Mary declared to her work friends that she had finally found her family: "What is a family anyway? They're just people who make you feel less alone and really loved. And that's what you've done for me. Thank you for being my family."