



The Nineteenth Amendment and Women's Suffrage Part 2: The Founding Era and the Civil War

January 13, 2023

This Legal Sidebar is the second in a six-part series that discusses the Nineteenth Amendment to the Constitution, which recognized women's voting rights. Shortly before Election Day 2022, a group of people [gathered in Rochester, New York](#), to honor the late social reformer and women's rights activist, Susan B. Anthony. About 150 years earlier, Anthony [cast a ballot](#) in the 1872 presidential election. She was arrested and charged with illegally voting as a woman in violation of federal law. She unsuccessfully claimed that the [Fourteenth Amendment](#) gave her the right to vote as a privilege of citizenship. A federal district court [imposed a fine](#) of \$100 on Anthony, but she never paid it. As the nation marks the 150th anniversary of Anthony's vote—and the 2020 centennial of the Nineteenth Amendment's ratification—Congress may be interested in the history and impact of the women's suffrage movement and the Nineteenth Amendment. Additional information on this topic will be published in the [Constitution Annotated: Analysis and Interpretation of the U.S. Constitution](#).

As proposed and ratified by men in the late 1780s, the Constitution [did not prohibit](#) the states from establishing gender-based restrictions on voting. From the Founding of the United States in 1776 to the end of the Civil War in 1865, [none of the states](#) consistently recognized a woman's right to vote in federal or state elections. [Several state constitutions](#) in existence at the time of the Founding specifically limited suffrage to men. Many women faced additional barriers to voting because of "[coverture](#)," a legal doctrine derived from English common law. Coverture [denied](#) a married woman a separate legal status from her husband, thereby preventing her from voting.

Although women could not vote in the early 1800s, they [actively led and participated in](#) political reform movements. Female activists, many of whom advocated for the abolition of slavery, increasingly [wrote and gave speeches](#) in support of women's suffrage. In 1848, two of these activists, Elizabeth Cady Stanton and Lucretia Mott, [organized a convention](#) in Seneca Falls, New York, to discuss women's rights.

At this convention of a few hundred women and men, Stanton presented her [Declaration of Sentiments](#), which was modeled after the U.S. Declaration of Independence. Stanton's Declaration stated that "all men *and women* are created equal." The Declaration listed various grievances against the government and the system of coverture, including the denial of women's "inalienable right to the elective franchise." One

Congressional Research Service

<https://crsreports.congress.gov>

LSB10897

hundred convention attendees signed the Declaration, including Stanton, Mott, and African American abolitionist Frederick Douglass. Convention attendees also [narrowly passed](#) a separate resolution calling for women's suffrage.

After the Seneca Falls Convention, women and men organized other conventions throughout the United States to advocate for women's rights, including suffrage. During the 1850s, some formerly enslaved African American women, who faced barriers to voting because of race and gender, [organized and attended conventions](#) advocating for women's suffrage. These women included Sojourner Truth and Sarah Redmond. As a result of these efforts, in the years leading up to the Civil War, the campaign for women's suffrage [attained](#) broader public awareness and support.

[Click here to continue to Part 3.](#)

Author Information

Brandon J. Murrill
Legislative Attorney

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.