



AMERICAN
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SOCIETY

Program Guide

February 2020

Marking the Centennial of the Nineteenth Amendment

Most women will agree that August 23, the day when the Tennessee legislature finally enacted the Federal suffrage amendment, is a day to begin with, not a day to end with. Men are saying perhaps "Thank God, this everlasting woman's fight is over!" But women, if I know them, are saying, "Now at last we can begin."

Crystal Eastman (1920)

This year marks the centennial anniversary of the Nineteenth Amendment's ratification, an occasion on which to honor the hard work and steadfast commitment that went into its passage, to elevate the women who were and continue to be left behind in the march toward progress, and to explore the Amendment's legacy and continued significance for gender equality today. ACS encourages chapters to engage in programming designed to do all three.

I. The Road to the Nineteenth Amendment

A. The Beginnings of a Movement

Work towards women's suffrage began alongside and within the abolitionist movement.¹ At anti-slavery meetings, female abolitionists developed many of the political skills that would be deployed by the suffrage movement for the next 80 years.² Yet, their participation was not always welcome or considered proper. At the same time, technological advancements had led to a greater need for and acceptance of women in the workplace, specifically in the textile industry,³ but a lack of access to skills training, heavy competition, and a "prevailing concept of women's inferiority," created an environment where female workers were paid a small fraction of men's wages while working in "conditions similar to those of the modern sweatshop."⁴

¹ LYNNE OLSON, FREEDOM'S DAUGHTERS: THE UNSUNG HEROINES OF THE CIVIL RIGHTS MOVEMENT FROM 1830 TO 1970 27–28 (2002). See also Lisa Tetrault, [Winning the Vote](#), HUMANITIES (Summer 2019).

² ELEANOR FLEXNER & ELLEN FITZPATRICK, CENTURY OF STRUGGLE: THE WOMAN'S RIGHTS MOVEMENT IN THE UNITED STATES 38 (1996).

³ *Id.* at 49.

⁴ *Id.* at 50.

Women workers began to go on strike and to unionize, organizing petition campaigns and demanding fairer work conditions.⁵

This was the political environment for women when, in 1848, Elizabeth Cady Stanton stood in a small Wesleyan Church in upstate New York and declared “the time had fully come for the question of woman’s wrongs to be laid before the public.”⁶ At this Woman’s Rights Convention, now known as the Seneca Falls Convention, Stanton presented a Declaration of Sentiments, patterned after the Declaration of Independence and born from the organizers’ experience at anti-slavery meetings.⁷ The Declaration was broad in scope, encompassing freedom from gender discrimination in “all areas of women’s lives in both the public and private spheres,”⁸ and included the “sacred right to the elective franchise.”⁹

Women’s right to the franchise proved contentious from the start. The prevailing attitude of the time was that the virtual representation of women by their husbands and fathers was sufficient,¹⁰ and over the next decade, women focused on “more immediate concern[s]” such as “the control of property, of earnings [...], guardianship, divorce, opportunity for education and employment, lack of legal status [...], and the whole concept of female inferiority perpetuated by established religion.”¹¹ Women of color were largely isolated or excluded from early organizing efforts of the suffrage movement. The Seneca Falls Convention did not have a single black woman in attendance.¹² Three years later, at a Women’s Rights Conference in Ohio, white women in attendance urged organizers to silence Sojourner Truth for fear that her comments would “divert attention from women’s suffrage to emancipation.”¹³ The fight for black women’s suffrage was centered at the intersection of gender, race, and class or worker status,¹⁴ as “they could no more separate gender from race in themselves than shed their skins.”¹⁵ This would soon leave them with no comfortable home within the suffrage movement as it fractured along racial and gender lines.

⁵ [Lowell Mill Women Create the First Union of Working Women](#), AFL-CIO.

⁶ Elizabeth Cady Stanton, Address at Woman’s Rights Convention (July 19-20, 1848), (transcript available at Library of Congress, <https://cdn.loc.gov/service/rbc/rbnawsa/n7548/n7548.pdf>).

⁷ FLEXNER & FITZPATRICK, *supra* note 2, at 69.

⁸ Tracy A. Thomas, *From 19th Amendment to ERA*, A.B.A. (Jan. 22, 2020).

⁹ Woman’s Rights Convention, *Declaration of Sentiments*, Res. 9 (July 20, 1848) (available at <https://cdn.loc.gov/service/rbc/rbnawsa/n7548/n7548.pdf>).

¹⁰ Reva B. Siegel, *She The People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family*, 115 HARV. L. REV. 948, 951 (“[W]omen were represented in the state through male heads of household and ... enfranchising women would harm the marriage relationship.”)

¹¹ FLEXNER & FITZPATRICK, *supra* note 2, at 77.

¹² ANGELA DAVIS, *WOMEN, RACE, & CLASS* 36 (1981).

¹³ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 153 (1989).

¹⁴ ROSALYN TERBORG-PENN, *AFRICAN AMERICAN WOMEN IN THE STRUGGLE FOR THE VOTE, 1850-1920* 1–3 (1998); *see also* Crenshaw, *supra* note 13.

¹⁵ Brent Staples, *When the Suffrage Movement Sold Out to White Supremacy*, N.Y. TIMES (Feb. 2, 2019).

B. The Fifteenth Amendment as Turning Point

Many women, both white and black, joined black men in advocating for universal suffrage through the Civil War and into the Reconstruction period.¹⁶ However, when text for a proposed Fourteenth Amendment “introduced racial sex classifications into the text of the Constitution for the first time in American constitutional history,”¹⁷ it caused leaders of the women’s suffrage movement to reexamine their priorities.¹⁸ Black men and women across the U.S. worked tirelessly to promote their right to vote, often risking life and limb,¹⁹ and ultimately, advocates for a Fifteenth Amendment made the choice to advance the case for enfranchisement of African-American men, to the exclusion of women. They argued that “urgency to obtain the ballot” for black men was far greater because of the physical violence experienced by the black community during Reconstruction, and they believed the only way to ensure the political success of gaining the franchise for African-American men was to divorce the cause from women’s suffrage.²⁰ This decision led to a fracture in the suffrage movement, with leaders like Stanton and Susan B. Anthony aligning themselves with those opposed to the enfranchisement of black men,²¹ a strategic choice that was criticized by prominent black suffragists as politically expedient to the detriment of women of color,²² and others such as Lucy Stone advocating for the Fifteenth Amendment’s passage while working to secure women’s suffrage at the state level.²³ Afforded little space within the mainstream suffrage movement, black women fended for themselves by taking the lead in grassroots voting rights work,²⁴ often in collaboration with black men, and advanced their work “in black-led institutions.”²⁵

Despite the rupture that it caused within the suffrage movement, the Fifteenth Amendment’s ratification was key to the success of women’s suffrage as it laid the groundwork for expanding access to the ballot box at the federal level and sparked debates at the congressional level about

¹⁶ Rosalyn Terborg-Penn, *African American Women and the Vote: An Overview*, in *AFRICAN AMERICAN WOMEN AND THE VOTE, 1837-1965* 15 (1997) (“African Americans of both sexes supported and argued for universal suffrage because, like white women, they were denied political rights.”)

¹⁷ Neil S. Siegel, [Why the Nineteenth Amendment Matters Today: A Citizen’s Guide for the Centennial](#), 27 *DUKE J. GENDER L. & POL’Y* (forthcoming 2020).

¹⁸ FLEXNER & FITZPATRICK, *supra* note 2, at 139-145.

¹⁹ ALEXANDER KEYSSAR, *THE RIGHT TO VOTE: THE CONTESTED HISTORY OF DEMOCRACY IN THE UNITED STATES* 70 (2000).

²⁰ See FLEXNER & FITZPATRICK, *supra* note 2, at 137-139. When Frederick Douglass, who came to hold such a view, was asked if the threat was not also present against black women, he replied “it is true of the black woman, but not because she is a woman, but because she is black.” *Id.* at 137.

²¹ *Id.* at 145.

²² DAVIS, *WOMEN*, *supra* note 12, at 66–69.

²³ FLEXNER & FITZPATRICK, *supra* note 2, at 138.

²⁴ For detailed discussions of how black women led voting rights work see ROSALYN TERBORG-PENN, *AFRICAN AMERICAN WOMEN IN THE STRUGGLE FOR THE VOTE, 1850-1920* (1998); MARTHA S. JONES, *ALL BOUND UP TOGETHER* (2007).

²⁵ Martha S. Jones, [How Black Suffragists Fought for the Right to Vote and a Modicum of Respect](#), *HUMANITIES* (Summer 2019).

universal suffrage.²⁶ The congressional debates related to the Fifteenth Amendment's passage proved critical to future conversations regarding women's suffrage, as "contending with the issue of race provoked new thinking about democratic rights in general,"²⁷ and "the debates about the enfranchisement of . . . African Americans, threw open the logical and rhetorical doors to further expansion of suffrage."²⁸ However, the explicit limiting of the franchise to men found in the Amendment's text and the Fourteenth Amendment's linkage of the right to vote with citizenship status left women of all races with the question of how best to proceed.

C. Differing Strategies to Advance the Women's Vote

Multiple factions within the women's suffrage movement pursued concurrent but not always coordinated strategies to enfranchise women. Some sought to remove "the word 'male' . . . from the list of voter qualifications in states' governing charters"²⁹ through referenda, while others lobbied state legislatures to gain the right to vote. This effort was slow but did not prove fruitless—several states enfranchised women prior to the Nineteenth Amendment's ratification due to grassroots coalition work.³⁰

Some advocates claimed the Fourteenth Amendment as their own by attempting to vote,³¹ asserting that the Privileges and Immunities Clause guaranteed the right to vote to U.S. citizens and, because women were citizens, that right extended to them.³² They pressed their claims in court after attempts to register to vote and to cast a ballot were met with legal resistance. In 1875, the Supreme Court rejected those claims, holding in *Minor v. Happersett* that Virginia Minor's suit against Missouri's registrar of voters failed under the Fourteenth Amendment because "[t]he right of suffrage was not necessarily one of the privileges or immunities of citizenship before the adoption of the fourteenth amendment, and that amendment does not add to these privileges and immunities. It simply furnishes additional guaranty for the protection of such as the citizen already had."³³ While their claims were unsuccessful, scholars have noted that these advocates were among the first to advance a view of the Constitution as responsive to changes in the "political and cultural environment."³⁴

²⁶ Tetrault, *supra* note 1. Both Anthony and Stanton acknowledged that without the Fifteenth Amendment placing the right to vote within the purview of the federal government, they would have been limited to "attempting to remove the word 'male' from the voting qualifications in each and every state . . ." *Id.*

²⁷ KEYSSAR, *supra* note 19, at 80.

²⁸ *Id.* at 142.

²⁹ Tetrault, *supra* note 1.

³⁰ By 1900 Wyoming, Utah, Colorado had enfranchised women. Between 1910 and 1920, Washington, California, Oregon, Arizona, and others granted women the right to vote. For a detailed account see Jennifer Helton, [Woman Suffrage in the West](#), NAT'L PARK SERV. (last visited Oct. 15, 2019).

³¹ FLEXNER & FITZPATRICK, *supra* note 2, at 157-161.

³² *Minor v. Happersett*, 88 U.S. 162 (1874); see also Adam Winkler, [A Revolution Too Soon: Woman Suffragists and the "Living Constitution."](#) 76 NYU L. REV. 1456, 1465-1466 (2001).

³³ *Happersett*, 88 U.S. at 170.

³⁴ Winkler, *supra* note 32, at 1479.

Their attempts at finding redress in court thwarted, advocates set their sights fully on amending the Constitution, their “petitions [] now patterned on the Fifteenth Amendment.”³⁵ Racial tensions continued to plague the movement, and the desire of some leaders to garner political support for an amendment from the segregationist South led to the explicit exclusion of women of color from some state societies, causing prominent black suffragists to organize separately.³⁶ After a decade of stalled progress at both the state and federal level, new leadership and a growing coalition of suffrage organizations began to see success and renewed interest sparked by the British suffragette movement.³⁷ By 1919, the grassroots work that had enfranchised women in several states set the stage for passage, and a pressure campaign leveled at President Wilson and other prominent politicians created a growing sense of urgency and acceptability.³⁸

To amend the Constitution, the suffragists had to secure a congressional sponsor, ensure that the amendment passed both chambers by a two-thirds majority, and convince three-fourths of the states to ratify it.³⁹ First introduced in Congress as the Sixteenth Amendment,⁴⁰ it would be fifty years before a joint resolution would receive the required two-thirds majority vote in each chamber⁴¹ and be sent to the states for ratification. With momentum now on their side, it took suffragists less than a year to obtain ratification by thirty-five states,⁴² but resistance in southern states threatened to thwart the movement once more.⁴³ By a single vote, suffragists secured ratification by the Tennessee legislature,⁴⁴ and the final hurdle was cleared. In 1920, the Nineteenth Amendment was finally ratified.⁴⁵

D. The Nineteenth Amendment in Promise and in Practice

The final text of the Nineteenth Amendment promised that “the right of citizens of the United States to vote shall not be denied or abridged . . . on account of sex.”⁴⁶ For women not marginalized by their race, citizenship status, or class, “the Nineteenth Amendment was

³⁵ Tetrault, *supra* note 1; *see also* N. Siegel, *supra* note 17, at 19.

³⁶ Liz Weber, [Women of Color Were Cut Out of the Suffragist Story. Historians Say It's Time for a Reckoning.](#), WASH. POST (June 3, 2019).

³⁷ FLEXNER & FITZPATRICK, *supra* note 2, at 241-268.

³⁸ N. Siegel, *supra* note 17, at 9-10.

³⁹ U.S. CONST. art. V.

⁴⁰ Tracy A. Thomas, [More than the Vote: The Nineteenth Amendment as Proxy for Gender Equality](#), STAN. J. CIV. RTS. & CIV. LIBERTIES 2 (forthcoming), at 2.

⁴¹ H.R.J. Res 1, 66th Cong. (1919) (enacted).

⁴² [SUBCOMM. ON THE CONST. OF THE S. COMM. ON THE JUDICIARY, 99TH CONG., AMENDMENTS TO THE CONSTITUTION: A BRIEF LEGISLATIVE HISTORY](#) 57 (1985).

⁴³ ELAINE WEISS, THE WOMAN’S HOUR: THE GREAT FIGHT TO WIN THE VOTE 2 (2018). *See also* FLEXNER & FITZPATRICK, *supra* note 2, at 315.

⁴⁴ Thomas, *supra* note 40, at 4.

⁴⁵ Tetrault, *supra* note 1.

⁴⁶ U.S. CONST. amend. XIX.

celebrated as a . . . long overdue victory . . .”⁴⁷ Advocates and their allies in Congress and state houses “understood the amendment as granting full, equal political rights to at least white women.”⁴⁸ In fact, “[w]ere the Amendment understood today as its champions understood it then, it would be viewed as a crucial means of combatting the social subordination of women to men” in America.⁴⁹

But in practice, “gender traditionalists recast the debate that was resolved by the Amendment as involving merely a [rule] about voting in elections,”⁵⁰ and even then, large populations of women were still prevented from taking part in the democratic process. Black women were “barred from the polls” in the South.⁵¹ Despite acts guaranteeing citizenship or naturalization to Native Americans (1924), South Asian Indians and Filipinos (1946), and Japanese people (1952), the right to vote for these populations was also unrealized under the Nineteenth Amendment.⁵² It was not until the Voting Rights Act (VRA) was enacted in 1965 and extended in 1970 that larger populations of women could meaningfully participate in voting.⁵³ The passage of the VRA thus marked the highwater mark for federally protected women’s suffrage in America.

This narrowing of the Amendment’s meaning and application continues to this day. In the 100 years that the 19th Amendment has been on the books, only one case has come before the Supreme Court that challenged a state law as violative of the 19th Amendment. The Court’s treatment of that claim in *Breedlove v. Suttles* (1937) is limited to one paragraph and “the little substantive analysis it contained was objectionable” and “drips with sexism.”⁵⁴ Such a limited view of the Amendment’s power and breadth is not in keeping with the intent of the generations of women who fought for its enactment and raises the question of what more work the Amendment could be doing if understood to bestow more capacious rights.

⁴⁷ Celeste Montoya, *From Seneca to Shelby*, in 100 YEARS OF THE NINETEENTH AMENDMENT: AN APPRAISAL OF WOMEN’S POLITICAL ACTIVISM 11 (2018).

⁴⁸ Rick Hasen & Leah Litman, *Thin and Thick Conceptions of the Nineteenth Amendment Right to Vote and Congress’s Power to Enforce It*, GEO L.J. 14 (forthcoming 2020).

⁴⁹ N. Siegel, *supra* note 17, at 17.

⁵⁰ *Id.* at 26.

⁵¹ Montoya, *supra* note 47, at 11. Local policies like literacy tests and poll taxes coupled with intimidation tactics to exclude black women from exercising their right to vote. *Id.* at 12-14.

⁵² *Id.* at 9. Prior to colonization, Native American women exercised culturally equivalent rights to voting, but federal Indian policy rendered Native Americans noncitizens and wards of the federal government. The 1882 Chinese Exclusion Act and similar policies also categorized Asian American women as noncitizens, while Mexican American women were granted citizenship but were unable to exercise the same rights as they had under Spanish rule. *Id.* at 10. For additional discussion on the voting rights of Native Americans see DANIEL MCCOOL ET AL., NATIVE VOTE: AMERICAN INDIANS, THE VOTING RIGHTS ACT, AND THE RIGHT TO VOTE (2007).

⁵³ Montoya, *supra* note 47, at 11.

⁵⁴ Hasen & Litman, *supra* note 48, at 5-10.

II. The 19th Amendment in the 21st Century

How broadly or narrowly the 19th Amendment is interpreted has significant, real-world consequences and determines its relevance for our modern society. Recent scholarship suggests that given a “thick” understanding, the Amendment “would give Congress broad authority to enact laws promoting political equality in voting”⁵⁵ and political rights beyond voting for women.⁵⁶ These scholars argue that such a “thick” conception is justified by the text of the Amendment, which prohibits more than just vote denial, and the understanding of those who advocated for its passage and later ratified it that it conveyed broad political equality. “Interpreting the Nineteenth Amendment to give Congress the power to remedy voting restrictions that disproportionately hurt racial minorities, black women in particular, is a way of redeeming the Nineteenth Amendment from the racist history it is entangled with.”⁵⁷ A thick conception of the Amendment, moreover, would empower Congress to redress past instances of discrimination and their residual effects, as well as to proactively prevent unlawful future discrimination.

Beyond the political context, scholars have advocated that a synthetic reading of the Nineteenth Amendment together with the Reconstruction Amendments⁵⁸ would more properly anchor interpretation of the Amendment by asking “whether current regulations of women reflect or reinforce their inferior social status within and outside the family.”⁵⁹ Since the women mobilizing for the 19th Amendment’s passage sought to be independent actors, free from the traditional notions of family and gender that left them without true political representation or economic independence, it follows that the Amendment was designed to ensure that women are free to make decisions about work and family without interference from the state based upon their sex.

While suffragists hoped “the amendment would affect a radical reshaping of women’s lives and sex equality, the reality is that it had far more tepid results.”⁶⁰ One hundred years later, women are still not fully equal in the political arena and beyond.

A. Political Equality

1. Voter Participation

Suffragists argued that virtual representation, the idea that “women were adequately represented by the men of their families,” was insufficient and antithetical to America’s revolutionary demand for self-governance, and advocated for a direct relationship with the

⁵⁵ *Id.* at 12.

⁵⁶ N. Siegel, *supra* note 17, at 21.

⁵⁷ Hasen & Litman, *supra* note 48, at 34.

⁵⁸ Reva B. Siegel, [The Nineteenth Amendment and the Democratization of the Family](#), Yale L.J. Forum (Jan. 20, 2020).

⁵⁹ N. Siegel, *supra* note 17, at 3.

⁶⁰ Hasen & Litman, *supra* note 48, at 48.

state.⁶¹ Through the power of the vote, women are better positioned to hold government accountable and elect officials that share their policy preferences. For example, women tend to be more supportive of programming for health and human services, same-sex marriage, and legal abortion without restrictions.⁶² Consequently, women's voter participation can directly affect whether candidates take these issues seriously and whether appropriate policy reforms are made in response to gender and sex discrimination.

Typically, women outnumber men in voter registration and in voter participation.⁶³ In every federal election cycle since 1986, the proportion of eligible women who voted exceeded the proportion of eligible men who voted.⁶⁴ However, there are differences in across racial lines in both registration and participation. For example, black and white women have the highest rates of voter registration⁶⁵ and the highest voting rates among women who are eligible to vote.⁶⁶ Hispanic women and Asian women vote at nearly half their rate, 33.9% and 32% respectively, and have lower rates of voter registration. Voter turnout information specific to Native American women is not available. However, the turnout rate among Native American voters "is 1 to 10 percentage points lower than the rate of other racial and ethnic groups."⁶⁷

Voter registration information for Native American women is not available, but approximately sixty-four percent of the Native American population is registered to vote.⁶⁸ While data exclusive to trans women's voter registration rates is not available, seventy-six percent of the trans population is registered to vote. Of this group, the highest percent of trans voters identify as Native American, black, and white.⁶⁹

In the wake of the Supreme Court's 2013 *Shelby County* decision striking down a key enforcement provision of the Voting Rights Act,⁷⁰ states have enacted restrictive Voter ID laws,⁷¹ which disproportionately impact women, particularly women living in poverty and women of

⁶¹ R. Siegel, *supra* note 10, at 986 n.110, 986-988 (2002).

⁶² CTR. FOR AM. WOMEN & POLITICS, [THE GENDER GAP: ATTITUDES ON PUBLIC POLICY ISSUES](#) (Nov. 8, 2012).

⁶³ [Voter Registration and Turnout](#), STATUS OF WOMEN IN THE STATES (last visited Nov. 12, 2019) [hereinafter *Voter Registration and Turnout*].

⁶⁴ [Gender Differences in Voter Turnout](#), Center for American Women & Politics (Sept. 16, 2019).

⁶⁵ UNITED STATES CENSUS BUREAU, [Reported Voting and Registration by Race, Hispanic Origin, Sex, and Age: November 2018 tbls. 2-8, 2-3](#) (Apr. 2019). Seventy-two percent of white women are registered to vote, and roughly sixty-seven percent of black women are registered to vote.

⁶⁶ *Voter Registration and Turnout*, *supra* note 62.

⁶⁷ NAT'L CONG. OF AM. INDIANS, [NATIVE VOTE INFOGRAPHIC BROCHURE 2](#) (2018).

⁶⁸ *Id.*

⁶⁹ Sandy E. James et al., [THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY](#) 233, NATIONAL CENTER FOR TRANSGENDER EQUALITY (2016).

⁷⁰ *Shelby County v. Holder*, 570 U.S. 529 (2013).

⁷¹ [Election 2016: Restrictive Voting Laws by the Numbers](#), BRENNAN CTR. (Sept. 28, 2016).

color.⁷² Women change their names more frequently than men when they get married⁷³ and are subjected to several administrative hurdles just to obtain an ID that could be used for voting.⁷⁴ These hurdles are compounded when a voter experiences multiple forms of hardship.⁷⁵ Laws requiring a photo ID further marginalize low-income women because they result in burdensome expenses such as time off from work, travel, and the cost of access to other required documents.⁷⁶ Women with disabilities may have limited mobility or access to transportation to obtain an ID and Native American women may be excluded when they live in a state that “do[es] not accept tribal IDs as a valid form of identification.”⁷⁷ And poll workers may wrongly believe or assert that a trans woman’s gender presentation must match the gender listed on her ID leading some trans voters to not vote as “they wanted to avoid anti-transgender harassment by election officials”⁷⁸

Laws limiting the right to vote for people with felony convictions also increasingly negatively affect women’s voter participation. Currently, twenty-one states have laws prohibiting people with felony convictions from voting, even after their release from incarceration.⁷⁹ Much of the discussion about disenfranchisement for people convicted of felonies has focused on men,⁸⁰ but “[t]he number of women in prison has been increasing at twice the rate of growth for men since

⁷² [Political Participation, Impact of Voter Identification Laws on Women](#), STATUS OF WOMEN IN THE STATES (last visited Oct. 16, 2019) [hereinafter *Impact of Voter Identification Laws on Women*].

⁷³ Hasen & Litman, *supra* note 48, at 31 (citing Elizabeth F. Emens, [Changing Name Changing: Framing Rules and the Future of Marital Names](#), 74 U. CHI. L. REV. 761, 785 (2009)); *see also* Claire Cain Miller & Derek Willis, [Maiden Names, on the Rise Again](#), N.Y. TIMES (June 28, 2015) (discussing the difficulty of gathering data on the percentage of women who change their name after marriage).

⁷⁴ Steve Kolbert, [The Nineteenth Amendment Enforcement Power \(But First, Which is the Nineteenth Amendment, Again?\)](#), 43 FL. ST. U. L. REV. 507, 511-524 (2016); *see also* Hasen & Litman, *supra* note 48, at 31. “Even if women do obtain the updated identification documents, they might still be prevented from voting to the extent the states voter registration lists have not been updated to reflect their changed names.” *Id.*

⁷⁵ *See generally* Crenshaw, *supra* note 13.

⁷⁶ Hasen & Litman, *supra* note 48, at 31; *Impact of Voter Identification Laws on Women*, *supra* note 72.

⁷⁷ Peter Dunphy, [The State of Native American Voting Rights](#), BRENNAN CTR. (Mar. 13, 2019); Jean Schroedel & Melissa Rogers, [What keeps Native Americans from voting – and what could change this](#), WASH. POST (Oct. 18, 2018).

⁷⁸ Caleb Gayle, [Strict Voter ID Laws Threaten the Franchise of Trans Americans](#), PACIFIC STANDARD (June 28, 2019); Sandy E. James et al., [THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY](#) 233-34, NAT’L CTR. FOR TRANSGENDER EQUALITY (2016).

⁷⁹ Although some states restore this population’s voting rights after the completion of parole or probation, many require previously convicted people to pay “outstanding fines, fees or restitution” before reinstating their voting rights. In eleven other states, people convicted of felonies “lose their voting rights indefinitely for some crimes, or require a governor’s pardon in order for voting rights to be restored” [Felon Voting Rights](#), NAT’L CONF. OF ST. LEGISLATURES (Oct. 14, 2019); *see* [Can’t Pay, Can’t Vote: A National Survey on the Modern Poll Tax](#), GEO. L. CIV. RTS. CLINIC (last visited Nov. 19, 2019).

⁸⁰ [Felon Disenfranchisement Rates for Women](#), SENTENCING PROJECT (2008); Melanie Mignucci, [Why Felon Disenfranchisement is a Feminist Issue](#), BUSTLE (Aug. 18, 2017). *See also* AVNER SHAPIRO, [A PRAGMATIC APPROACH TO CHALLENGING FELON DISENFRANCHISEMENT LAWS](#), AM. CONST. SOC’Y (2017).

1980.”⁸¹ Because black women are incarcerated at high rates, it is estimated that one in fifty cannot vote, which is “nearly four times the rate for non-African American women.”⁸² However, over the past two decades, twenty-four states have “modified felony disenfranchisement provisions to expand voter eligibility and/or inform persons with felony convictions of their voting rights”⁸³

2. Running for Office

The Nineteenth Amendment, as understood by proponents of its ratification, includes within its purview other political rights, such as the right to run for office.⁸⁴ With few exceptions, women are statistically underrepresented in local, state, and federal elected offices. The number of women currently in office is a large increase from earlier decades but still lags. Overall, women make up over half of the population but only one-third of elected officials.⁸⁵ White women, who make up thirty-one percent of the population, hold twenty-seven percent of elected seats.⁸⁶ Women of color make up twenty-percent of the population but only four percent of elected seats.⁸⁷ In contrast, white men, who make up only thirty-percent of the population hold sixty-two percent of elected seats.⁸⁸

These gaps in office holding are present because women are less likely to run than men, not because they are less electable. Only twenty-four percent of Democratic women and twenty percent of Republican women have ever considered running for office.⁸⁹ Compare this to thirty-five percent of Democratic men and forty-one percent of Republican men.⁹⁰ But when women of all races run for office, they win at the same rates as white men.⁹¹ In general, the rate of women running for local, state, and federal offices increased by twenty-one percent between 2012 and 2018. And, “[t]he increase in women candidates on the ballot in 2018 translated into more women in elected office in 2019.”⁹² The 116th Congress, elected in 2018, counts a record 131 women among its ranks, many of whom were ‘firsts’ of their racial or ethnic groups, gender, or sexual identity to be elected from their jurisdictions.⁹³ After 2016, the number of women of color running for office sharply increased, which led to gains in congressional, state, and county

⁸¹ SENTENCING PROJECT, [TRENDS IN U.S. CORRECTIONS](#) 4 (2018).

⁸² *Felony Disenfranchisement Rates for Women*, *supra* note 80.

⁸³ [Felony Disenfranchisement: A Primer](#), SENTENCING PROJECT (June 27, 2019).

⁸⁴ N. Siegel, *supra* note 17, at 21.

⁸⁵ REFLECTIVE DEMOCRACY, [ELECTABILITY MYTH](#) 1 (June 2019). *See also* Sarah Kliff and Soo Oh, [Why Aren't There More Women in Congress?](#), VOX.COM (Nov. 4, 2016). For an in-depth analysis on gender and racial disparities within state courts see Tracey E. George & Albert H. Yoon, [THE GAVEL GAP](#), AM. CONST. SOC'Y (last visited Dec. 23, 2019).

⁸⁶ ELECTABILITY MYTH, *supra* note 85, at 1.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Jane Boschma & Ellen Weinstein, [Why women don't run for office](#), POLITICO (June 12, 2017).

⁹⁰ *Id.*

⁹¹ ELECTABILITY MYTH, *supra* note 85, at 2.

⁹² ELECTABILITY MYTH, *supra* note 85, at 5.

⁹³ [Redefining Representation: The Women of the 116th Congress](#), NYTIMES.COM (Jan. 14, 2019).

seats. Information on candidates who identify as trans is developing⁹⁴ but shows that the majority of trans candidates identify as trans women.⁹⁵ In 2019, nineteen trans candidates ran for office, and of those, nine trans women candidates won;⁹⁶ several more have announced their 2020 campaigns for local, state, and national offices.⁹⁷

Fundraising also plays a large role in these electoral disparities because it is “frequently a key element of success.”⁹⁸ For women of color, “the intersections of race and gender affect fundraising . . .”⁹⁹ because candidates need personal fortune or access to wealthy donors in order to be considered viable for election.¹⁰⁰ Yet, women of color “generally have lower incomes, lower net worths, and far less social and professional access to big donors,” meaning that they are often discounted as candidates before elections even begin.¹⁰¹ This disadvantage is more pronounced for trans women, who receive substantially fewer campaign contributions than cisgender candidates.¹⁰²

B. Beyond the Vote: True Equality Before the Law

Advocates from Frances Ellen Watkins Harper to Justice Ruth Bader Ginsburg have argued that women cannot fully participate in our society without true equality before the law. As scholars have noted, “[suffragists’] claims for equal citizenship addressed voting – and property, sex, reproduction and carework. Suffragists advocated reforming the law to recognize women’s right to voluntary motherhood and to be remunerated equally with men for work outside and inside the household.”¹⁰³ That work continues to this day.

Among the suffragists’ claims for independence was the right to “voluntary motherhood,” by which they meant “unilateral control over reproduction.”¹⁰⁴ Autonomy of decision making on reproductive health options is critical to women’s economic independence and stability, as it allows them to invest in their own human capital, increasing their education and labor force participation.¹⁰⁵ As recently stated in an amicus brief filed with the Supreme Court by 368

⁹⁴ LOGAN S. CASEY & ANDREW REYNOLDS, [STANDING OUT: TRANSGENDER AND GENDER VARIANT CANDIDATES AND ELECTED OFFICIALS AROUND THE WORLD](#) 19 (2015).

⁹⁵ *Id.* at 23.

⁹⁶ [Transgender Candidates](#), LOGANCASEY.COM (last visited Nov. 18, 2019).

⁹⁷ *Id.*

⁹⁸ Sarah Byrner & Grace Haley, [RACE, GENDER, AND MONEY IN POLITICS: CAMPAIGN FINANCE AND FEDERAL CANDIDATES IN THE 2018 MIDTERMS](#) 3, CTR. FOR RESPONSIVE POLITICS (2019).

⁹⁹ *Id.* at 6.

¹⁰⁰ Judith Warner, [Opening the Gates](#) para. 32, CTR. FOR AM. PROGRESS (May 19, 2017).

¹⁰¹ *Id.*

¹⁰² Lateshia Beachum, [Transgender Political Candidates Are Increasingly Common. The Money Backing Them is Not](#), CTR. FOR POL. INTEGRITY (Mar. 6, 2019).

¹⁰³ R. Siegel, *supra* note 58, at 453.

¹⁰⁴ Tracy A. Thomas, [Voluntary Motherhood: What Did 19th Century Feminists Think About Abortion and Birth Control](#), Gender and the Law Prof Blog (July 17, 2019).

¹⁰⁵ For a discussion of the constitutional underpinnings of the right to make autonomous decisions about the intimate questions of family, sexuality, and reproduction, see [PAMELA S. KARLAN ET AL., KEEPING FAITH WITH THE CONSTITUTION](#).

women in the legal profession, “Amici are certain that they would not have been able to realize their personal and/or professional goals were it not for their ability to control their reproductive lives.”¹⁰⁶ Contraception and abortion access have demonstrably improved women’s earnings, improved their career outcomes, reduced poverty, and improved economic outcomes for future generations.¹⁰⁷ In particular, “[a]bortion legalization led to significant increases in high school graduation, college entrance, and labor force participation among Black women” who “are more likely to be living in poverty, facing greater barriers to accessing reproductive health care and being less able to overcome restrictions on abortion access.”¹⁰⁸

Despite this data, within the first six months of 2019, states enacted fifty-eight laws restricting access to abortion, twenty-five of which would ban abortion to some degree.¹⁰⁹ Women are grossly underrepresented in most of the state legislatures that passed abortion bans, where they make up less than twenty-five percent of those states’ lawmakers.¹¹⁰ The high number of abortion restrictions introduced in 2019 is typical, but the increase in explicit abortion bans is a relatively new strategy for anti-choice advocates, who have historically used model, piecemeal legislation to undermine the constitutional right to choose an abortion. This change in strategy is credited to recent Supreme Court appointments, which have emboldened anti-choice advocates, state legislators, and lawyers to advance laws that might provide the Court with opportunities to redefine what constitutes an undue burden, reassess the level of scrutiny applied to state restrictions on abortion, or review the constitutionality of abortion altogether.¹¹¹

A constitutional amendment prohibiting sex discrimination might create an effective legal avenue to address inequalities women still face, such as the persistent gender wage gap in the United States.¹¹² First introduced in 1923 in the wake of the 19th Amendment’s ratification, the Equal Rights Amendment (ERA) provides that “[e]quality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.”¹¹³ Advocates argue

¹⁰⁶ [Brief for Michele Coleman Mayes, Claudia Hammerman, Charanya Krishnaswami, and 365 Other Legal Professionals Who Have Exercised Their Constitutional Right to an Abortion as Amici Curiae Supporting Petitioners](#), 2, June Med. Servs. v. Gee (No. 18-1323).

¹⁰⁷ INST. FOR WOMEN’S POLICY & RESEARCH, [THE ECONOMIC EFFECTS OF ABORTION ACCESS: A REVIEW OF THE EVIDENCE 2](#) (July 2019).

¹⁰⁸ *Id.* at 3.

¹⁰⁹ Elizabeth Nash et al., [State Policy Trends at Mid-Year 2019: States Race to Ban or Protect Abortion](#), GUTTMACHER INST. (July 2019).

¹¹⁰ See Elizabeth Nash et al., [State Policy Trends at Mid-Year 2019: States Race to Ban or Protect Abortion](#), Guttmacher Inst. (July 2019); [Women in State Legislatures for 2019](#), NAT’L CONG. OF ST. LEGISLATURES (July 25, 2019). Twelve states enacted abortion bans. With the exception of Colorado, Georgia, and Ohio, nine of those states have state legislatures where women make up less than one-quarter of lawmakers: Alabama (15.7%), Arkansas (23.7%), Indiana (24%), Kentucky (22.5%), Louisiana (16%), Mississippi (13.8%), North Dakota (21.3%), Tennessee (15.9%), and Utah (24%).

¹¹¹ Annalisa Merelli, [America’s Legal Experts Believe We’ve Got the Abortion Debate All Wrong](#), QUARTZ (June 11, 2019).

¹¹² [Women and the Lifetime Wage Gap: How Many Woman Years Does It Take to Equal 40 Man Years?](#), NAT’L WOMEN’S LAW CTR. (2017).

¹¹³ [Why](#), EQUAL RTS. AMENDMENT (last visited Dec. 5, 2019).

that the Amendment would be an answer to “the continuing subordination of women through sexual violence and economic inequality.”¹¹⁴ In the case of constitutional sex discrimination claims, the Supreme Court applies only intermediate scrutiny under Equal Protection analysis, thereby allowing more discriminatory laws to stand than if there were an ERA requiring strict scrutiny.¹¹⁵ In addition, many civil rights laws are endangered by the Supreme Court’s narrow interpretation of the Constitution’s Commerce Clause, the method by which it struck down a key provision of the Violence Against Women Act.¹¹⁶ And a constitutional amendment generally prohibiting sex discrimination might help close the gender pay gap because statutes like the Equal Pay Act (EPA)¹¹⁷ can be hampered by the legislative, executive, and judicial branches. Congress can amend or repeal the EPA, and how diligently the executive branch chooses to enforce the law may vary depending on an administration’s priorities. The ERA, however, could protect such gains from shifting political winds.

The fight to ratify the ERA continues. Passed in 1972, it was ratified by thirty-five of the thirty-eight states needed prior to the 1982 deadline.¹¹⁸ The ERA has now met the 38-state requirement, with Nevada, Illinois and Virginia having ratified within the last three years. However, several questions remain regarding the enforceability of the 1982 congressionally-imposed deadline and the ERA will face legal challenges in coming years.¹¹⁹ State attorneys general have asked the courts to address the validity of post-deadline ratifications while Congress debates removing the deadline retroactively.¹²⁰

The issues that drove the women’s suffrage movement – more equitable wages, reproductive freedom, opportunity for education and employment, and yes, the vote – persist today. Suffragists saw the 19th Amendment as a powerful tool to address these issues, but the Amendment has largely been left unexamined since its ratification, its scope limited to the franchise. With the ERA now ratified in the states and some scholars turning their attention to the possibility of even greater constitutional protections for marginalized women through further amendment,¹²¹ the march toward progress continues.

¹¹⁴ Susan Chira, [Do American Women Still Need an Equal Rights Amendment?](#), N.Y. TIMES (Feb. 16, 2019).

¹¹⁵ Compare *Craig v. Boren*, 429 U.S. 190 (1976) with [Equal Rights Amendment](#), REP. CAROLYN B. MALONEY (last visited Feb. 10, 2020).

¹¹⁶ *United States v. Morrison*, 529 U.S. 598 (2000).

¹¹⁷ [Frequently Asked Questions](#), EQUAL RTS. AMENDMENT (last visited Dec. 5, 2019).

¹¹⁸ Maggie Astor, [The Equal Rights Amendment May Pass Now. It’s Only Been 96 Years.](#), N.Y. TIMES (Nov. 6, 2019).

¹¹⁹ *Id.*

¹²⁰ See *Alabama v. Ferriero*, 19-cv-02032 (N.D. Ala. filed Dec. 16, 2019), and *Virginia v. Ferriero*, 20-cv-00242 (D.C. Cir. filed Jan. 30, 2020).

¹²¹ Catherine A. MacKinnon & Kimberlé W. Crenshaw, [Reconstituting the Future: An Equality Amendment](#), YALE L.J. FORUM (Dec. 26, 2019).

DISCUSSION QUESTIONS

What implications could a “thick” interpretation of the 19th Amendment have for women’s equality? What additional rights might a revived 19th Amendment encompass? Could the Supreme Court’s approach to interpreting other constitutional amendments lead to a broader understanding of the 19th Amendment? How should the racism that was bound up in the political strategies employed by prominent suffragists inform our understanding of the 19th Amendment and its utility going forward? What kinds of cases beyond the political context could the 19th Amendment do work in? Would a more robust interpretation of the 19th Amendment obviate the need for an Equal Rights Amendment? How did the suffragists’ ideas about “voluntary motherhood” precursor current claims for reproductive rights? What is the scope of Congress’s power to enforce women’s equal citizenship? What work can be done at the state level to address gender inequality and counter the negative impacts of restrictive voting laws on women?

Speakers List

The following list includes a variety of scholars, advocates, and litigators you may contact when planning your chapter’s Nineteenth Amendment events this year. The speakers are listed in alphabetical order, according to their location and specialty. We have provided their title, organization, and the broad legal issues related to their fields of research, litigation, and advocacy. These categories are necessarily simplistic. When considering any of the experts listed below for your programming, you should research the speaker to ensure their specialties align with the goals of your event.

This speakers list is not exhaustive. Instead, it is intended to provide you with a sampling of the scholars, advocates, institutions, and organizations that work on these issues. When developing your events, you should also consider local experts and practitioners and consult law school faculty members, including ACS student chapter faculty advisors, for additional suggestions.

Name	Title	Organization	State	Specialty
Meghan Boone	Assistant Professor of Law	University of Alabama Law	AL	Feminist Legal Theory
Bryan Fair	Thomas E. Skinner Professor of Law	University of Alabama Law	AL	Gender and the Law; Constitutional Law
Meredith Render	Professor of Law	University of Alabama Law	AL	Gender and the Law; Civil Rights
Jill Wieber Lens	Associate Professor of Law	University of Arkansas School of Law	AR	Women and the Law
Joshua Sellers	Associate Professor of Law	Arizona State University Sandra Day O'Connor College of Law	AZ	Constitutional Law; Voting Rights; Race and Gender Politics
Rabia Belt	Associate Professor of Law	Stanford Law School	CA	Civil Rights

Name	Title	Organization	State	Specialty
Michele Bratcher Goodwin	Chancellor's Professor of Law; Director, Center for Biotechnology and Global Health Policy	University of California Irvine School of Law	CA	Constitutional Law; Reproductive Justice; Racial Justice; Gender & Sexuality Studies; Feminist Jurisprudence
Rick Hasen	Chancellor's Professor of Law and Political Science	University of California Irvine School of Law	CA	Election Law
Pamela S. Karlan	Kenneth and Harle Montgomery Professor of Public Interest Law; Co-Director, Supreme Court Litigation Clinic	Stanford Law School	CA	Constitutional Law; Civil Rights; Voting Rights; Election Law
Camille Gear Rich	Professor of Law and Sociology; Associate Provost for Faculty and Student Initiatives	University of Southern California Gould School of Law	CA	Constitutional Law; Race, Gender, Sexuality and the Law
Bertrall Ross	Chancellor's Professor of Law	Berkeley Law	CA	Constitutional Law; Election Law
Franita Tolson	Vice Dean for Faculty and Academic Affairs; Professor of Law	University of Southern California Gould School of Law	CA	Constitutional Law; Election Law
Adam Winkler	Professor of Law	UCLA Law	CA	Constitutional Law

Name	Title	Organization	State	Specialty
Nicole Godfrey	Visiting Assistant Professor	University of Denver Sturm College of Law	CO	Civil Rights
Nancy Leong	Professor of Law	University of Denver Sturm College of Law	CO	Constitutional Law; Civil Rights
Reva Siegel	Nicholas deB. Katzenbach Professor of Law	Yale Law School	CT	Constitutional Law; Gender and the Law; Reproductive Rights & Justice
Gretchen Borchelt	Vice President for Reproductive Rights and Health	National Women's Law Center	DC	Women and the Law
Judith Browne Dianis	Executive Director	Advancement Project	DC	Voting Rights; Racial Justice
Sarah Fleisch Fink	Vice President for Policy and Strategy	National Partnership for Women & Families	DC	Women and the Law
Fatima Goss Graves	President & CEO	National Women's Law Center	DC	Women and the Law
Bettina Hager	D.C. Director	ERA Coalition/ Fund for Women's Equality	DC	Equal Rights Amendment
Nan Hunter	Professor of Law	Georgetown University Law Center	DC	Constitutional Law; Gender and the Law
Susan Inman	Chief Counsel, Federal Policy and Advocacy	Center for Reproductive Rights	DC	Reproductive Rights; Civil Rights

Name	Title	Organization	State	Specialty
Sarah Lipton-Lubet	Vice President for Reproductive Health and Rights	National Partnership for Women & Families	DC/AZ	Reproductive Rights
Emily Martin	Vice President for Education and Workplace Justice	National Women's Law Center	DC	Women and the Law
Erika Moritsugu	Vice President for Economic Justice	National Partnership for Women & Families	DC	Women and the Law
Robin L. West	Frederick J. Hass Professor of Law and Philosophy; Faculty Director, SJD Program	Georgetown University Law Center	DC	Constitutional Law
Courtney Cahill	Donald Hinkle Professor and Associate Dean for Research	Florida State University College of Law	FL	Constitutional Law; Sexuality and the Law
Caroline Mala Corbin	Professor of Law and Dean's Distinguished Scholar	University of Miami School of Law	FL	Constitutional Law
Darren Hutchinson	Raymond & Miriam Ehrlich Eminent Scholar Chair; Professor of Law; Associate Dean for Faculty Development	University of Florida Levin College of Law	FL	Constitutional Law; Transgender Rights; LGBT Issues; Voting Rights
Laura Rosenbury	Dean; Levin, Mabie & Levin Professor of Law; Affiliate Professor, Center for Women's Studies and Gender Research	University of Florida Levin College of Law	FL	Women, Gender, and the Law

Name	Title	Organization	State	Specialty
Ciara Torres-Spelliscy	Professor of Law; Brennan Center Fellow	Stetson University School of Law	FL	Constitutional Law; Election Law
Danaya C. Wright	Clarence J. Teselle Endowed Professor of Law	University of Florida Levin College of Law	FL	Constitutional Law; Equal Rights Amendment; Women, Gender, and the Law
Nancy Abudu	Deputy Legal Director, Voting Rights	Southern Poverty Law Center	GA	Voting Rights
Lori Ringhand	J. Alton Hosch Professor of Law; former University of Georgia Provost's Women's Leadership Fellow	University of Georgia School of Law	GA	Constitutional Law; Election Law
Fred Smith, Jr.	Associate Professor of Law	Emory University School of Law	GA	Constitutional Law
McKay Cunningham	Associate Professor	Concordia University School of Law	ID	Constitutional Law
Shaakirrah Sanders	Professor of Law	University of Idaho College of Law	ID	Constitutional Law; Voting Rights
Vikram D. Amar	Dean; Iwan Foundation Professor of Law	University of Illinois Urbana-Champaign College of Law	IL	Constitutional Law
Linda Coberly	Chicago Managing Partner; Chair, Appellate & Critical Motions Practice; Chair, ERA Coalition's Legal Taskforce	Winston & Strawn LLP	IL	Equal Rights Amendment

Name	Title	Organization	State	Specialty
Christopher W. Schmidt	Professor of Law; Associate Dean for Faculty Development; Co-Director of the Institute on the Supreme Court of the United States	Chicago-Kent College of Law	IL	Constitutional Law; Legal History
Steven Schwinn	Professor of Law	University of Illinois-Chicago John Marshall Law School	IL	Campaign Finance, Redistricting, Voting Rights
Carolyn Shapiro	Associate Professor of Law; Co-Director of the Institute on the Supreme Court of the United States	Chicago-Kent College of Law	IL	Constitutional Law
David A. Strauss	Gerald Ratner Distinguished Service Professor of Law; Faculty Director, Jenner & Block Supreme Court and Appellate Clinic	University of Chicago Law School	IL	Constitutional Law
Dawn Johnsen	Walter W. Foskett Professor of Law	Indiana University Bloomington Maurer School of Law	IN	Reproductive Rights
Steve Sanders	Professor of Law; Adjunct Professor, Department of Political Science; Affiliated Faculty, Department of Gender Studies and The Kinsey Institute	Indiana University Bloomington Maurer School of Law	IN	Constitutional Law

Name	Title	Organization	State	Specialty
Kyle C. Velte	Associate Professor of Law	University of Kansas School of Law	KS	Gender, Sexuality, and the Law
Jamie R. Abrams	Professor of Law; Assistant Dean for Intellectual Life	University of Louisville School of Law	KY/DC	Women and the Law
Joshua Douglas	Thomas P. Lewis Professor of Law	University of Kentucky College of Law	KY	Election Law; Voting Rights
Dmitry Bam	Interim Dean; Professor of Law	University of Maine School of Law	ME	Constitutional Law
Aziza Ahmed	Professor of Law	Northeastern University School of Law	MA	Gender and the Law
Kristin Collins	Professor of Law	Boston University School of Law	MA	Constitutional Law
Martha F. Davis	Professor of Law; Associate Dean for Experiential Education	Northeastern University School of Law	MA	Constitutional Law; Gender and the Law; Civil Rights
Jeannie Suk Gersen	John H. Watson, Jr. Professor of Law	Harvard Law School	MA	Constitutional Law
Judge Nancy Gertner (Ret.)	Senior Lecturer on Law	Harvard Law School	MA	Constitutional Law; Gender and the Law
Catharine A. MacKinnon	James Barr Ames Visiting Professor of Law	Harvard Law School	MA	Sex Equality; Feminist Jurisprudence; International Human Rights

Name	Title	Organization	State	Specialty
Kara W. Swanson	Professor of Law; Affiliate Professor of History	Northeastern University School of Law	MA	Legal History
Gilda R. Daniels	Associate Professor of Law	University of Baltimore John and Frances Angelos Law Center	MD	Civil Rights; Election Law; Voting Rights
Paula Monopoli	Sol & Carlyn Hubert Professor of Law; Founding Director, Women Leadership & Equality Program	University of Maryland Francis King Carey School of Law	MD	Gender and the Constitution
Kate Andrias	Professor of Law	University of Michigan Law School	MI	Constitutional Law
Leah Litman	Assistant Professor of Law	University of Michigan Law School	MI	Constitutional Law
Jill Hasday	Distinguished McKnight University Professor; Centennial Professor in Law	University of Minnesota Law School	MN	Constitutional Law; Sex Equality
Elizabeth D. Katz	Associate Professor of Law	Washington University in St. Louis School of Law	MO	Legal History
Anthony Johnstone	Professor of Law; Affiliated Professor of Public Administration	University of Montana Alexander Blewett III School of Law	MT	Constitutional Law
Kate Bartlett	A. Kenneth Pye Professor Emerita of Law	Duke Law School	NC	Women, Gender, and the Law
Maxine Eichner	Graham Kenan Distinguished Professor of Law	University of North Carolina School of Law	NC	Women, Gender, and the Law

Name	Title	Organization	State	Specialty
William P. Marshall	William Rand Kenan, Jr. Distinguished Professor of Law	University of North Carolina School of Law	NC	Constitutional Law; Politics and the Law
Theodore M. Shaw	Julius Chambers Distinguished Professor of Law; Director, Center for Civil Rights	University of North Carolina School of Law	NC	Constitutional Law; Race and the Law
Neil S. Siegel	David W. Ichel Professor of Law; Professor of Political Science	Duke Law School	NC	Constitutional Law
Julia Ernst	Associate Professor of Law; Associate Dean for Academic and Student Affairs	University of North Dakota School of Law	ND	Constitutional Rights; Gender and the Law
Eric Berger	Earl Dunlap Distinguished Professor of Law; Associate Dean for Faculty	University of Nebraska College of Law	NE	Constitutional Law
Lynda Dodd	Program in Law and Public Affairs Fellow; former Joseph H. Flom Professor of Legal Studies and Political Science, CUNY	Princeton University Program in Law and Public Affairs	NJ	Constitutional Law
Sonia M. Gipson Rankin	Assistant Professor of Law	University of New Mexico	NM	Civil Rights
Richard Chused	Professor of Law	New York Law School	NY	Gender and the Law

Name	Title	Organization	State	Specialty
Kimberlé W. Crenshaw	Isidor and Seville Sulzbacher Professor of Law	Columbia Law School	NY	Constitutional Law; Critical Race Theory; Feminism and the Law
Melissa Murray	Professor of Law; Co-Director, Birnbaum Women's Leadership Network	NYU Law	NY	Gender and the Law; Constitutional Law; Civil Rights; Equal Rights Amendment
Aziz Rana	Professor of Law	Cornell Law School	NY	Constitutional Law
Carol Robles-Roman	General Counsel; Dean of Faculty; former Co-president/CEO of the ERA Coalition/Fund for Women's Equality	Hunter College	NY	Equal Rights Amendment, Gender Equality
Ruthann Robson	Professor of Law; University Distinguished Professor	CUNY School of Law	NY	Constitutional Law
Kate Shaw	Professor of Law	Cardozo School of Law	NY	Constitutional Law
Cynthia Soohoo	Professor of Law; Co-Director, Human Rights and Gender Justice Clinic	CUNY School of Law	NY	Reproductive Rights

Name	Title	Organization	State	Specialty
Julie Suk	Dean for Master's Programs; Professor of Sociology and Political Science	CUNY School of Law	NY	Constitutional Law; Gender and the Law; Equal Rights Amendment
Kenji Yoshino	Chief Justice Earl Warren Professor of Constitutional Law	NYU School of Law	NY	Constitutional Law
Tamara Piety	Professor of Law	University of Tulsa College of Law	OK	Women and the Law
Joseph Thai	Presidential Professor of Law; Glenn R. Watson Centennial Chair in Law	University of Oklahoma College of Law	OK	Constitutional Law
Martha Chamallas	Robert J. Lynn Chair in Law	The Ohio State University Moritz College of Law	OH	Feminist Legal Theory
Michael Gentithes	Assistant Professor of Law	University of Akron School of Law	OH	Constitutional Law
Jessie Hill	Judge Ben C. Green Professor of Law	Case Western Reserve University School of Law	OH	Constitutional Law; Reproductive Rights; Law and Religion
Tracy A. Thomas	John F. Seiberling Chair of Constitutional Law; Director, Constitutional Law Center	University of Akron School of Law	OH	Constitutional Law; Gender and the Law

Name	Title	Organization	State	Specialty
Daniel P. Tokaji	Associate Dean for Faculty; Charles W. Ebersold and Florence Whitcomb Ebersold Professor of Constitutional Law	The Ohio State University Moritz College of Law	OH	Campaign Finance; Election Law; Redistricting; Voting Rights
Rebecca E. Zietlow	Charles W. Fornoff Professor of Law and Values	University of Toledo	OH	Constitutional Law
Evan Zoldan	Professor of Law	University of Toledo	OH	Constitutional Law; Legislation
Gilbert P. Carrasco	Professor of Law	Willamette University Law	OR	Constitutional Law; Civil Rights
Stuart Chinn	Associate Professor of Law; Associate Dean for Programs and Research; James O. and Alfred T. Goodwin Senior Fellow; Kenneth J. O'Connell Senior Fellow; Faculty Director, PLP Program	University of Oregon School of Law	OR	Constitutional Law
Craig Green	Professor of Law	Temple University Beasley School of Law	PA	Constitutional Law
Sophia Z. Lee	Professor of Law and History	University of Pennsylvania Carey Law School	PA	Constitutional Law; Civil Rights
Serena Mayeri	Professor of Law and History	University of Pennsylvania Carey Law School	PA	Gender and the Law

Name	Title	Organization	State	Specialty
Jessica Clarke	Professor of Law; Co-Director, George Barrett Social Justice Program	Vanderbilt University Law School	TN	Constitutional Law; Sex Discrimination
Holly McCammon	Professor of Law; Professor of Sociology	Vanderbilt University Law School	TN	Gender and the Law
Valorie Vojdik	Waller Lansden Distinguished Professor of Law	University of Tennessee Knoxville College of Law	TN	Civil Rights; Gender and the Law
Cary Catherine Franklin	W.H. Francis, Jr. Professor of Law	University of Texas at Austin School of Law	TX	Constitutional Law; Reproductive Rights
Joanna L. Grossman	Ellen K. Solender Endowed Chair in Women and the Law; Professor of Law	Southern Methodist University Dedman School of Law	TX	Women, Gender, and the Law
Lolita Buckner Inniss	Senior Associate Dean for Academic Affairs; Professor of Law	Southern Methodist University Dedman School of Law	TX	Women, Gender, and the Law
Renee Knake	Professor of Law and Joanne and Larry Doherty Chair in Legal Ethics; Director, Law Center Outcomes and Assessments	University of Houston Law Center	MI/TX	Women, Gender, and the Law; Legal/Judicial Ethics
Sanford V. Levinson	W. St. John Garwood and W. St. John Garwood, Jr. Centennial Chair; Professor of Government	University of Texas at Austin School of Law	TX	Constitutional Law

Name	Title	Organization	State	Specialty
Laura T. Kessler	Professor of Law	University of Utah College of Law	UT	Feminist Legal Theory
Clifford Rosky	Professor of Law	University of Utah College of Law	UT	Constitutional Law; Gender and the Law
Deborah Hellman	David Lurton Masee, Jr. Professor of Law; Roy L. and Rosamond Woodruff Morgan Professor of Law	University of Virginia Law School	VA	Constitutional Law; Campaign Finance
Rebecca Green	Professor of the Practice of Law; Co-Director, Election Law Program	William & Mary School of Law	VA	Election Law
Atiba Ellis	Professor of Law	Marquette University Law School	WI	Election Law; Civil Rights; Race and the Law
Linda Greene	Evjue-Bascom Professor of Law	University of Wisconsin-Madison Law School	WI	Constitutional Law

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