

AT: Welcome to the Infinite Women podcast. I'm your host, Allison Tyra. And today I'm joined by Drs Wendy E. Chmielewski and Jill Norgren, co-creators of the digital history project Her Hat Was in the Ring and authors of a forthcoming book of the same name. The project traces 6,000 women who campaigned for elective office before 1920 and the ratification of the 19th amendment in the United States. Now, obviously there's a lot to unpack in this political landscape and the women who filled it. So why don't we start with states rights versus federal power? Because I understand that that's a recurring theme that you've noticed.

JN: One of the things that is somewhat unique about the United States is a federal system in which political power is divided between the national government and state governments. And what isn't specifically reserved and given to the feds can be taken by the states. And that gives our states a lot of power. Somebody of an older generation like me is going to remember states rights with some bitterness because for a very long time, states in the United States used it as a way of enforcing both customary and legal racism. So to me, states rights was like, "whoa, wait a minute, don't like the sound of that." It's been used for violence, discrimination, economic and social. But when you take a fuller look at states power, you see that in fact it's also had a number of uses in a very positive liberalizing way that's moved society forward in terms of changes that the majority have wanted. And that includes women's right to run for office. So we find that women started to run for office at least in the early 1850s. And Wendy can talk in a minute about the first person that we discuss, Olive Rose. But when that office holding started, as most of the audience is going to immediately have a little balloon over their head saying, "how can that be? Women couldn't vote in the United States in the 1850s." You're quite correct that women couldn't vote, but it turns out that voting and office holding are not joined at the hip. And so in fact, in the course of more than 80 years, women ran for office often without having the vote.

WC: Various states in the United States, they set up the voting qualifications. And for the most part, with a few exceptions, the right to vote was reserved to, first of all, to citizens, usually white men, but not completely, and men over the age of 21. And also every state had its own constitution. So there's a federal constitution in the United States, which was written in 1787, but every state and territory before it became a state also set up its own state constitution, covering some of the rights that the federal constitution did not. And so most states set up the qualifications for voters that I've just said. They also set up the qualifications for those who could be elected to office. And again, for most offices, but not all, you had to be an elector, that is a voter, to be elected, but it wasn't 100% true. And so this is where women come in, when they can, to be elected to some offices. Either there was no gendered qualification for the right to be elected to a particular office or the word "person" was used. And even men in office and in politics agreed that women were persons, legal persons after about the middle of the 19th century. So some of those loopholes are where some of the earliest women were able to be legally elected to office, but we can get into more of that because they were challenged and there was legislation. (JN: It's very complicated. Messy, even.) Yes. And it's different from state to state and in different time periods for a variety of reasons.

The other big issue in women's rights is, the United States in its early years and throughout the 19th century and some even into the 20th, followed English common law, which was of course evolving in England and evolved in the United States. But they basically, as far as women were concerned, that once a woman got married, she had no legal identity. She couldn't own property. She couldn't be the guardian of her children. She couldn't make a contract. She couldn't make a will. And she certainly couldn't be elected to office.

JN: She didn't have political rights. So that could be good or bad, but it was mainly bad because it meant she couldn't vote. She couldn't hold office. She couldn't serve on a jury. So politically, she was a non-entity because the notion was under common law that when you marry, the woman was "covered," I love that word, covered by her husband and he represented her. And of course the representation could have been good, bad or indifferent. And economically, he controlled her because he controlled her property, including things that came to her from her family, property or money. And so you have to think about women really as invisible as we so

often talk about women historically. And that was why when Wendy and I met in the archive that she headed up, an important archive in the United States, and Hillary Clinton was making noises about running for the presidency, we stopped and looked at each other because I had just written about a woman who had run a symbolic campaign in the 19th century for the presidency, Belva Lockwood. And we sort of asked each other rhetorically, did other people run in the 19th century besides Lockwood? And did they run to win, not to represent a cause and to make women's cause known? And that was how we started the project.

And certainly I was incredibly naive, despite a background in American history, I had no idea that so many women in so many states had run for office, particularly after the Civil War ended in 1865. And Wendy and I were taken to task a little while ago by a colleague who said, "well, you people there in the East, you're not really familiar with how many women in the Midwest and the West did run for office." And I think part of that is the education that we had in the East and the fact that women's history was covered in a particular way. And that way didn't include anything about women running for office.

WC: And again, to follow up on that, that even though women who married lost their legal identity, in actuality, even women who remained single or were widowed were often included under that in practical terms. And as we just mentioned before about the state constitutions, which limited voting rights and therefore some elective rights to men, white men, in some cases Black but very few, white men over the age of 21, it assumed that most women would marry. And of course there was no system like there is, well, not even today, but no system that could track whether or not a woman married. There were local systems. Of course, people knew if Miss so-and-so married and became Mrs. so-and-so. So they just included women. There were a couple of states where women voted in the very early years of the American republic. So in Massachusetts, women could vote in town meetings until the law changed in about 1809, I think it was. And in New Jersey, which is much more well-known, women with property, including African-American women with property of a certain amount. And most voters in these early years, men and women had to have property to vote. That changed for men, but not for women. They could vote, again until about 1807 when the legislature in New Jersey ended that and limited the vote to white men only, of course, with property at that time. So there have been these little tiny places where women had some rights and these were taken away.

The other thing that we found too is when women started gaining legal recognition in the courts and it started in the 1840s or so and 1850s, women gained the right to own their own property. Married women could own their own property. Single women and widows could own property, but they still couldn't vote. But once married women started gaining the right to own property, they had to also regain a legal identity in the courts because they could then sell their property, buy property. In some states without their husband's permission, they could make wills. And these were all legal. There had to be a legal identity to a contractor in that. And so women started gaining a legal identity once again. And one of the things that we argue is this opened the way to at least culturally and somewhat legally in the legislatures and courts and so on, that women could be separate from their husbands and the idea that they could be separate was that they could then hold jobs and also represent their state or community as a legal representative. This took many years, of course, but it began to kind of break down.

AT: I feel like I do need to point out that there are calls in conservative areas to strip women of the right to vote. They are freely and openly talking about this in the year of Our Lady 2025, 2026, and even in recent years, and saying things like, "oh, if my wife didn't vote the way I wanted her to, I'd divorce her," which frankly sounds like that'd probably be better for the wife. But it's very clear to me as we're talking about class and race and gender that what we think of as a right is very much tied to privilege and the way that the people with privilege, whether that's rich people by which I'm saying anybody who owned property and up, men, white people, because obviously this was racialized, the way that people in power stay in power is by preventing marginalized people from gaining the power to change anything.

JN: Yeah, yeah, yeah, yeah. Clearly that's true with the vote. And of course, office holding is as critical or more critical because once the public makes its will known, that will has to be implemented, right? And so it's office holders who both implement the will of the people and innovate policy. Both balls are up in the air. So if you don't let women in the door and you don't let women, as you say, of all economic classes and ethnicities and races and ages in the door, then you're not going to have a representation and proposition from those people in governance. And that's been a historical fact. And what we were looking at is how it played out here in the United States.

One of the things that I think is interesting is that as women enter, there's always both an anticipation of what'll happen as they take office in terms of ethics and morality. And then there's also an expectation in terms of what will happen in terms of substantive policy. So on the one hand, you get men sort of urging women forward, their supporters by saying, "well, women will be more honest, have greater morality, be more efficient than men." We kept seeing that in all of the various newspaper clips that we've had. And then the other expectation was, "well, women will press ahead with various concerns for women and for children." And that's true. I think these women both were motivated by the desire to do that, but I think they also felt pressure for it. I don't feel that every single woman marched forward, absolutely concerned with women and issues children, but these women knew what was expected of them. So what's additionally interesting is, well, what do they do in addition to that? And what they do in addition to that at the state level is, they respond to their constituencies over matters of taxation and irrigation and all sorts of things that are of concern. So it's really important to see that once these women got in the door, they were just as capable as men of looking at the broader situation and acting on policy beyond this notion of women and children.

Wendy and I have a set of images that come from one of the major cartoon series on this subject. And one of them has to do with the woman not being there to cook dinner, right? Not being there to do the wash. And so, you see that as satiric and an attack, but it was very real. And so we have a number of interviews taken from New York and from newspapers and biographies and autobiographies in which elected women make a point publicly of saying, "yes, I was elected to the state legislature. I brought my family with me. I get up at 4 in the morning and I make breakfast for everyone. And I see the children off to school and then I walk over to the legislature." So they're very aware of what their Achilles heel might be in terms of public attacks. And they try and get ahead of the issue by stating that they haven't abandoned the rules of domesticity.

WC: A lot of the early women were elected to local offices and some of them were in places where they could affect policy. In others, they were more likely to be administrators, though, like being county clerk or county clerk of elections, they could still make sure that the wheels of government ran smoothly. A lot of them were in education. So again, they could be very effective in policymaking on education, which was extraordinarily important to everybody. Everybody wanted their children to be educated, to have a foot in the door to a good life, along with other skills, perhaps. But certainly public education and the spending of public school tax monies was also very important. So the earliest woman that we found who was elected to office, Olive Rose, who was elected as county register of deeds in Lincoln County, Maine, which is of course on the east coast of the United States in the more traditional northeast. And she was elected in 1853 by the men of her county. Women could not vote in Maine. Rose came from a fairly political family. I think her father was an elected official. She lived with her brother and some of her other siblings and her brother's wife and children. And it caused somewhat of a sensation. And she was not paid for the job because the county register of deeds in Maine was paid as a fee by the number of deeds that they registered. But she served in this and there was a poem written about her. And there was another article in a newspaper by, we're not quite sure who, the editor of the Maine Age, not sure who, but it was a little column by this man saying, "we expect that women will be serving in the halls of the legislatures by the end of the century." And that "there may even be a woman in the executive office in the presidency. We don't like this, but we're looking, we're going to be stalwart and be strong about it." As far as we can tell, she does not run again for office. And she was interviewed just a few years afterwards by a woman named Virginia Penny. And Penny wrote a book that, she self-published it first in 1861.

And it was a book about all of the jobs that women could do. She herself was a women's rights activist, born in Kentucky to a slaveholding family. And she published this book and she interviewed hundreds, if not thousands of women about the work that they were doing because most people thought women maybe could be teachers. They weren't yet in the majority of teachers, but close to. And being a seamstress, working in a factory. But she came up with this book that there were just hundreds of jobs that women could do. And she actually interviewed Olive Rose. So we know a little bit more about her and about her work as county register of deeds. But she's the first woman, but we have found, I think, four other women who were elected to office in the 1850s. Two women in Massachusetts who were teachers, they were elected to the local school board and a woman named Adeline Swift in Ohio, who was elected as a village town councilor. But since she was not qualified because women couldn't be town councilors in Ohio. After thanking the men who had elected her office, she stepped down. And she was a very active women's rights person and organized petitions and went to some of the early women's rights meetings. So these are the very first women that we found. We always say that we found because we never know who will come across, anytime. We are constantly finding more women.

JN: Part of what we have to try and fit in here in terms of the issue of gaining power, and whether gaining it means keeping it, which is pretty critical, is that we do find a pattern in the non-educational offices of women running for an office and then perhaps only serving one term. And some of the time the women aren't re-elected, but some of the time they are. Some of the time they choose not to run again. So it's as if they want to take their community or they want to take womankind forward a step, but there's only so much that can be asked of them. I keep looking at this and wanting more information and diaries and newspapers, the way any historian always wants more, more, more. I'd like to have the inner thoughts of these women about why they don't run again and whether there are active pressures against them, whether at home or in the community, so that they don't run again or whether it's just a lot of work and they're balancing more than one job and they say, "well, I've done my thing to move us forward and now somebody else has to pick up the reins and do it." But I think this becomes really important because, individually, men can put down the reins of power, but collectively because they have historically had more access to power and develop networks and all of the things that we know are important to maintaining power, a man not running for office again in a certain way is not as important as a woman not running for office again.

Now we do find a number of women, particularly again, I'm talking about non-education offices. We do find some women who run repeatedly and we can talk more about that. But in the early years, the women that we see who run for office as incumbents tend to be women in the educational fields, the women who have run for county superintendent of schools, school board member. And so it may be again the stereotype that that's a more acceptable office for women. It may also be the nature of the particular woman who runs for those offices, that more of the women, for example, who run for county superintendent are either widowed or unmarried or have grown children. So all of those are interesting questions to ask. Who tries to keep in the action and who finds it difficult to stay in the action and to seek political power?

WC: One thing that we haven't really mentioned at all is that one has to be nominated or self-nominated. And if it's not self-nominated, you've been nominated by a party and the parties in the United States, particularly before the 1890s, 1880s tend to be two parties, which are now called the Democrats and the Republicans. There might've been a few Whigs, and some of those were regional based as well, certainly local. Sometimes some of these offices were non-partisan, so one could self-nominate without party support, but that also had its consequences. And we're also not always very sure why a woman runs. Is she running because she thinks it might be a step to another office? Not always very likely. Is it because she's an education administrator and wants to stay in administration or, it's a well-paid job being county superintendent. It has a lot of community respect and some local power as well.

JN: Desirable, that we shouldn't think of these just as a woman's office, that Wendy and I found over and over

again, that a woman running for a county superintendent of schools was often opposed by a man. And the same was true when women could legally run for the state office superintendent of schools. So this was paid and it carried respect in the community and power in the community, and men sought it as well.

WC: And some of those women actually became administrators or more, I wouldn't say powerful necessarily, they also joined maybe state educational associations and they had voices through that as well. So some of them were educational administrators and that was their career. Other women, we do see that some of them wanted to stay in office and maybe have a different office. That was sometimes successful, not always. So some women were politicians, even if it wasn't necessarily to become a woman politician, that is somebody who was going to represent women and take on women's issues. Some women wanted to be in politics and this was a way to do it. It's also very complicated. It depends on local situation, what party was in power in a local area. Was there an option for the opposing party to get their nominees elected in a certain year? Sometimes economic shifts would allow the other party to, or a different party, a third party, for their candidates to be elected. Some women were running as women's rights candidates, as Jill mentioned, that is to further the right of women to be in politics. It is a whole host. And we also find women who have become widows and local newspapers say, "let's elect Mrs. So-and-so, she's now a widow and she needs support." And maybe she's been the deputy person in the office. And we should say the deputies were usually hired or appointed. They were not elected. One of the things that we haven't really mentioned at all is that our project, Her Hat Was in the Ring. We only deal with women who were elected. There were hundreds of thousands of women who were appointed or hired to serve in political offices and community offices, but we have not included them for several reasons. One is we wanted women who had actually faced the voters in their communities as a sign that they could be elected by their counterparts, the people in their communities. Also, there was so many women in public service who were volunteers or appointed or hired that it was just beyond us to do that. And there are other historians who are looking at that issue in a broader way, that is with all of the women who were part of political office service before 1920.

JN: Wendy dropped the P word, political parties. We have to finally bring that up and march into that thicket. There are two issues that come up, two pillars of concern when you start talking about women in office holding. That's, first of all, the question of whether or not women wanted to be nonpartisan versus partisan. Did they think that parties were corrupt and immoral and bad representatives of the public will, and so they wanted to be nonpartisan, not associated with a party? Or did they take a look at how the system worked and say, "whatever we think of parties," and some of them thought they were good, "we need to work with them because that's how you get elected." And so, threaded through our book is how women deal with parties and what position they took, whether they basically ran as independents or whether they adopted a party identification. We see a couple of things. One is that most parties were not particularly anxious to court women, didn't see it to their advantage. The individual members of parties saw women as threatening. And so, women had to fight their way in. As Wendy said, one of the ways you get to be a candidate is you get nominated by a party. So, they had to fight to get local parties to nominate them. And sometimes when one or two parties rebuffed them, they'd go on to one of the more minor parties. Sometimes they would hop from one party to another. That was something that was really interesting for us to see, is that you'd get one woman, and in the history of running, say, for a couple of offices or even as an incumbent over 20 years, she might have identified and been on the ballot one time as a Democrat, one time as a Temperance candidate, a third time as a Socialist or Farm labor. That wasn't by any means unique to one or two women. So they were jockeying for position. The issue of non-partisanship follows women right up to the 19th Amendment, right up to 1920. Women are still asking in speeches and in other community events, should we be partisan or should we be non-partisan? So that introduces a whole other set of factors into the discussion of women as candidates and then as office holders.

WC: And partisanship and non-partisanship was different for voters than it was for candidates. So as we've

been saying, some candidates felt they had to be somewhat loyal to a party to get nominated and elected and maybe re-elected. But women voters, when they got the vote, and of course, women got the vote in certain states long before 1920 and the ratification of the 19th Amendment to the federal Constitution, a lot of women voters were asked to cross party lines. You might be a Republican or you might be a Democrat, but here's this great woman candidate. She might not be your specific party, but she needs all the votes she can get. So please cross party lines this election or for this particular office.

JN: Because you're for the women's cause. So supporting a woman is more important than supporting the party that you have been traditionally identified with, right? I think, Wendy, the other thing that we haven't introduced, I think it's so part of our thinking that we forget it needs to be explained, is that during this period that we looked at, women had three possible statuses. Non-voter, partial voter, partial meaning they could vote for one or three or five offices, but not others. And most typically, partial suffrage started off as the right to vote for school offices, but no other. And then a full voter, an equal voter, which means you could vote for any office from town level to county to state to national. So, three different possible statuses as a voter. And so, again, if you're trying to diagram all this, forget some kind of a flow chart, you can't do it. You've just got so many variables rushing in that have to be accommodated.

WC: And if you think back to what we started with about qualifications for elected office, that is that you had to be an elector to be elected, if you could vote for a particular set of offices, and in some cases, let's say town offices, municipal suffrage, the state constitution usually then said you could be elected to those offices. So, for example, in Kansas, 1887, women in some towns and cities got the right to vote for municipal offices. Well, then women started running for mayor and town council and other offices that they were then allowed to vote for and be elected to. In Kansas, there were several all-women town councils with a woman mayor.

AT: Nice. So, coming back to this misconception that voting rights and office holding rights are tied up together in these areas where women were getting elected by men because women didn't have the right to vote. How did that work? How did they convince the men, especially if, as you said, these were coveted positions, these were positions where they did have male opponents? So, how did they get the guys to vote for them?

JN: I think the first thing we have to think about answering your great question is this was an earlier, smaller America, and a lot of these people were in small communities where everybody knew each other. When I say small, I mean if we happen to have a newspaper report on it, it'll say the total number of votes cast was 350. So we're talking often about just a town or possibly a small county and people knew some particular woman and obviously if she won, she commanded respect in that community for whatever reasons, right? It could have been, as Wendy said earlier, Olive Rose came from a family of community leaders, people who had held office, and so the family may have had a good name and that would have helped, but I can remember the first time that we sort of heard that or read it. We looked at each other. I thought to myself, "how can this be? How could a woman be running for office knowing that her sisters couldn't vote for her?" Literally, her sisters in the house, her sisters as a community of women, and yet that's what happened.

And you have to accept when you are talking about the history of women running for office, is that there was a huge amount of irrationality in that system. Part of that is literally the way our national Constitution is set up. Our national Constitution is set up so that in the period before 1920, women could be in a state where they had full suffrage and they could vote for the US president, but a woman two miles down the road over the state border couldn't. The national government did not control the qualifications of the voters for national offices. How crazy is that? That's totally crazy, right? And all those guys who were sitting around in the late 18th century had come to a country that was very fragmented and local rights meant a lot. And when they sat down to replace the Articles of Confederation, they knew they couldn't be a confederation anymore, but they only moved away from that idea of confederation to a certain degree. And that's what our book shows, is the degree

to which, until 1920, with respect to women, we didn't come to one clear understanding of women voting. We left it to the local states, to the communities. And of course, we did that with other things as well. We did it with age and with property. We didn't ban polling taxes until the 20th century. So women weren't alone in being subjected to this completely crazy quilt of power to determine who could vote.

WC: So the other thing we should go back to is the previous discussion about the cultural changes. So in education, women were beginning, by the 1870s, to be considered the maternal voice in- and outside of the family. And that most educators, certainly in the lower grades for younger children, the majority of the teachers were women. And the offices to which women could be elected on the school board and as school officers were beginning to be considered extensions of their domestic home work. So that it was better for children, again, especially in the younger, but not always, to have that maternal, and it doesn't mean that they actually were mothers, but the idea that women teachers, women educators were creating this sort of domesticity outside of the home that would be transferred to the educational system.

And I think as Jill said earlier, that women were considered more efficient, more honest, would do a better job. Not always, but that was partly considered. And we also can't ignore the fact that party, the system in the United States, there's a primary, often months before, but sometimes only a few weeks before a general election. So in the primary, voters would vote for their party candidates. There might be more than one. And in the general election, they would vote for candidates of all the parties running. So it may be that if you were a Republican, let's say, in Iowa, where the first woman county superintendent of schools was elected, you might think "I'm a Republican. I'm never going to vote for a Democrat. And the candidate, I didn't vote for her in the primary, but the candidate is Julia Addington. She's a Republican. And so I have to keep my party and vote for her as a man, even though it's a woman." Or some people cross party lines. So men cross, said, "I'm never going to vote for a woman. I'm only going to vote for a man for this office." So we see that we see that the educational offices, which were some of the first that women were successful at, which was probably part of the reason that men would cross gender lines and vote for a woman.

AT: Now we've talked about how privilege is playing into this. And so I'm assuming in my mind, there's a particular kind of woman who was more likely to run for office. And in my head, that's a respectable, probably not immensely wealthy, but financially secure white woman.

WC: Not necessarily financially secure. We find that there are women who come from poor families, but managed to get educated. In some states, one of the qualifications for county superintendent was that you had to have been a teacher. But that's not always true. And it's certainly not true for school board election. But usually these women had received some education and many of them had gone to the early teachers colleges, which were called normal schools, which trained them in current pedagogy and educational policies and just the state of education in their state. So they were educated, but that didn't necessarily mean that they had financial security. A number of these women educate themselves, or they pay for their education by working while they're going to school. Many of them were teachers at a very young age and then managed to have some way to become further educated, though not necessarily. Depending on the location, some of them are first-generation immigrants. Some of them are second-generation immigrants. We found over two dozen Jewish women who were elected or campaigned. It just depended on where and what the local politics and ideas were about your background. Some of them were racially or ethnically prejudiced. Some of them were not. So it just depends on when and where.

And we've only managed to find so far five African-American women who campaigned for elected office, all of them but one campaigned for educational offices. And a woman named Amelia Allen was actually elected to the school board of Salina, Kansas in 1890. She was educated. She came from a fairly poor family. I think her mother might have been enslaved. But she was educated. She went to a teacher's educational school for African-Americans in Texas. She married and she and her husband moved to Kansas. We're still trying to find

out more information, but supposedly her Methodist church, which may have been interracial, helped get her elected. Now, Kansas women could vote for school offices and municipal offices by 1890. So the women in her church were voters as well as being fellow church members. So she had a network of people who could get out the vote. We just don't know because voting by gender and by race or age is just not tracked at all. So we just don't know who voted for a lot of these women. We just don't know, except in races where the voters were all men. Obviously, we know the gender of the voters in that case. But where women could vote, just nobody was keeping track of who voted for whom. Allen just ran for the one term and then she and her husband moved back to Texas later on. But yeah, there were women of all different backgrounds who were able to do this. It was much more difficult for African-Americans to run for office, but it did happen.

JN: One of the reasons that our colleagues have observed explains the absence of Black women candidates is that in our study period, the number of African-Americans in the United States was probably still about 90% located in the South. And in the South, we know voting rights, office holding rights for women was the slowest of any region in the country. So we find so many Black women, not only for the immediate reasons of having perhaps fewer opportunities for education for being accepted and therefore voted for by the broader community, but because they're in the conservative South and no woman is being elected there to speak of. We're really talking very, very small handfuls of women until 1920. So that's one of the explanations that we have to have. And of course, if we want to look at other ethnic and racial groups, whether it's Asians or Spanish-speaking, again, there are issues of immigration laws that limit them, being in the country and being citizens. There are just the fact that the places where they are come into the union later than Midwestern and Eastern states. So when you try and make comparisons across groups, you have to take all these different circumstances into account.

A group that's interesting, Allison, small in number but has an impact, are women lawyers. And they particularly have an impact from the 1870s through at least until the 1890s, where some of them like Lockwood run for what I call symbolic reasons. She knows she's not going to be elected, but she wants a forum. She wants a soapbox where she can speak and be covered by the media. And she's not alone in this. So Lockwood is a lawyer. She's one of the first to be admitted into the Washington DC bar. And the first woman admitted to the Supreme Court bar. She uses the bully pulpit in that way. And there are probably another 10 or 20 women in this period who do the same thing. They run for office occasionally hoping to win, thinking it might be a sufficiently local office that they might win, but often because they want that box to stand on and speak from. And so the fact that they've won the right to become lawyers helps them because they have obviously shown that they can be articulate and could be good office holders if they were permitted to.

WC: And we should say that the legal right to become a lawyer and to practice at the bar, as it's called, is different from state to state. So again, there's no national licensure for lawyers. It's state by state. So some women in some states are able to become full lawyers. In other states, they are not. And being a lawyer means that you can be an officer of the court, which again, it gives you that legal identity as somebody who can be called upon to have a public identity as somebody who is an official of your community and of your state. So this is another way that as women gain the right to become lawyers, that it's another opening both legal and cultural understanding of being separate from a married partner, because some of these lawyers are married women, to being allowed to have a separate legal identity in a public capacity.

AT: I'm seeing a lot of parallels to a previous episode about the US's first Congresswoman Jeannette Rankin. And I talked with Lorissa Rinehart, who's written a biography of Rankin called *Winning the Earthquake*. And so we talked about the intricacies of how she was able to get elected before women had national suffrage. And both in that conversation and in another episode about the Sioux Falls divorce colony, the fact that women often had more freedoms like easier divorces and voting rights in Western states for a couple different reasons,

[Listen to Lorissa Rinehart on Jeannette Rankin](#) or [read the transcript](#).

not least being that they wanted women to come live there. And that was one way to attract women to those areas. So you've said that in the South, basically no women were getting elected. But you've mentioned there were some wins in the Northeast. So I'm just wondering if this Western states having more rights for women is also reflected in where you see women running for and winning, because obviously, we've said those are two different things. But is that regional or state variation reflected in this as well?

[Listen to April White on Sioux Falls' Divorce Colony](#) or [read the transcript](#).

WC: Yes and no.

AT: My favorite answer.

JN: Well said, Wendy. I was going to say somewhat. I think one of the things that our book will bring to the table is that it's not quite as clear a division between West, Midwest, and the East Coast as it's been previously depicted. There was more action in the Northeast, particularly early, but continuing. And I'd love for Wendy in a minute to take up the discussion of Boston in that. So we found that there is more office holding in the East, for example, that any of the historians have really focused upon. And indeed, I just finished reading a law journal article that completely ignores the Boston School Committee and women running for that institution. So yes, there was something going on in the East. There was a little more going on in the Midwest. But if you look for the big stories, the big stories, of course, are in the West because that's where full suffrage is granted first. And so I guess I would say the West and the Plains states where you're seeing, whether it's in 1869-70 or whether it's in 1910, you're seeing the action there as opposed to anywhere else in the country.

And that makes it very easy. One of the things that we see as historians is that it's really difficult to tell a story like ours because there are so many people who figure in the story and there are so many variables that have to be covered to tell the story. It's much easier, for example, for a Ken Burns to focus on Stanton and Anthony in telling women's story, right? Because it gives you a focus and media wants a focus. But if you want the full play of history, if you want the nitty gritty and the dirty and the celebratory, you have to cast your net much wider. And doing that is just really difficult to do. But I do want people to come away from this saying, "oh, OK, there's really a lot of stuff going on in places that I didn't expect. OK, take it away, Wendy. Talk about Boston.

WC: I think you always have to realize that for a long time in the through the middle of the 19th century, the West was Kansas. That white people weren't settled very much further west. Some of the coastal states, California, Oregon, Washington, were settled, but in between, Native Americans were still the majority population. Texas, Arizona, New Mexico and part of California became part of the United States via the Mexican-American War in the 1840s. They were part of Spanish-held Mexico and then Mexican-governed Mexico. So what is the West? The Western Reserve is the western part of Ohio. It's the West through the first 80 years of the United States. So that's also an issue.

It also depends when women get some right. So in Kansas, where we actually see probably the most women elected before, let's say, 1915, because women got the school vote in 1861 right before it became a state and they got the municipal vote in 1887. So yes, it makes sense that there were a lot of women who were elected there. In the Northeast, women in most of the northeastern states got the right to vote for or be elected to school boards and school offices long before other parts of the country, except for maybe Kansas. So in the 1870s, women in Pennsylvania, where I am, got the right to be elected to school boards and school elections. In the 1870s they got the right to be elected and 10 years later to vote for, again school boards in Massachusetts, even though women were running and being elected to school boards long before that. So women in New Hampshire got the right to be elected to school boards in 1870, which is really quite early. So women in the Northeast had the right to be and were elected quite heavily to school offices. And in some states like Vermont, they could be county treasurers by the 1880s. So yes, there were a lot, but they didn't go beyond that. Whereas in some of the other states in the Midwest and the Western Plains, women did gain more

suffrage and electoral rights. I will say that those Pacific states, women didn't get much in the way of suffrage or electoral rights. So we think of California as today being very liberal, but women didn't get the vote or the right to vote even for school offices until 1911, for example. So you can't say that it was just a push westward. In Wyoming, where women got full suffrage in 1869, very, very few women were elected to any office, very few. It was much later. So Kansas is a big one. Utah is big because women had the right to vote in the 1870s, 1880s, lost it when Utah became a state. So as a territory, women could vote. But one of the conditions of the U.S. Congress that can thumbs up or thumbs down on whether a territory can become a state of the union of the United States, one of the qualifications was they take suffrage away from women. But once they became a state in the 1890s, the legislature voted, the women gain the suffrage back. Now, when we say these, it's not like out of the goodness of their hearts, there were women working. And this is something else that we should speak about is how women supported or didn't support women for elected office.

The other big state where women are elected early is Colorado. And Jill can talk a little bit about the reason that happened. But women, again, got full suffrage early and elected women to office. But when we say that as a general statement, we have to ask which offices, when, and do women become part of the political framework in that state? How many women are elected to the legislature? Are there any women governors? So it just depends on when, where and who. And I can speak a little bit about the Boston case and the Philadelphia case, because they're very similar, that women are elected to the school board in both Boston and Philadelphia in the 1870s. But in Boston, they are not seated. The school board, very powerful, and stepping stone for male politicians. And even though the women are legally elected by people in their wards, that is the separate communities of the city, the school board refuses to seat them. And the legislature eventually gives women the right to run for the office, that they have to be elected to school board. And a few do get elected. But it's very difficult. And even with that right, very few women are nominated by the main parties. And so there are groups both interested in educational reform, as well as women's groups, who press to get the school suffrage for women, school franchise, and also start nominating their own candidates. Because women just don't have access to the political party system, where the position of school board is considered a political plum. And in Boston, by the end of the century, the Irish and German immigrant communities are becoming much more powerful. And then it also becomes an issue of ethnicity. Are women in ethnic communities encouraged to vote? And it's always assumed that women voters will support women candidates. Is that true? Sometimes. Sometimes not. So that also becomes an issue. Whereas on the West Coast, women of, let's say, Irish background, no problem. Are they first-generation or second-generation German immigrants? No problem. What are their qualifications? What are their party connections? Are they going to get support from the local community in any capacity, any background?

JN: There are a number of things that Wendy just spoke about. For example, Utah women were granted full suffrage very early, the second state, I believe, and then lost it because Congress was in a total sweat about polygamy. And they didn't want Utah to come into the union with polygamy still being legal. So they took away voting rights as a way of putting pressure on that community. Utah is unusual in that women lose the vote through a political action of Congress. But elsewhere, when Wendy's talking about women run for office, they're not seated, or they're seated and challenged, there's an institution that has escaped our discussion so far. And that's the courts, the judiciary. And so another variable in this complicated, messy, fascinating story is that courts are called in when either someone announces a candidacy and someone challenges it, or when someone wins an office and someone challenges it. And occasionally we see that the question, "can this woman hold office?" will go to an attorney general in the state. But most often it goes to courts, and those could be a county court, a state court, ultimately a federal court, but generally a county or a state court. And there you find that you can have quite literally one or two justices determining whether women in that state can run for office. And so that occurs when you see that women are granted the vote and then lose the vote and then gain the vote again in states like Colorado and Washington state. And you have this very, very heavy involvement of courts and of justices who tend to be older white guys. And what's fascinating is that there's not

one trend in their decisions, that you almost always see an opinion of the court, which may go one way or the other, and then there'll be a dissenter. And sadly, in a number of these cases, you see that the majority is often in the more conservative old-fashioned judges and that the dissenters may be one or two in the minority who says, "things aren't as clear as my brothers on the court would make it. We believe that using the pronoun man doesn't necessarily mean man, it can mean humankind." We get down to that kind of teasing apart of language and thought. But we do have to understand that despite our commitment as a nation to the concept of democracy, that there are often courts which are not a majoritarian, not a democratic institution, making decisions about whether women can hold office and or vote.

WC: A lot of these judges would look to other opinions, previous opinions. So in the American jurisprudence system, that judges would look to other state courts or local courts and say, "well, Justice So-and-so in that previous case ruled that way and it looks like a good idea, so I'm going to rule this way too." They also use a lot of cultural information, like their own cultural biases. So some of them will say, "it's God's will that women should stay at home and be wives and be submissive." And others would say, "but modern progress is that women should participate in all institutions." And we see both of those through the last half of the 19th century. But I also wanted to say about attorney general. So mentioned before, the first woman who was elected to a county office, which was Julia Addington in 1869 in the state of Iowa. She ran for county superintendent of schools in Mitchell County. And she was a Republican. And the state superintendent of public instruction, that is the head of the educational system in the state, wrote to the attorney general of the state and said, "is this going to be illegal?" Because the county superintendent sometimes had to go to court to represent the county on about school taxes or actually sign contracts for various materials and cases. And the attorney general looked through several things, said "I don't see anything in the state constitution that limits the office of county superintendent to men. In fact, the word person is used. So the legislature must have agreed when they wrote this up," because it's a new sort of position. "They must have allowed women." He also looked, since this was 1869 to the new amendment to the constitution, the 14th amendment, which we want to talk about in just a minute. But I will say that this man, this attorney general, Henry O'Connor, I think his name was, in Iowa. He was the president of the woman's suffrage association, he'd just been elected. So part of this is that, I think he wouldn't have said that if he didn't think it was legal, that is that there were legal precedents, but he was obviously a very sympathetic character to this idea. And if you're going to be the president of the woman's suffrage association, that means that you are pro suffrage for women. And so women's rights. So this was one of the ways that we see some of these men who were active in supporting women's rights were also in positions of power.

But I think we need to talk about the amendments to the Constitution in the last quarter of the 19th century that had some impact on both the courts and the decisions of the legal system and legislators looking to both the federal changes. Because after the Civil War, it's the first time in the United States that there is, in addition to the US Constitution that speaks to a national idea of citizenship and really citizenship is a word that we haven't used yet, but all of these rights, are they or are they not part of the rights belonging to citizens of the United States? And women are citizens of the United States if they meet other qualifications, that is that they've been born in the United States or its territories, or they've been naturalized.

JN: Unless they're Native Americans. (WC: Yes. Yes. Of course.) Native Americans don't become citizens of the United States until 1924, just as an aside.

WC: Absolutely. And of course, before the Civil War, African-Americans who were enslaved people did not have citizenship rights either. So we do need to make that, that clear.

JN: I think what's fundamental because it's complicated, is that the statement that Wendy made that we're pursuing a concept of national citizenship and national justice in these amendments and the question becomes

one in subsequent years of what exactly was meant by those various words: due process, privileges, and immunities. For example, in the 14th Amendment, what was meant by them? What was left out? Women felt these amendments, which were ratified, the 14th in 1868 and the 15th amendment in 1870, were parts of the post-Civil War Reconstruction amendments to our national Constitution. And at the same time that the wording of these two amendments was being framed and argued over in Congress, women were pursuing a woman's suffrage amendment in part because some, but not all did not believe that the 14th Amendment was explicit in granting women political rights. And so they wanted to make certain through a woman's suffrage amendment that at least there'd be suffrage, if not office-holding and jury service.

The 15th amendment is clear because it, it speaks very specifically about the right of Black men to vote, to not be denied rights. But it does not include women. So then at that point you really do need a woman's suffrage amendment. And so there are people in Congress beginning in the late 1860s that are trying to get a woman's suffrage amendment introduced. And then you have that happen in the late 1870s. And obviously you then jog along from the late 1870s until 1920 before it actually occurs. So it's a very dynamic situation, both in terms of what happens in Congress and ratification at the state level, but also what's happening in courts in terms of challenges that are brought by people seeking to clarify the meaning, particularly of the 14th Amendment.

WC: An amendment is usually written, variations of it are written by political party members with assistance from other politicians. It's then voted on by both houses of Congress. And once it's passed, that is the majority of the members of Congress agree to it, then it has to go to the states for ratification. So there is then the legislatures, the government in each state has to pass it or not pass it. And that's called the ratification process. And it's three-quarters in favor of it for it actually to become an amendment to the Constitution. So we say passage in Congress of the 19th amendment in 1920, is actually in 1919, ratification is the next year. So in the 14th Amendment, it's the first time in the federal Constitution that the word "male" is used, specifically denying women the right to full citizenship.

In the mid-1870s, this is after both the 14th and 15th amendments have been ratified, there's a case that comes out of Missouri. So a woman named Virginia Minor believes that because of the 14th and 15th Amendment, she has the right to vote because she's a citizen. And these amendments give citizens the right to vote, supposedly, in her philosophy. And she's supported by her husband in this. So she goes to vote to register to vote and the board of elections in her community refuse her the right to register to vote. And eventually this case comes before the Supreme Court. In the highest court in the US they take up the case and they basically say, "no, these amendments to the constitution is how they would rule based on the Constitution, "they do not give women the right to vote." And they say that women, "yes, or women are citizens, but not all citizens have the right to vote." And they get lots of examples. And there is one justice in particular who talks about the God-given divine right that women need to stay in the home. He's way behind the cultural reality of the time because by the 1870s, there are hundreds of thousands or millions of women in the workforce, particularly since the Civil War has destroyed many family systems, both free and formerly enslaved people that women no longer have the opportunity, many women, to marry and become that woman who only lived in the domestic sphere.

But one of the things that if we go back to Henry O'Connor in Iowa, like many pro-woman suffrage men, calls upon these amendments to supports, this is before the Supreme Court case, to call upon these amendments and say, "look, we now have these amendments that give women citizenship rights. So of course they should be able to become county superintendents of schools." But then the Minor v. Happersett case, it's the name of the county register of elections in Missouri, where the case come from, basically that shot down. And so women and their supporters who are interested in rights and woman suffrage turn their attention, both to a national federal suffrage amendment, which takes another 50 years, but also to electing men and women to legislators, they hope, who will then vote in favor of a national amendment once it comes to their power to do so to ratify.

JN: So, Allison, here's our bookend to the 14th and 15th Amendment. We finally get a woman's suffrage amendment, 19th Amendment, but guess what? It only talks about suffrage. It doesn't talk about office-holding. Now, if you're one of those people who believes that office-holding is implicitly a part of suffrage, the right of suffrage, then you're fine. The 19th Amendment, it brings you full circle. Women can vote. Women can run for office and, a little fuzzier, maybe they can even serve on juries. But if you are someone who doesn't believe that voting and office holding are totally tied to one another, then you get the ratification of the 19th Amendment. But the question of open of office holding is still up for legal challenge. And that's really, as I said, the bookend of this discussion, because what we find and which totally stuns many people and initially we were stunned by it, you find court cases after ratification of the 19th Amendment in which men are challenging the right of women to hold office. So you come full circle and yet you don't exactly, because you still have people who for various reasons in Congress left the words "office holding" out of the 19th Amendment. And so you needed to proceed with this non-democratic process of court cases in order to resolve that in several different jurisdictions.

AT: What do you think that women who are running for office nowadays, particularly women who do fall on the "women should have rights" end of the political spectrum, which is weird that that's even a question, but what do you think that those women who are wanting to seek office even today can learn from the women that you've studied?

JN: I think perseverance has to be right up there. There's always going to be a fight. I think what we've learned though in my lifetime, and I seem to be holding up the senior end of things here, is that in what was then called the second women's movement and moment of the sixties and early seventies, there was a a rebirth of this idea of women should always vote for women. We talked earlier about a Republican who was urged by her sisters to vote for a Democratic candidate because she was a woman. We talked about that occurring before the 19th Amendment. Well, that happened again in the '60s and '70. I can remember as a young woman then saying, "if there's a woman on the ballot, dammit, I'm going to vote for her." And only after the fact that I find out that I hadn't done my homework and this woman and I really didn't align. So there's the issue of perseverance, there's the issue of making clear that any single identity does not necessarily carry the day. But if I was talking to a woman today about what they should take away from these women, I would say, "well, take away the fact that you really do need to know what each and every candidate stands for." And whether that was back in the 1890s and you had an issue around sanitation, and therefore taxation spending money, make sure you know what your woman stands for. I think to me, that would be the more sophisticated approach to politics, which we sometimes in our enthusiasm, and I've put myself right out there as someone who did this decades ago, we sometimes follow an initial inclination, that's not necessarily a bad one. It wasn't a bad idea that I vote for any woman on the ballot, but do your homework and make sure you aren't voting against yourself.

WC: I think that women politicians today would be inspired by knowing that so many women ran before them, and that some of the issues that women today still face, like who's taking care of your children at home, what they're wearing, and whether or not they can play politics with men were issues that women from the 1850s onward were facing as well. I can't tell you how many times we get descriptions of a woman's hat that she was wearing, or that women couldn't be on the school board in Boston because they would have to be out at night with men. But there's inspiration that all of these women were running. Some of them were running for better government, some were running for the right of women to run and be politicians, some of them were running because they needed a job and a salary, they needed a community identity, but they were there to do a job and that in many cases their gender was used both for them and against them. They were pioneers and they persevered. They often relied on other women, both in their families to help support their domestic work and also women who were organized and got out the vote and created an afternoon tea for them or drove them

around in a car or a buggy. But there were often women campaign managers and that they tried again and again. So if they didn't succeed the first time, many of these women ran for a second time. So I think all of those things are the positives, that they're not necessarily the first, though they may be the first in their county or in the job, but there's a whole history behind them that can help them succeed.

AT: Join us next time on the Infinite Women podcast and remember well-behaved women rarely make history.