

Extended Controversial Issue Discussion Lesson Plan

Lesson Title: Did the Constitution Represent Women?

Author Name: Michelle Gleason

Contact Information: mgleason@washoeschools.net

Appropriate for Grade Level(s): 5th-7th

US History Standard(s)/Applicable CCSS(s):

C13.5.1 Explain...Constitution...is a written document that [is] the foundation of the U.S. government

CCSS RL.5.1 Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

CCSS RIT.5.5 Compare and contrast the overall structure of events, ideas, concepts or information in two or more texts.

CCSS W.5.2 Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

CCSS W.5.4 Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience.

CCSS SL.5.3 Summarize the points a speaker makes and explain how each claim is supported by reasons and evidence.

CCSS SL.5.4 Report on a topic or text or present an opinion, sequencing ideas logically and using appropriate facts and relevant, descriptive details to support main ideas or themes; speak clearly at an understandable pace.

Discussion Question(s): Students will discuss the question: Did the Constitution Represent Women? They will choose a quote that represents their opinion and present their evidence in a Socratic Seminar. Other discussion questions I am using are included in the individual activities the students are doing.

Engagement Strategy: Socratic Seminar

Student Readings (list):

1. Quotes from state constitutions, letters, Amendments, and other sources for the bucket activity
2. Preamble of the Constitution
3. Why the Constitution Includes Women by Jan Lewis
4. Exploring Constitution Conflicts by Doug Linder
5. The 14th, 15th, & 19th Amendment

Total Time Needed: 5-6 days

Lesson Outline:

Time Frame (e.g. 15 minutes)	What is the teacher doing?	What are students doing?
Day 1	<ol style="list-style-type: none">1. Pass out bucket quotes that are copied on different colored paper to students who are broken into groups of 4. Place a bucket labeled "women were included" and "women weren't included" in each group.2. Pass out the bucket worksheet and after students are finished completing the worksheet discuss their answers as a whole group.	<ol style="list-style-type: none">1. Students will read, discuss, and sort the quotes into a bucket. Students will look for key words, etc. that will help them in their decision.2. Students answer the questions on the worksheet working as a group, but each student will record answers on their sheet. During whole group discussion students can add to their answers if they feel they need to.
Day 2	<ol style="list-style-type: none">1. Read the Preamble to the class. Break students into 8 groups (groups of 3-4) and pass each group a line from the Preamble to illustrate the meaning of the line. Final product will be displayed in the classroom.2. Pass out the Preamble worksheet to students and have them answer the questions by themselves. Have students discuss their answers in small groups and then whole group.	<ol style="list-style-type: none">1. Students will work in small groups to illustrate the meaning of their

		<p>assigned line of the Preamble. Students will use a dictionary or Social Studies text to help identify meaning of difficult words. Students will present their finished line illustration to the class.</p> <p>2. Students will reread the Preamble to themselves. Students will answer the question on the worksheet individually. Small groups will share their answers and then whole group discussion of their opinion. Students may add to their answer while discussing with other classmates.</p>
Day 3	1. Pass out Exploring Constitutional Conflicts by Doug Linder and have students cold read and annotate. When students are finished, pass out	1. Students cold read

	<p>blank timeline. Teacher reads aloud and class discusses each paragraph. After discussion, students will add a date and information about that date to the timeline. When teacher reads about the Declaration of Sentiments the students will be shown the website http://www.library.csi.cuny.edu/dept/history/lavender/2desc.htm to show the students the difference between the Declaration of Sentiments and the Declaration of Independence. The students will be able to add details to their time line about the differences. When teacher reads about the Reconstruction Amendments the teacher will hand out the Amendment worksheet for students to refer to. When the teacher reads aloud the paragraph about Minor v Happersett the students will be shown the website http://law2.umkc.edu/faculty/projects/ftrials/conlaw/minorvhapp.html to see what the court documents looked like. Students can add details to their timeline that is discussed from the findings on the website. When finished students will discuss how long it took for women to vote and that many people believed the Constitution did not give women rights.</p>	<p>quietly to themselves annotating as they read. When finished, students listen to teacher read aloud each paragraph and discuss whole group the meaning and importance of each paragraph. Students will add dates found in each paragraph to their timeline and important details about that date. Students discuss their findings about women's suffrage after this activity and can take notes on back of their reading.</p>
Day 4/5	<ol style="list-style-type: none"> 1. Pass out Why the Constitution includes women by Jan Lewis reading the box: Before you start reading, make sure you really understand the difference between explicit... The teacher will discuss with the class the meaning of explicit and implicit at this time and create a T-chart identifying some things that are explicit and implicit to the students. Students will have their own T-chart to record answers on. The teacher 	<ol style="list-style-type: none"> 1. Students will learn the meaning of explicit and implicit and give

	<p>will add to the T-chart as the class discusses the meaning of each paragraph. Students will then cold read the reading. After the cold read, the teacher will read aloud the reading paragraph by paragraph focusing on the meaning of each paragraph. After the first read, the teacher will read aloud the document again focusing on the discussion questions on the reading. Students will take notes on lined paper.</p> <p>2. Students will be handed the Socratic Seminar worksheet . Teacher will explain the directions. They can refer to the Amendments hand-out to help with determining which quote they want to use. Students will determine which quote they want to use to represent their belief about women and the Constitution. They will begin to brainstorm ideas and evidence they want to include from all class discussions and worksheets. As homework that night, students will write an ARE paragraph(s) on their worksheet to use in Socratic Seminar in class the next day.</p>	<p>examples to place in a T-chart.</p> <p>Students will cold read the reading and then listen as the teacher reads aloud paragraph by paragraph. The students will discuss in small groups the meaning of each paragraph and then come together as a whole class. Students will add implicit and explicit items to their T-chart. When finished with the first read, the teacher will read aloud the reading again and students will answer the questions orally in</p>
--	--	---

		<p>small groups knowing they will share. Students will record answers on a lined sheet of paper.</p> <p>2. Students will read over the Socratic Seminar worksheet and choose a quote to prepare for Socratic Seminar. Students will brainstorm ideas and evidence they want to use. As homework they will write an ARE paragraph(s) to use in Socratic Seminar the next day.</p>
Day 6	<ol style="list-style-type: none"> 1. Students will present their chosen quote and evidence in Socratic Seminar. Teacher will mark who participates on a clip-board. 2. After completion of the seminar pass out self reflection questions for students to answer. 	<ol style="list-style-type: none"> 1. Students will be prepared to participate in Socratic Seminar bringing there ARE paragraph(s). Students will follow

		<p>the Norms that have been established and all students will participate.</p> <p>2. Students will reflect on the seminar by writing answers to the self reflection questions.</p>
--	--	--

Description of Lesson Assessment: Rubric for Socratic Seminar

How will students reflect on the process and their learning? Students will answer 3 questions reflecting on what they learned and how they presented their piece during Socratic Seminar.

Bucket Pieces

Constitution of New Jersey; 1776

IV. That all inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large.

Constitution of Pennsylvania - September 28, 1776

- I. That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

Constitution of Georgia; February 5, 1777

ART. IX. All male white inhabitants, of the age of twenty-one years, and possessed in his own right of ten pounds value, and liable to pay tax in this State, or being of any mechanic trade, and shall have been resident six months in this State, shall have a right to vote at all elections for representatives, or any other officers, herein agreed to be chosen by the people at large; and every person having a right to vote at any election shall vote by ballot personally.

Constitution of New Hampshire – 1776

WE, the members of the Congress of New Hampshire, chosen and appointed by the free suffrages of the people of said colony, and authorized and empowered by them to meet together, and use such means and pursue such measures as we should judge best for the public good; and in particular to establish some form of government, provided that measure should be recommended by the Continental Congress: And a recommendation to that purpose having been transmitted to us from the said Congress:

Ratification of the Constitution by the State of New York; July 26, 1788.

That all Power is originally vested in and consequently derived from the People, and that Government is instituted by them for their common Interest Protection and Security.

That the enjoyment of Life, Liberty and the pursuit of Happiness are essential rights which every Government ought to respect and preserve.

That the Powers of Government may be reassumed by the People, whensoever it shall become necessary to their Happiness; that every Power, Jurisdiction and right, which is not by the said [Constitution](#) clearly delegated to the Congress of the United States, or the departments of the Government thereof, remains to the People of the several States, or to their respective State Governments to whom they may have granted the same

Constitution of Vermont - July 4, 1786

A DECLARATION OF THE RIGHTS OF THE, INHABITANTS OF THE STATE OF VERMONT

- I. THAT all men are born equally free and independent, and have certain natural, inherent and unalienable rights; amongst which are, the enjoying and defending life and liberty-acquiring, possessing and protecting property-and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law to serve any person, as a servant, slave, or apprentice, after he arrives to the age of twenty one Years; nor female, in like manner, after she arrives to the age of eighteen years; unless they are bound by their own consent after they arrive to such age; or bound by law for the payment of debts, damages, fines, costs, or the like.

The Constitution of New York : April 20, 1777

VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this State for six months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds, within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this State: *Provided always*, That every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New York on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities, respectively, shall be entitled to vote for representatives in assembly within his said place of residence.

MARCH 31, 1776

ABIGAIL ADAMS TO JOHN ADAMS

"I long to hear that you have declared an independency. And, by the way, in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors.

"Do not put such unlimited power into the hands of the husbands.

"Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.

MAY 7, 1776

ABIGAIL ADAMS TO JOHN ADAMS

"I cannot say that I think you are very generous to the ladies; for, whilst you are proclaiming peace and good-will to men, emancipating all nations, you insist upon retaining an absolute power over wives.

Great Britain : Parliament - The Massachusetts Government Act; May 20, 1774

An act for the better regulating the government of the province of the Massachuset^t's Bay, in New England

VIII. And whereas the method at present used in the province of Massachuset^t's Bay in America, of electing persons to serve on grand juries, and other juries, by the freeholders and inhabitants of the several towns, affords occasion for many evil practices, and tends to pervert the free and impartial administration of justice: for remedy whereof, be it further enacted by the authority aforesaid, That, from and after the respective times appointed for the holding of the general sessions of the peace in the several counties within the said province, next after the month of September, one thousand seven hundred and seventy-four, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, in the several counties within the said province, shall not be elected, nominated, or appointed, by the freeholders and inhabitants of the several towns within the said respective counties nor summoned or returned by the constables of the said towns;

Constitution of the Confederate States; March 11, 1861

Preamble

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity invoking the favor and guidance of Almighty God do ordain and establish this Constitution for the Confederate States of America.

Amendment XIV - Citizen rights not to be abridged

Passed by Congress June 13, 1866. Ratified July 9, 1868

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Amendment XV - Race no bar to voting rights

Passed by Congress February 26, 1869. Ratified February 3, 1870.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

**IN FAVOR OF AN AMENDMENT TO THE NATIONAL CONSTITUTION PROHIBITING THE
DISFRANCHISEMENT OF
UNITED STATES CITIZENS ON ACCOUNT OF SEX.**

Resolved, -That the right of citizens of the United States to vote shall not be denied or a abridged by the United States, or by any State, on account of sex.

A DELEGATION from the National Woman Suffrage organization has appeared before committees of the Senate and House of every Congress since 1869, asking for a Sixteenth Amendment to the National Constitution which shall prohibit the disfranchisement of United States citizens on account of gender. Eleven favorable reports have been made- five from Senate, six from House Committees.

WOMAN SUFFRAGE AND THE NINETEENTH AMENDMENT

by Professor Kris Kobach (Univ. of Missouri-K. C.)

(The following is an excerpt from "Rethinking Article V: Term Limits and the Seventeenth and Nineteenth Amendments," 103 Yale Law Journal (1994))

Just as the curtain was closing on the struggle for the Seventeenth Amendment, the suffragist movement was starting to gain momentum on the same path of transformation. Like the former, the latter campaign began many decades before the constitutional amendment was achieved. It originated at a meeting on July 19-20, 1848, in Seneca Falls, New York. The participants drafted a "Declaration of Sentiments" protesting the political, social, and economic inferiority of women. The Declaration also included the first public demand for extending the franchise to women. It was the first of many such conventions in the nascent women's rights movement, and virtually all of the activists in the cause were abolitionists as well.

Wyoming:
THE EQUALITY STATE

When the U.S. Congress, strongly opposed to women's suffrage, threatened to withhold statehood from Wyoming, Cheyenne officials sent back a staunchly worded telegram stating that Wyoming would remain out of the Union 100 years rather than join without women's suffrage. On July 10, 1890, President Benjamin Harrison signed the bill approving Wyoming as the nation's "Equality State."

Utah:
WOMEN IN CHURCH, MARRIAGE, AND POLITICS

When the Utah Territorial Legislature approved suffrage in 1870, it enfranchised more than 17,000 women, the largest population of female voters in the world.

Washington:
CRUSADE IN THE NORTHWEST

Had it not been for one vote in 1854, Washington Territory might have won away from Wyoming the honor of being the nation's first state to enact women's suffrage. Despite this disappointment, several women voted in Washington as early as 1869.

Memorable Quotes from the Seneca Falls Woman's Rights Convention of 1848:

"He has compelled her to submit to laws, in the formation of which she had no voice."

"He has made her, if married, in the eye of the law, civilly dead."

"He has taken from her all right in property, even to the wages she earns."

Wyoming:
THE EQUALITY STATE

Wyoming voters went on to make history in 1924, when they elected [Nellie Tayloe Ross](#), the nation's first woman governor.

California:
WOMEN WORK FOR WAGES, VOTES, AND VISIBILITY

The eyes of the nation were on California in 1911, when male voters flocked to the polls to approve women's right to vote by a wide margin in the statewide referendum. It was the sixth and largest state so far to approve women's suffrage in the United States.

Kansas:
THE THIRD TIME IS A CHARM

Fresh energy and more prosperous times spurred a third attempt to enact women's right to vote in 1912. By now the political climate had changed--ushering in a period of dramatic political and social reform known as the Progressive era. All of the major parties and factions united at last, as Kansas voters delivered the final victory in 1912. Kansas was now the eighth suffrage state.

Oregon:
**TENACIOUS STANDARD BEARER:
ABIGAIL SCOTT DUNIWAY**

Women pushed the suffrage measure onto the ballot in alternating years until 1912, when Oregon's stubborn male voters finally passed the suffrage measure they had defeated no less than five times since 1884.

New Mexico:
DISFRANCHISEMENT IS A DISGRACE

The state's constitution, ratified in 1910, posed the most formidable obstacle to early suffrage. The State Federation of Women's Clubs won the right to school suffrage. Despite valiant efforts by suffrage organizers after 1915, New Mexico's legislature was one of the last to ratify the 19th Amendment to the U.S. Constitution in 1920. The amendment passed through Congress and to the states for ratification. New Mexico women won full suffrage at last with the final ratification by the state legislature of the amendment in 1920.

Amendment XIX - Giving nationwide suffrage to women

Passed by Congress June 4, 1919. Ratified August 18, 1920.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Women's Trade Union League (WTUL), American organization, the first national association dedicated to organizing women workers. Founded in 1903, the WTUL proved remarkably successful in uniting women from all classes to work toward better, fairer working conditions.

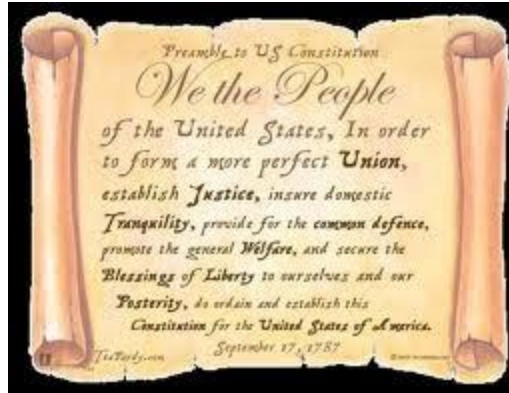
Georgia rejected the Nineteenth Amendment, "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex," on July 24, 1919. In August 1921, the Georgia General Assembly passed an act repealing the section of the Georgia Code stating that "females are not entitled to the privilege of the elective franchise,...", and thus gave women the right to vote, although the Nineteenth Amendment had already been ratified on August 18, 1920. Georgia finally ratified the Nineteenth Amendment on March 27, 1970.



Women were included

Women weren't included

1. What words did you use to help you in your choice of placing the quotes in each bucket?
2. What years appear the most in each bucket? Explain why.
3. What can you conclude about State Constitutions, the Constitution and women?



We the people of the United States,
In order to form a more perfect Union,
Establish justice, insure domestic tranquility,
Provide for the common defense,
Promote the general welfare and
Secure the blessings of liberty
To ourselves and our posterity
Do ordain and establish this Constitution for the United States of America.

Do you think “We the people” includes women? How do you know?

exploring Constitutional Conflicts

by Doug Linder

The beginning of the fight for women **suffrage**¹ is usually traced to the "**Declaration of Sentiments**"² produced at the first woman's rights convention in Seneca Falls, N. Y. in 1848. Four years later, at the Woman's Rights Convention in Syracuse in 1852, Susan B. Anthony joined the fight, arguing that "the right women needed above every other...was the right of suffrage."

During debates on the **Reconstruction Amendments**³, which extended the vote to ex-slaves (through the 15th Amendment), **suffragists**⁴ pushed hard for "universal suffrage," but they never had a chance.

In 1872, a suffragists brought a series of court challenges designed to test whether voting was a "privilege" of "U. S. citizenship" now belonging to women by virtue of the recently adopted 14th Amendment. One such challenge grew out of a criminal prosecution of Susan B. Anthony for illegally voting in the 1872 election. The first case to make its way to the Supreme Court, however, was *Minor vs Happersett (1875)*⁵. In *Minor*, a unanimous Court rejected the argument that either the privileges and immunities clause or the equal protection clause of the 14th Amendment extended the vote to women. Following *Minor*, suffragists turned their attention from the courts to the states and to Congress.

In 1878, a constitutional amendment was proposed that provided "The right of citizens to vote shall not be abridged by the United States or by any State on account of **sex**"⁶. This same amendment would be introduced in every session of Congress for the next 41 years (this eventually became the Nineteenth Amendment).

In July 1890, the Territory of Wyoming, which allowed women to vote, was admitted as a state. Wyoming became the first state with women suffrage. By 1900, Utah, Colorado, and Idaho joined Wyoming in allowing women to vote.

In May 1919, the necessary two-thirds vote in favor of the women suffrage amendment was finally mustered in Congress, and the proposed amendment was sent to the states for ratification. By July 1920, with a number of primarily southern states adamantly opposed to the amendment, it all came down to Tennessee. It appeared that the amendment might fail by one vote in the Tennessee house, but twenty-four-year-old Harry Burns surprised observers by casting the deciding vote for ratification. At the time of his vote, Burns had in his pocket a letter he had received from his mother urging him, "Don't forget to be a good boy" and "vote for suffrage." Women had finally won the vote. The Nineteenth Amendment was ratified on August 18, 1920.

¹ Right or privilege to vote

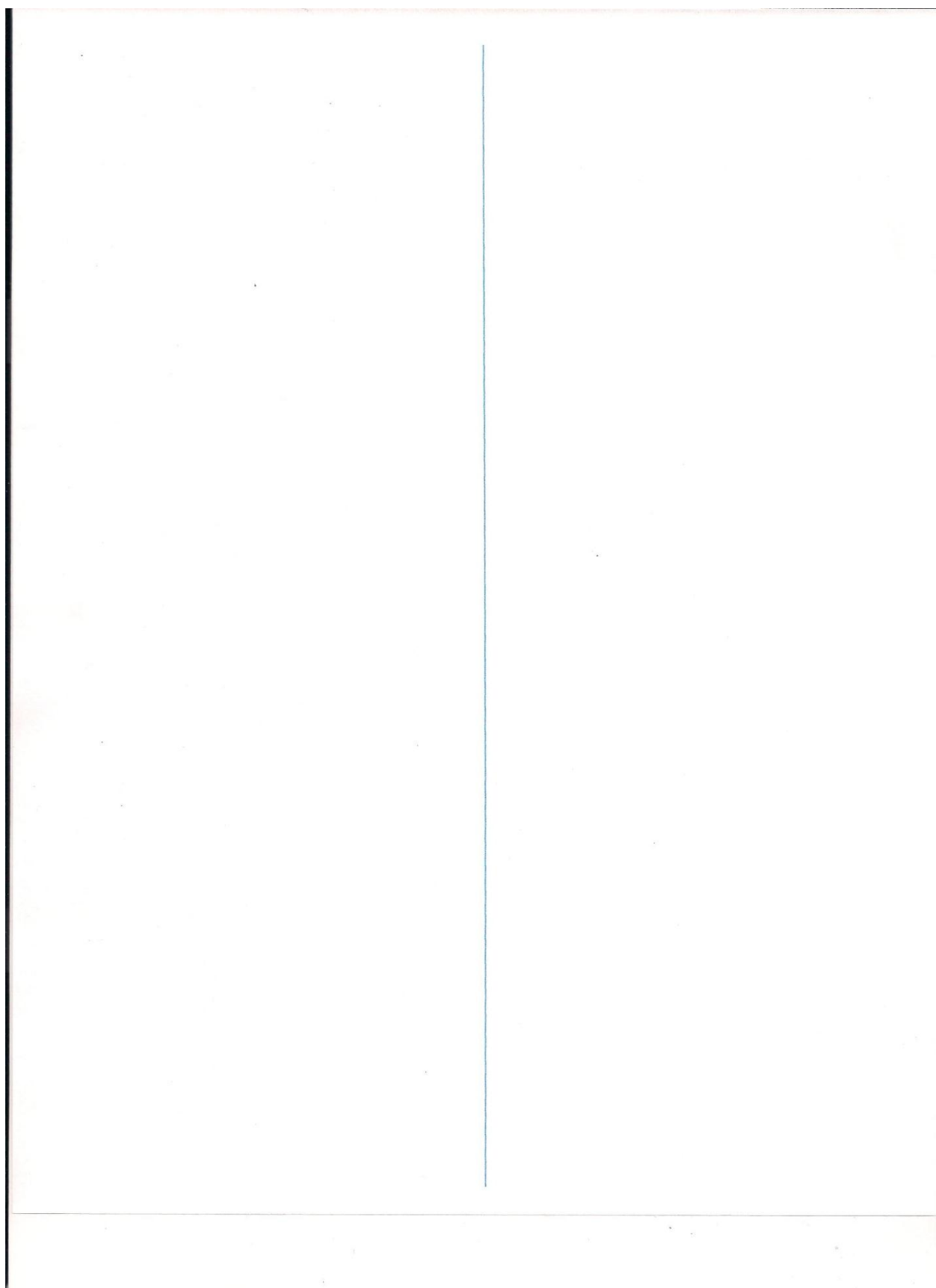
² Document signed in 1848 at the first women's convention in Seneca Falls, NY

³ The 13th, 14th, & 15th Amendments were intended to restructure the United States from a country that was "half slave and half free" to one in which the constitutionally guaranteed rights to the entire male populace, including the former slaves and their descendants.

⁴ People who worked and fought for women's right to vote.

⁵ Virginia Minor, a leader of the women's suffrage movement in Missouri, alleged that the refusal of Reese Happersett, a Missouri state registrar, to allow her to register to vote was an infringement of her civil rights under the Fourteenth Amendment.

⁶ Gender



Amendment XIV - Citizen rights not to be abridged

Passed by Congress June 13, 1866. Ratified July 9, 1868

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Amendment XV - Race no bar to voting rights

Passed by Congress February 26, 1869. Ratified February 3, 1870.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Amendment XIX - Giving nationwide suffrage to women

Passed by Congress June 4, 1919. Ratified August 18, 1920.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

roundtable
discussion: **The Uses & Abuses
of the Constitution** ★ ★ ★ ★

1
2

3 **Why the Constitution Includes Women**
4 Jan Ellen Lewis

5 ...Some have argued that women's omission¹ [from the Constitution] meant that
6 they were implicitly² included, and hence were members of...the "imagined
7 community" of the new American nation.

8 Women were introduced...to the Constitutional Convention on June 11, in one
9 of the early debates about representation³ ...Pennsylvania's James
10 Wilson...suggested that it be "in proportion to the whole number of white &
11 other free Citizens and inhabitants⁴ of every age sex & condition including
12 those bound to servitude for a term of years and three fifths of all other persons
13 not comprehended in the foregoing description, except Indians paying taxes, in
14 each state."

15 Purely for stylistic reasons the Committee deleted the phrase "of every age sex
16 & condition. In other words, the framers⁵ had expressly⁶ included women
17 among those whom the new government was intended to represent, and then
18 had almost immediately edited their presence out...

19 ...The mere mention of "sex," ... means that the Constitution rests on an
20 inclusive⁷ theory of representation. ... It would have been quite easy to use the
21 word "men," but the delegates chose instead the more inclusive "persons," and
22 in their debates, if not the final, edited version of the Constitution, they made it
23 clear that "persons" included women.

24 They did so, I believe, for two reasons. First, many of them believed that the
25 purpose of government was to protect society. ... And women were members of
26 society. Every political and social theorist who discussed this matter...were
27 explicit here. If government's role was to protect society, and society included
28 women, one of the objects of government was the protection of women.

29 ...

¹ Exclusion (left out)

² Not obviously

³ How the people of the country will elect government officials to make decisions for them

⁴ People who live in an area

⁵ Writers of the Constitution

⁶ Another word for explicitly or obviously

⁷ Broad; covering everyone

Before you start reading, make sure you really understand the difference between explicit (obviously) and implicit (not obviously). Each time you come across these words, check your understanding.

From the title, what can you tell about the author's opinion of the issue?

How does the word "imagined" help you understand implicitly included?

In what discussion were women introduced? What words tell you that women were introduced at the Convention?

According to the author, why were women (every "sex") deleted from the Constitution? In the first draft, were women explicitly or implicitly in the Constitution?

What evidence does the author give that our government was "inclusive" and included women in the Constitution?

What is the purpose of government? What does this tell us about women and government? How is protection of women different than representation of women?

30 We can see some of that potential⁸ when we look at the Bill of Rights.
31 Significantly⁹, all of these rights pertained to women. Women were not... called
32 to the duties of citizenship¹⁰. But they certainly were accorded¹¹ its rights.

In one short sentence,
rephrase this paragraph in
your own words.

33 ...

34 Yes, the Constitution included women. Yes, it represented them. Yes, it
35 implicitly offered them protection. But it did not allow them to represent
36 themselves. Instead, it entrusted their care to men in their families, just as it
37 entrusted the care of slaves to their owners. The Constitution made women
38 rights-bearing citizens and represented them as members of the body politic, but
39 it gave them no means of securing their rights.

How are women and slaves
alike when it comes to the
Constitution?
What is the problem with
saying women have rights if
they have no means of
using those rights?

⁸ possibility

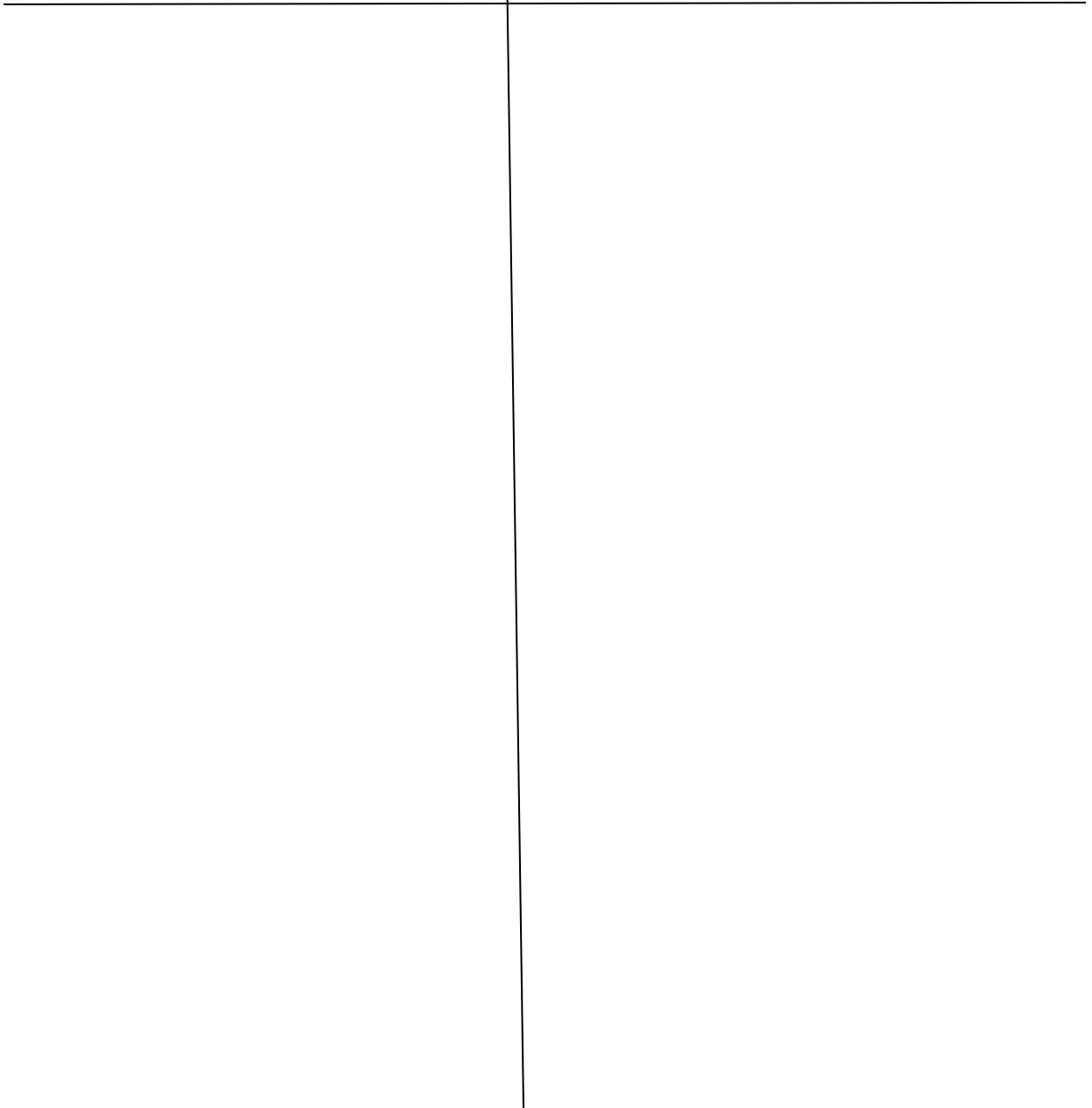
⁹ importantly

¹⁰ Duties of citizenship include voting, running for office, serving on juries.

¹¹ given

Explicit

Implicit





Socratic Seminar

Choose one quote that describes your belief about women's rights in the Constitution. Include evidence from your readings and class activities to support your choice.

Susan B. Anthony said, "It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the people, who formed the Union..."

Jan Lewis said, "The Constitution made women rights-bearing citizens and represented them as members of the body politic, but it gave them no means of securing their rights."

Self-Reflection Questions

1. What new things did you learn?

2. What did you do well?

3. What can you improve on?

Class Debate : Women Included in Constitution Socratic Seminar

Teacher Name: **Michelle Gleason**

Student Name: _____

CATEGORY	4	3	2	1
Content	An extensive amount of evidence is documented and displayed throughout.	An adequate amount of evidence is documented and displayed throughout.	A small amount of evidence is documented and displayed throughout.	A poor attempt at including evidence is evident.
Organization	The material is superbly organized and it has excellent transitions between points.	The material is easily followed and there are good transitions between points.	There is some organization.	There is no organization.
Responds to Another Speaker	There is evidence of listening attentively and responding thoughtfully to the speaker at all times.	There is evidence of listening attentively to what the speaker is saying and responding accordingly much of the time.	There is a slight response; listening is limited.	There is no effort to respond to what the speaker is saying.
Persuasive Ability	The reader or listener easily understands the point of view of the developed thesis.	The reader or listener can follow the point of view of the developed thesis.	The partial development of the thesis leaves the reader or listener with a limited ability to follow the point of view.	The reader or listener is unable to follow the point of view since the thesis was not developed.

Michelle Gleason

TAHP Vertical Alignment

January 25, 2012

Did the Constitution Represent Women?

Before the U. S. Constitution was written, each of the thirteen states had their own constitutions. Most of these constitutions protected the “common people” in each state. Who were these “common people”? Most of them were wealthy white men who were in control of their local governments. The “common people” did not include slaves, women, or the poor. These “common people” did not listen to everyone in the state, but were speaking and acting for themselves.

There were a few state constitutions that represented women in some way. New York, Massachusetts, New Hampshire and New Jersey originally gave women the right to vote. Three of the four states took that right away and eventually New Jersey was the only state that kept the right in their constitution. New York took the right away in 1777. Massachusetts took these rights away in 1780 and New Hampshire in 1784.

Some states had individuals who did not believe the wealthy or the “common people” should continue to get wealthy and have complete control of the government. For example, Philadelphia created an organization made up of the working class called the Patriotic Society. In 1772, this Society promoted candidates and held meetings with agendas.

Farmers and artisans created Pennsylvania’s Constitution. It was written in 1776, but it ignored women, slaves, servants and the poor. Only free men who paid public taxes were entitled to vote. This constitution became important in history because it showed that the working class had a clear vision of how government worked (Dolbeare 5).

After the states won the Revolutionary War, they faced many problems of peacetime government. It was up to each state to enforce law and order, collect taxes, pay a large public debt, and regulate trade with each other. Indians and negotiating with other governments were also issues. Important statesmen like George Washington and Alexander Hamilton recognized there was a problem and started talking about creating one strong government under a constitution. They began to look at the individual state governments as guidelines to create this central government ("Constitution" 1).

On May 25, 1787, 55 delegates arrived at the Constitutional Convention at Independence Hall in Philadelphia. Among these men were the framers, George Washington, Alexander Hamilton, Sam Adams, John Adams, Benjamin Franklin, and James Otis. Again you notice they are wealthy, upper class citizens. The delegates were supposed to revise the Articles of Confederation, but instead began to write the United States Constitution. Women were not represented at the Convention and Abigail Adams urged John and other framers to, "Remember the ladies," when writing the Constitution. John Adams responded, "Depend upon it. We know better than to repeal our masculine systems" (Ireland 1). This document was ratified on July 4, 1787, but did it include the "ladies" like Adams had so desperately asked of her husband?

Some scholars believe that women are nowhere mentioned in the Constitution. Instead this new Constitution's promised rights were only given to certain white males. Many believed that women were still treated according to the English common law and were denied many legal rights. Women could not vote, own property, keep any wages they earned, or even obtain custody of their own children (Francis 1).

It is how the scholars look at the omission of women that is interesting. According to Jan Lewis (Lewis 69), some believe that the Constitution's silence of women should be implied that

they were actually included. They argue that writing in gender-neutral language is difficult and can become contorted. Therefore, the avoidance of “he” and “him”, “male” and “man” when writing the Constitution must have been intentional. It was not until the 14th Amendment was written that the word “male” was introduced. This leads people to believe that the Constitution was written as an explicit gendered document.

Other scholars argue that the Constitution’s failure to mention women was not a mistake at all. They do not think that the framers were thinking of the women at all. At worst, the framers did intentionally leave women out of the Constitution. Some imagined that the Constitution was a compact theory of government and was a deal cut among men. They believed this new theory did not designate a role for women in most of the state Constitutions, so why should they be mentioned in the United States Constitution.

However, some notes on the Federal Convention written by James Madison in 1840 make us take a look at the wording and what can be inferred. James Wilson, who was a delegate from Pennsylvania, suggested that the representation in the lower house should be “in proportion to the whole number of white & other free Citizens & inhabitants of every age sex & condition including those bound to servitude for a term of years and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes, in each state” (Lewis 70).

It is interesting the words that were ignored were “inhabitants of every age sex & condition.” Eventually this language was reworded and became “whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three fifths of all other persons” (Lewis 70). This became the Three Fifths Clause written in Article I,

Section 2 of the Constitution. It is believed that counting the women did not give some states more representation nor others less.

Later in the article, Lewis mentions that the Constitution included women all along. It represented and protected them. However, it did not allow women to represent themselves. Instead, it entrusted their care to men in their families. “The Constitution made women rights-bearing citizens and represented them as members of the body politic, but it gave them no means of securing their rights” (Lewis 74).

There were many women that did not believe the Constitution gave them the same rights as men and they began the fight for women suffrage in 1848. These ladies became known as the ladies of Seneca Falls. It all began when four ladies were sitting around a tea table in the small town of Waterloo in upstate New York. Eventually one of the ladies Elizabeth Stanton moved to Seneca Falls. On July 14, 1848, Stanton and another lady wrote an announcement that was published in the *Seneca County Courier* inviting women to attend “a Convention to discuss the social, civil, and religious condition and rights of woman” (Gurko 3). This Convention would be held on July 19th and 20th in the Wesleyan Chapel.

These women had no idea how to organize this meeting or what the outcome would be. On July 19th crowds in carriages and on foot wended their way to the Wesleyan Chapel and over 300 men and women arrived in Seneca Falls. They were there to protest the mistreatment of women in social, economic, political, and religious life. Men were not supposed to attend this Convention, but because they appeared to be sincerely interested they were allowed to attend on the first day.

The Declaration of Sentiments and Resolutions, which was modeled after the Declaration of Independence, was created during this Convention. This Declaration detailed the “injuries

and usurpations' that men inflicted upon women and demanded that women be granted the rights and privileges that men possessed, including the right to vote" (Buhle and Buhle 94-5). After debate, the Declaration of Sentiments and Resolutions was passed at the end of the first session. One hundred men and women signed it. An important signature was Charlotte Woodward because she was the only one alive seventy-two years later (at the age of 91) to cast her first vote when the Federal woman suffrage amendment was finally granted on August 18, 1920.

Little did these women know that this Convention was only the start of the fight for women suffrage. Susan B. Anthony joined the fight in 1852 at the Woman's Rights Convention in Syracuse. Anthony spent the next fifty or so years of her life fighting for women's right to vote by giving speeches, publishing articles, and petitioning Congress. She even went as far as casting her ballot in Rochester, New York on November 5, 1872. Eventually she was put on trial for illegal voting and was to pay a fine of \$100.00. Anthony never paid her fine and many in the press saw her as a victor. One New York paper observed, "If it is a mere question of who got the best of it, Miss Anthony is still ahead. She has voted and the American constitution has survived the shock. Fining her one hundred dollars does not rule out the fact that...women voted, and went home, and the world jogged on as before" (Linder 1). Unfortunately, Anthony died in 1906 and did not live to see the 19th Amendment pass.

It depends on how one looks at the Constitution. Some believe that it is inferred that women were included. Others believe that women were not included and fought to have the 19th Amendment added giving women the same voting right as men. Overall, women's rights and the Constitution is a controversial topic of discussion and there is not one easy answer.

Bibliography

- Buhle, Mari Jo and Paul Buhle. "Document 5 (I: 67-74): Seneca Falls Convention, Seneca Falls, New York, July 19-20, 1848, including the Declaration of Sentiments and Resolutions." *The Concise History of Woman Suffrage*. Ed. Elizabeth Stanton, Susan B. Anthony, et al. Illinois: University of Illinois, 1978. 91-98. Print.
- Dolbeare, Kenneth. *Democracy at Risk: The Politics of Economic Renewal*. Chatham House Publishers, Inc., 1984.
- Francis, Roberta W. "The History Behind the Equal Rights Amendment."
<<http://www.equalrightsamendment.org/era.htm>>
- Gurko, Miriam. *The Ladies of Seneca Falls The Birth of the Woman's Rights Movement*. New York: Schocken Books Inc., 1974.
- Ireland, Patricia. "Women's Less Than Full Equality Under The U.S. Constitution." *Perspectives*. 1997.
- Lewis, Jan. "Representation of Women in the Constitution." *Major Problems in American Constitutional History*. Ed. Kermit L. Hall and Timothy S. Huebner. Boston: Wadsworth, 2010. 69-75. Print.
- Linder, Doug. "The Anthony Trial: An Account." Jurist Legal News and Research Services, Inc. 2001.
- U.S. State Department. Almanac of Policy Issues. *The Constitution of the United States of America*. Added June 2004.