

**Parades, Pickets, and Prison:
Alice Paul and the Virtues of Unruly
Constitutional Citizenship**

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INTRODUCTION

In recent years, constitutional scholars have debated the role of citizens in interpreting and transforming the Constitution.¹ Yet for all the recent interest in “popular constitutionalism,” constitutional scholars have

¹ The debate has tended to focus on the proper role of the courts, with “popular constitutionalism” offered as an alternative. For what is perhaps the most prominent contribution, see LARRY KRAMER, *THE PEOPLE THEMSELVES: POPULAR CONSTITUTIONALISM AND JUDICIAL REVIEW* (2004) (rejecting judicial supremacy and attempts to offer historical evidence of the promise of departmentalist and popular constitutionalist approaches). Kramer’s arguments in support of popular constitutionalism attracted a great deal of attention, and his book became one of the most widely reviewed books in constitutional law in the past few years. See, e.g., Erwin Chemerinsky, *In Defense of Judicial Review: A Reply to Professor Kramer*, 92 CAL. L. REV. 1013 (2004); Robert Post & Reva Siegel, *Popular Constitutionalism, Departmentalism, and Judicial Supremacy*, 92 CAL. L. REV. 1027 (2004); Symposium, *Theories of Taking the Constitution Seriously Outside the Courts*, 73 FORDHAM L. REV. 1341 (2005); Larry Alexander & Lawrence B. Solum, *Popular? Constitutionalism?*, 118 HARV. L. REV. 1594 (2005) (book review); L.A. Powe, Jr., *Are “the People” Missing in Action (and Should Anyone Care)?*, 83 TEX. L. REV. 855 (2005) (book review); Daniel J. Hulsebosch, *Bringing the People Back In*, 80 N.Y.U. L. REV. 653 (2005) (book review); Norman R. Williams, *The People’s Constitution*, 57 STAN. L. REV. 257 (2004) (book review); Laurence H. Tribe, *The People’s Court*, N.Y. TIMES, Oct. 24, 2004, at 1. See also Larry D. Kramer, *‘The Interest of Man’: James Madison, Popular Constitutionalism, and the Theory of Deliberative Democracy*, 41 VAL. U. L. REV. 697 (2006); Larry D. Kramer, Letter to the Editor, *Kramer v. Tribe*, N.Y. TIMES, Nov. 21, 2004, at 6.

devoted surprisingly little attention to the habits and virtues of citizenship that constitutional democracies must cultivate, if they are to flourish.²

One model of constitutional citizenship—based upon the act of individual *enforcement* of the Constitution—is a familiar one to students of constitutional history, which is replete with examples of individuals who, with the “courage of their convictions,” sought to challenge laws and official misconduct on constitutional grounds.³ This Article focuses on another model of constitutional citizenship, one exemplified by the “forgotten Framers”⁴ who fought for the *transformation* of the Constitution, whether through the Article V amendment process or by contributing to other fundamental shifts in constitutional understandings.⁵

² For some exceptions, see JAMES E. FLEMING, *SECURING CONSTITUTIONAL DEMOCRACY: THE CASE FOR AUTONOMY* (2006); WALTER F. MURPHY, *CONSTITUTIONAL DEMOCRACY: CREATING AND MAINTAINING A JUST POLITICAL ORDER* (2007); Hendrik Hartog, *The Constitution of Aspiration and ‘the Rights That Belong to Us All’*, in *THE CONSTITUTION AND AMERICAN LIFE* 353 (David Thelen, ed., 1988); Wayne D. Moore, *Constitutional Citizenship*, in *CONSTITUTIONAL POLITICS: ESSAYS ON CONSTITUTIONAL MAKING, MAINTENANCE, AND CHANGE* (Sotirios A. Barber & Robert P. George, eds., 2001).

³ See, e.g., PETER H. IRONS, *THE COURAGE OF THEIR CONVICTIONS* (1988). In my previous work, I have urged scholars of constitutional politics to look beyond judicial review and other more traditional institutional checks and balances intended to prevent governmental misconduct, in order to examine the role of “citizen plaintiffs”—individuals who, typically at great personal cost in a legal culture where the odds are stacked against them, attempt to enforce their rights in constitutional tort litigation. For a comprehensive review of this history, see Lynda G. Dodd, *Securing the Blessings of Liberty: The History and Politics of Constitutional Tort Litigation* (2004) (unpublished Ph.D. dissertation, Princeton University)(on file with the author). See also Jack M. Beermann, *The Unhappy History of Civil Rights Legislation, Fifty Years Later*, 34 *CONN. L. REV.* 981 (2002); Eugene Gressman, *The Unhappy History of Civil Rights Legislation*, 50 *MICH. L. REV.* 1323 (1952).

Under this model of citizenship, the citizen plaintiff is directly participating in the process of constitutional checks and balances. That participation can be described in terms of “enforcing” constitutional norms or “protesting” the government’s departure from these norms. The phrase “private attorneys general” is the traditional term used to describe citizen plaintiffs. See, e.g., Pamela Karlan, *Disarming the Private Attorney General*, 2003 *U. ILL. L. REV.* 183 (2003); David Luban, *Taking Out the Adversary: The Assault on Progressive Public Interest Lawyers*, 91 *CAL. L. REV.* 209 (2003); Andrew M. Siegel, *The Court Against the Courts: Hostility to Litigation as an Organizing Principle in the Rehnquist Court’s Jurisprudence* 84 *TEX. L. REV.* 1097 (2006). For constitutional tort cases, Robert Tsai suggests that the best analogy is that of civic “whistleblower.” See Robert Tsai, *Conceptualizing Constitutional Litigation as Anti-Government Expression: A Speech-Centered Theory of Court Access*, 51 *AM. U. L. REV.* 835, 870 (2002).

⁴ At least three recent books are premised on the complaint that the Framers of 1787 receive all of the glory in the *popular* understanding of constitutional history, while the contributions of the later “Re-Framers” or “Founding Sisters” are all too often slighted or ignored. See, e.g., JEAN H. BAKER, *SISTERS: THE LIVES OF AMERICA’S SUFFRAGISTS* (2005); ELEANOR CLIFT, *FOUNDING SISTERS AND THE NINETEENTH AMENDMENT* (2003); GARRETT EPPS, *DEMOCRACY REBORN: THE FOURTEENTH AMENDMENT AND THE FIGHT FOR EQUAL RIGHTS IN POST-CIVIL WAR AMERICA* (2006).

⁵ On this more creative form of constitutional citizenship, see Reva B. Siegel, *Text in Context: Gender and the Constitution from a Social Movement Perspective*, 150 *U. PA. L. REV.* 297, 320 (2001) (noting that while “the authority of the Constitution is sustained in part through practices of veneration and deference, it is also sustained through a very different kind of relationship, in which citizens know themselves as authorities, as authors of the law.”).

This model of constitutional citizenship is transformative in the sense that it results in significant alterations in constitutional politics (in the political scientists' sense of "who gets what, when, and how"). At the same time, successful examples of this form of constitutional citizenship might also be described as "re-framing," because the rhetoric used in defense of the transformation typically resorts to preexisting constitutional values.⁶ In other words, the call for change is usually presented "in terms of changes that are necessary to make the Constitution true to its real nature, or faithful to the great traditions and principles of the country's past . . ."⁷

The line between these two models of constitutional citizenship may not always be so easily drawn. Citizen plaintiffs seeking to enforce constitutional rights may push constitutional doctrines in dramatic and unexpected ways. But the transformative model of constitutional citizenship is analytically distinct: it refers to the deliberate and sustained effort to lead a movement for social change and significant constitutional reform. Under this model of citizenship, the constitutional battleground is "in the streets,"⁸ not in the courts. If the movement is to succeed, public opinion and constitutional culture must be transformed significantly, in order to (1) produce and sustain a new "political regime" that would result, through the process of judicial appointments, in the courts' eventual incorporation of the social movement's agenda,⁹ or (2) achieve the level of consensus required by the Article V amendment process.¹⁰

⁶ Siegel refers to social movement leaders who present "challenges to the constitutional order" by employing "the language of the constitutional order." Reva B. Siegel, *Constitutional Culture, Social Movement Conflict and Constitutional Change: The Case of the de facto ERA*, 94 CAL. L. REV. 1323, 1350 (2006) (emphasis added).

⁷ Jack M. Balkin, *How Social Movements Change (Or Fail to Change) the Constitution: The Case of the New Departure*, 39 SUFFOLK U. L. REV. 27, 50 (2005-6); Siegel, *supra* note 5, at 326 (observing that effective constitutional challenges are "articulated in ways that invoke competing understandings of the nation's identity, memories, obligations, commitments, and ends").

⁸ Cf. James Gray Pope, *Republican Moments: The Role of Direct Popular Power in the American Constitutional Order*, 139 U. PA. L. REV. 287, 293 (1990) ("During republican moments, social movements exert direct popular power on governmental and private institutions" through assembly, protests, civil disobedience, and boycotts); Gary D. Rowe, *Constitutionalism in the Streets*, 78 CAL. L. REV. 401 (2005) (describing armed resistance to the enforcement of the Supreme Court's ruling in *United States v. Peters*, 9 U.S. 115 (1809)).

⁹ On partisan entrenchment as a method of constitutional change, see RAN HIRSCHL, *TOWARDS JURISTOCRACY: THE ORIGINS AND CONSEQUENCES OF THE NEW CONSTITUTIONALISM* (2004); Jack M. Balkin & Sanford Levinson, *Understanding the Constitutional Revolution* 87 VA. L. REV. 1045 (2001); Howard Gillman, *How Political Parties Can Use the Courts to Advance Their Constitutional Agendas: Federal Courts in the United States, 1875-1891*, 96 AM. POL. SCI. REV. 511 (2002); Mark A. Graber, *Constructing Judicial Review*, 8 ANN. REV. POL. SCI. 421 (2004); Thomas M. Keck, *Party Politics or Judicial Independence? The Regime Politics Literature Hits the Law Schools*, 32 LAW & SOC. INQ. 511 (2007) (book review).

Although he does not cite the political science literature on partisan entrenchment, Bruce Ackerman's recent work examining periods of mobilization beyond the previously explored "big three"

Although most constitutional scholars today agree that “by far the greater part of constitutional change has occurred through” evolving interpretations of constitutional doctrines, such that “Article III, not Article V, has been the great vehicle of constitutional development,”¹¹ that does not render constitutional amendments “irrelevant,”¹² or mean that the study of amendment campaigns will reveal few valuable insights into the relationship between social movements and changes in constitutional politics. Even if the Article V process is unlikely to succeed today,¹³ examining earlier amendment campaigns can offer many insights into the character and techniques of successful social movements—insights which may influence activists seeking to shape broader constitutional norms by securing the long-term electoral success of a particular political regime.¹⁴

(Founding, Reconstruction and New Deal eras) reaches somewhat similar conclusions. Assessing the impact of social movements in the 1960s and 1970s, Ackerman argues that the principal pathway for social movements to effect constitutional change involves a “movement-party-presidency” pattern, through which “movement partisans may ultimately gain control over Supreme Court nominations and appointments, generating massive jurisprudential shifts in their direction.” Bruce Ackerman, *Interpreting the Women’s Movement*, 94 CAL. L. REV. 1421, 1426 (2006); see also Bruce Ackerman, *The Living Constitution*, 120 HARV. L. REV. 1737, 1759-61 (2007).

¹⁰ DAVID E. KYVIG, EXPLICIT & AUTHENTIC ACTS: AMENDING THE U.S. CONSTITUTION, 1789-1995 (1996).

¹¹ Balkin, *supra* note 7, at 27.

¹² See, e.g., David A. Strauss, *The Irrelevance of Constitutional Amendments*, 114 HARV. L. REV. 1457 (2001).

¹³ On the history of amendment proposals in the decades following the ERA ratification debate, see KYVIG, *supra* note 10, at 426-70.

¹⁴ In other words, successful social movements are almost always prerequisites for *either* form of transformative constitutional change: (1) influencing the courts through a partisan entrenchment strategy, or (2) satisfying the onerous requirements of Article V. With the first strategy, if a social movement can successfully reshape the priorities of the dominant political regime, and if the movement can sustain its strength for a sufficiently long period of time, then its influence on the Court will nearly always be felt through the process of appointments. Jack M. Balkin & Sanford Levinson, *The Canons of Constitutional Law*, 111 HARV. L. REV. 963, 1022 (1998) (observing that judge-centered scholarship “neglects the fact that constitutional changes—including changes in constitutional interpretation—are often the result of mass political action, which is later recognized and sanctified by various legal and judicial elites.”); see also Siegel, *supra* note 6, at 1329 (suggesting that “the social movements literature in constitutional law is only now beginning to analyze how movement conflict guides change.”); cf. Edward L. Rubin, *Passing Through the Door: Social Movement Literature and Legal Scholarship*, 150 U. PA. L. REV. 1, 2 (2001) (“[L]egal scholars seem largely oblivious to the extensive social science literature on social movements.”).

This way of characterizing the “pathways” of popular constitutionalism—by focusing on partisan entrenchment through judicial appointments and Article V—avoids an important challenge afflicting what Matthew Adler has called “deep popular constitutionalism”—the legal positivist demand that there is an identifiable mechanism for assigning to some subset of the products of popular mobilization the status of *law*. Matthew D. Adler, *Popular Constitutionalism and the Rule of Recognition: Whose Practices Ground U.S. Law?* 100 NW. L. REV. 719 (2006).

I. THE NINETEENTH AMENDMENT & UNRULY CONSTITUTIONALISM

This Article analyzes the campaign for the Nineteenth Amendment led by Alice Paul's Congressional Union and National Woman's Party (NWP) in order to offer an instructive example of this kind of "constitutionalism in the streets," one that should offer lessons to other social movement leaders attempting to affect constitutional culture. In stating that Paul's story offers "lessons" for today's activists, I certainly do not mean to suggest that the transformative model of constitutional citizenship is a commonly occurring or successful approach to constitutional change.¹⁵ Indeed, the literature on popular constitutionalism has often been criticized for its inattentiveness to the political conditions rendering constitutional change through popular action a far less likely option.¹⁶ Yet it is possible to acknowledge that transformative moments are *rare* and still seek to explain their success when they do occur.¹⁷

¹⁵ There is no reason to assume that the literature on popular constitutionalism need take a "naïve" stance concerning the prospects for success, whether in Paul's time or in the contemporary era. For a skeptical response to the popular constitutionalism proponents' reliance on historical case studies, drawing on contemporary political science scholarship concerning political participation and public opinion, see Doni Gewirtzman, *Glory Days: Popular Constitutionalism, Nostalgia, and the True Nature of Constitutional Culture*, 93 GEO. L. J. 901, 912 (2004-5) ("[N]ostalgia must give way to reality. While constitutional theorists have looked to the past by focusing on historical moments of popular mobilization, contemporary political scientists have been amassing data about how the American people perceive their government, their sense of civic responsibility, and their own capacity for self-governance.") I agree with Gerwitzman that historical case studies must be approached with caution. Their lessons must be absorbed today with full recognition of an enormous amount of change in political behavior and institutions. Even so, the response should be to interpret case studies with caution and care—not simply offer wholesale dismissals of the enterprise of understanding the role of social movements in contemporary constitutional politics. As Siegel explains, "the dynamics case studies illuminate can alert us to relationships that have otherwise eluded attention," such as "the pathways through which movements can secure the recognition of alternative constitutional understandings." Siegel, *supra* note 6, at 1330.

¹⁶ Keith Whittington, for example, has challenged Kramer's argument with historical evidence of the political branches' support for the practice of judicial review. See, e.g., Keith E. Whittington, *Give 'The People' What They Want?*, 81 CHI.-KENT L. REV. 911 (2006) (book review) (suggesting that political parties have rarely served as the "vehicle" for popular constitutionalism in the manner that Kramer endorses, but instead—because of decreasing unity in party coalitions, the decline of party discipline, and increasing party competition—will generally find it easier to support judicial power). See also KEITH E. WHITTINGTON, *POLITICAL FOUNDATIONS OF JUDICIAL SUPREMACY: THE PRESIDENCY, THE SUPREME COURT, AND CONSTITUTIONAL LEADERSHIP IN U.S. HISTORY* (2007); Mark A. Graber, *The Nonmajoritarian Difficulty: Legislative Deference to the Judiciary*, 7 STUD. AM. POL. DEV. 35 (1993); Keith E. Whittington, 'Interpose Your Friendly Hand': *Political Supports for the Exercise of Judicial Review by the United States Supreme Court*, 99 AM. POL. SCI. REV. 583 (2005);

¹⁷ Kramer certainly never suggested that popular constitutionalism would *always* be a viable option. Cf. Emily Zackin, *Popular Constitutionalism's Hard When You're Not Very Popular: Why the ACLU Turned to the Courts*, 42 LAW & SOC'Y REV. 367, 368 (2008) (describing the ACLU during World War I as "squarely on the wrong side of public opinion, and, as a consequence, . . . political institutions other than the courts [were] effectively unavailable as avenues for advancing their political

The woman suffrage movement offers an especially interesting topic for a case study because its leaders did not always agree about the necessity of a suffrage amendment for women. In the 1870s, suffragists initially sought to use the Privileges or Immunities Clause of the Fourteenth Amendment as the basis to challenge restrictions on women's right to vote.¹⁸ A number of suffragists, including Susan B. Anthony, went to the polls and voted, violating the law in acts of civil disobedience in order to pursue constitutional challenges to these voting restrictions. This phase of the suffrage movement, commonly referred to as "the New Departure," was a failure. Judges were not inclined to read women's voting rights into the Privileges or Immunities Clause, any more than they were to interpret the Fourteenth Amendment as guaranteeing any other rights that would interfere significantly with states' rights.¹⁹ Jack Balkin has explained this failure in terms of the suffragists' inability to shape public opinion—either popular or elite opinion—in a manner that would have induced judges to consider women's right to vote to be both so uncontroversial and fundamental that it warranted enforcement against state laws limiting their franchise.²⁰

Because judges were unwilling to accept their claims, leaders of the suffrage movement continued their public campaigning and eventually resorted to an Article V strategy. The rhetoric and tactics used in this amendment campaign are today rarely recalled by constitutional scholars. Reva Siegel has done more than any legal scholar to argue for the integration of the history of the campaign for the Nineteenth Amendment into constitutional law, in order to offer a historically grounded "synthetic"

arguments" and concluding that this case study "challenges" the empirical assumptions of Kramer's arguments for popular constitutionalism). There are, moreover, cases where social movements have succeeded despite enormous odds against them. Movements for suffrage expansion are especially good examples, because most of the members of the movement advocating for change are themselves unable to exercise direct political influence through the franchise.

¹⁸ On the legal strategy pursued by Virginia and Francis Minor, see JULES LOBEL, *SUCCESS WITHOUT VICTORY: LOST LEGAL BATTLES AND THE LONG ROAD TO JUSTICE IN AMERICA* 74-99 (2003); Ellen Carol DuBois, *Taking the Law into Our Own Hands: Bradwell, Minor, and Suffrage Militance in the 1870s*, in *VISIBLE WOMEN: NEW ESSAYS ON AMERICAN ACTIVISM* 20-40 (Nancy A. Hewett & Suzanne Lebsack eds., 1993); Rogers M. Smith, 'One United People': *Second-Class Female Citizenship and the American Quest for Community*, 1 *YALE J. L. & HUMAN.* 229, 257-63 (1988-89); Adam Winkler, *A Revolution Too Soon: Woman Suffragists and the 'Living Constitution'*, 76 *N.Y.U. L. REV.* 1456 (2001).

¹⁹ *Minor v. Happersett*, 88 U.S. 162 (1875); *The Slaughter-House Cases* 83 U.S. 36 (1873).

²⁰ Balkin, *supra* note 7, at 38 ("[O]ne of the key achievements of successful social movements is to use social suasion and political influence to move 'off-the-wall' arguments about the meaning of the Constitution into the realm of the reasonable and plausible. The New Departure failed because it was unable to do this."). See also *id.*, at 56-57.

reading of the Fourteenth Amendment sex discrimination doctrine.²¹ Such a reading, she suggests, demonstrates the inadequacies of the race analogy for women's equality jurisprudence. Instead, as she convincingly argues, there is much in our constitutional history, especially in arguments prominent in the suffrage campaign, to support an alternative anti-subordination approach to the Fourteenth Amendment sex equality cases. Yet even Siegel's efforts to integrate suffrage history into current constitutional debates slight the unique contributions of Alice Paul and the suffragists who worked in the final decade of the suffrage campaign.²²

A. *From Partial Histories to Analytical Narratives*

Even more surprising is the failure of historians to adequately assess Paul's contribution to the passage of the Nineteenth Amendment. Although the historiography of the suffrage movement is extraordinarily vast and rich, significant gaps still remain. Most notably, historians have tended to emphasize the contributions of *either* Alice Paul's National Woman's Party (NWP) or its rival, the National American Woman Suffrage Association (NAWSA), without offering much comparison of the impact of the two groups' strategies.

The earliest accounts of the final decade of the suffrage campaign were produced by NWP insiders who wrote lively, detailed narratives filled with colorful anecdotes.²³ These works, however, convey an unmistakably hagiographical tone—praising the NWP picketers for their courage and resolve, while not even mentioning the work of NAWSA.²⁴ Similarly, the leaders of NAWSA wrote their own official histories²⁵ and memoirs,²⁶ most of which include no mention of Paul and the NWP.

²¹ Reva Siegel, *She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family*, 115 HARV. L. REV. 947 (2002); see also GRETCHEN RITTER, *THE CONSTITUTION AS SOCIAL DESIGN: GENDER AND CIVIC MEMBERSHIP IN THE AMERICAN CONSTITUTIONAL ORDER* (2006).

²² This may be because Siegel's goal is to integrate suffragists' *substantive arguments* into current sex equality doctrine; she is not examining their tactical choices. Perhaps Siegel concluded that the *content* of the pro-suffrage rhetoric had not changed significantly when Paul assumed the leadership of the federal campaign. The rhetoric in the 1910s still centered on women's right to self-determination. Paul's unique contribution consisted of the introduction of new organizing tactics and methods of persuasion that – finally – convinced the broader public to support the pro-suffrage position.

²³ E.g., INEZ HAYNES IRWIN, *THE STORY OF THE WOMAN'S PARTY* (1921); DORIS STEVENS, *JAILED FOR FREEDOM* (1920).

²⁴ One contemporary review of Irwin's book, for example, praises its "colorful detail," but criticizes the book for its failure to explain "the relation of the militant effort to the rest of the suffrage movement . . ." Amy Hewes, Book Review, 15 AM. POL. SCI. REV. 448, 449 (1921).

²⁵ *THE HISTORY OF WOMAN SUFFRAGE* (6 vols, 1881-1922). Volumes 1-3 were compiled by Elizabeth Cady Stanton, Susan B. Anthony & Matilda Joslyn Gage, 1886; Volume 4 by Susan B. Anthony & Ida Husted Harper, 1902; Volumes 5-6 by Ida Husted Harper, 1922.

²⁶ For memoirs by NAWSA leaders, see CARRIE CHAPMAN CATT & NETTIE ROGERS SHULER,

The first scholarly assessments of the suffrage campaign offered more sweeping, largely complementary surveys. Eleanor Flexner described the role of suffrage leaders and key events,²⁷ while Aileen Kraditor appraised the ideas and rhetoric of the suffrage movement and its opponents.²⁸ Yet both of these extraordinarily influential studies downplayed the importance of Paul's contributions.²⁹

Partly in response to these dominant interpretations, historians in the 1980s and 1990s instead highlighted the role played by Paul and the NWP during the final years of the suffrage campaign. Nancy Cott produced a magisterial study of elite feminists' debates from 1910-1930 in which the NWP figures prominently.³⁰ Christine Lunardini offered a well-documented overview of the suffrage campaign that underscored the NWP's influence.³¹ Compared to the earlier accounts, Lunardini provided far more detailed coverage of the breach and rivalry between Paul's organizations and NAWSA, but she inexplicably failed to offer any comparative assessment of their contributions to the passage of the Nineteenth Amendment. Linda G. Ford's book, *Iron-Jawed Angels*,

WOMAN SUFFRAGE AND POLITICS: THE INNER STORY OF THE SUFFRAGE MOVEMENT (1923); ANNA HOWARD SHAW, THE STORY OF A PIONEER (1915).

²⁷ ELEANOR FLEXNER & ELLEN FITZPATRICK, CENTURY OF STRUGGLE: THE WOMEN'S RIGHTS MOVEMENT IN THE UNITED STATES (1975, revised ed.; orig. pub. 1959).

²⁸ AILEEN S. KRADITOR, THE IDEAS OF THE WOMAN SUFFRAGE MOVEMENT, 1890-1920 (1965). Kraditor examines the *intellectual history* of the suffrage movement, focusing primarily on rhetoric used by the NAWSA leadership, anti-suffrage organizations, and southern suffragists. One of her central contributions to suffrage historiography is her claim that suffrage politics from the turn of the century through the 1910s moved away from "justice" arguments referring to the natural equality of all human beings, focusing instead on claims of "expediency"—consequentialist arguments explaining how "woman suffrage would benefit society." *Id.* at 58, n.1. Through her analysis of NAWSA materials, Kraditor shows that a significant strain of expediency rhetoric involved claims that woman suffrage would allow educated, native-born women to counterbalance the votes of uneducated, "undesirable" male voters, and often included frankly racist and nativist rhetoric. *Id.* at 43, 106-14.

²⁹ Flexner, for example, slights the contributions of Alice Paul when she states that the "suffrage cause was fortunate" that Anna Howard Shaw and Carrie Chapman Catt "divided the leadership of the movement until the goal had been won." FLEXNER, *supra* note 27, at 229. *See also id.*, at 267-68. Similarly, Kraditor primarily draws upon the NAWSA materials, and she devotes almost no attention to Paul and the CU or NWP until Ch. 8, "Political Parties and Suffrage Tactics." KRADITOR, *supra* note 28, at 218-28.

Two unpublished dissertations during this era provided more balanced appraisals of Paul's political strategy. *See* Sidney R. Bland, *Techniques of Persuasion: The National Woman's Party and Woman Suffrage, 1913-1919*, (1971) (unpublished Ph.D. dissertation, George Washington University) (on file with the author) (expressing admiration for Paul's role in reviving the suffrage movement in 1913, but offering an extremely critical assessment of her militant posture from 1917 through the end of the campaign); Loretta Ellen Zimmerman, *Alice Paul and the National Woman's Party, 1912-1920*, (1964) (unpublished Ph.D. dissertation, Tulane University) (on file with author) (crediting Paul for reinvigorating the suffrage movement in the United States while criticizing her leadership style).

³⁰ NANCY F. COTT, THE GROUNDING OF MODERN FEMINISM (1987).

³¹ CHRISTINE A. LUNARDINI, FROM EQUAL SUFFRAGE TO EQUAL RIGHTS: ALICE PAUL AND THE NATIONAL WOMAN'S PARTY, 1910-1928 (2000).

presented a similarly pro-NWP account that neglects the role of NAWSA.³²

In more recent years, scholars working in a variety of disciplines have attempted to move beyond historical narratives to offer more analytical assessments of the suffrage campaign. These studies have focused more attention on the *political dynamics* involved in the suffrage campaign, by examining in turn the rhetorical strategies used in the state-level and federal campaigns;³³ the regional politics of suffrage activism;³⁴ suffragists' publicity campaigns from the perspective of communications and literary theory;³⁵ the organizational "repertoires" adopted by state suffrage associations;³⁶ the creativity and influence of NAWSA during the final years of the suffrage campaign;³⁷ the roles of race, class, and nativism in the leadership and membership of leading pro- and anti-suffrage organizations;³⁸ and the impact of the Nineteenth Amendment.³⁹

³² LINDA G. FORD, *IRON-JAWED ANGELS: THE SUFFRAGE MILITANCY OF THE NATIONAL WOMAN'S PARTY, 1912-1920* (1991).

³³ See, e.g., SUZANNE MARILLEY, *WOMAN SUFFRAGE AND THE ORIGINS OF LIBERAL FEMINISM IN THE UNITED STATES, 1820-1920* (1997) (challenging Kraditor's influential expediency thesis by showing that, during the final decade of the suffrage campaign, its leaders moved away from overtly racist and nativist appeals in order to build a broad coalition of support).

³⁴ E.g., REBECCA J. MEAD, *HOW THE VOTE WAS WON: WOMAN SUFFRAGE IN THE WESTERN STATES, 1868-1914* (2004); MARJORIE SPRUILL WHEELER, *NEW WOMEN OF THE NEW SOUTH: THE LEADERS OF THE WOMAN SUFFRAGE MOVEMENT IN THE SOUTHERN STATES* (1993).

³⁵ One line of scholarship has reviewed mainstream press coverage of the suffrage movement. See, e.g., LINDA J. LUMSDEN, *RAMPANT WOMEN: SUFFRAGISTS AND THE RIGHT OF ASSEMBLY* (1997). Other communications scholars have examined the manner in which the publicity strategies of the NWP and other suffrage organizations helped to construct their identity and mission, both for their members and the broader public, through official publications like the *Suffragist*. See, e.g., KATHARINE H. ADAMS & MICHAEL L. KEENE, *ALICE PAUL & THE AMERICAN SUFFRAGE CAMPAIGN* xvi, 42-75 (2008) (describing Paul's parades and protests as a "visual rhetoric" and examining *The Suffragist's* role); Lisa Marie Baumgartner, *Alice Paul, The National Woman's Party, and a Rhetoric of Mobilization* 35 (1994) (unpublished Ph.D. dissertation, University of Minnesota) (on file with author) (analyzing the NWP's use of a "visual rhetoric").

³⁶ ELISABETH S. CLEMENS, *THE PEOPLE'S LOBBY: ORGANIZATIONAL INNOVATION AND THE RISE OF INTEREST GROUP POLITICS IN THE UNITED STATES, 1890-1925* (1997). In Clemens' work, the term "organizational repertoires" refers to the set of organization models available to social movement leaders. The term was coined in order to "integrate the theoretical vocabulary" of organization theorists with the concept of "repertoires of collective action" used by scholars of social movements like Charles Tilly. Elisabeth S. Clemens, *Organizational Repertoires and Institutional Change: Women's Groups and the Transformation of U.S. Politics, 1880-1920*, 98 *AM. J. OF SOC.* 755, 757-59 (1993); see also Elisabeth S. Clemens, *Two Kinds of Stuff: The Current Encounter of Social Movements and Organizations*, in *SOCIAL MOVEMENTS AND ORGANIZATION THEORY* 351-65 (Gerald E. Davis et al. eds., 2005).

³⁷ E.g., MARGARET FINNEGAN, *SELLING SUFFRAGE: CONSUMER CULTURE & VOTES FOR WOMEN* (1999) (comparing NAWSA's innovative outreach methods in the early twentieth century to the techniques of consumer advertising and marketing); SARA HUNTER GRAHAM, *WOMAN SUFFRAGE AND THE NEW DEMOCRACY* (1996) (assessing NAWSA's transformation into a well-organized pressure group in the first two decades of the twentieth century).

³⁸ E.g., SUSAN MARSHALL, *SPLINTERED SISTERHOOD: GENDER AND CLASS IN THE CAMPAIGN*

Despite this explosion of new research on the suffrage movement, a balanced appraisal of the final years of the suffrage campaign is still needed. Eleanor Flexner's observations about the partiality of the literature continue to hold true today: "No one has yet tried to knit the work of the two suffrage organizations together in any detail and assay their impact on the legislatures."⁴⁰ In particular, there remains no study providing analytical insights regarding the sources and *relative* impact of Paul's leadership role in the campaign for the Nineteenth Amendment.⁴¹

An assessment of Paul's activities during this era requires an analysis of her particular brand of constitutional citizenship and civic leadership. The first task, therefore, is to gain more insight into the personal motivations and sources of inspiration that influenced her goals and strategies.⁴² To understand her strengths as a leader, it is important to learn as much as

AGAINST WOMAN SUFFRAGE (1997) (an analysis of the ideological, political and social bases of elite female opposition to woman suffrage, which deemphasizes the motivational role of separate spheres ideology and instead highlights their sense of threat from the potential political power of immigrants, African-Americans, and working class women voters as well as to their privileged position in civic reform culture); LOUISE MICHELE NEWMAN, *WHITE WOMEN'S RIGHTS: THE RACIAL ORIGINS OF FEMINISM IN THE UNITED STATES* (1999) (highlighting the role of evolutionary thought in the shift from justice to supposedly "expediency"-based arguments in pro-suffrage ideology in order to suggest that the shift was not based on instrumental political reasoning but rather influential intellectual developments linking racial hierarchy and advocacy for "white women's rights"); ALLISON L. SNEIDER, *SUFFRAGISTS IN AN IMPERIAL AGE: U.S. EXPANSION AND THE WOMAN QUESTION, 1870-1929* (2008) (relating the suffrage movement to efforts to promote U.S. territorial expansion and empire); ROSALYN TERBORG-PENN, *AFRICAN AMERICAN WOMEN IN THE STRUGGLE FOR THE VOTE, 1850-1920* (1998) (examining the impact of leading suffragists' exclusion of African-American women activists throughout the campaign).

³⁹ *E.g.*, KRISTI ANDERSON, *AFTER SUFFRAGE: WOMEN IN PARTISAN AND ELECTORAL POLITICS BEFORE THE NEW DEAL* (1996); ANNA L. HARVEY, *VOTES WITHOUT LEVERAGE: WOMEN IN AMERICAN ELECTORAL POLITICS, 1920-1970* (1998); SUSAN WARE, *BEYOND SUFFRAGE: WOMEN IN THE NEW DEAL* (1981).

⁴⁰ FLEXNER, *supra* note 27, at 376, n. 11. In 1956, Flexner was referring to the organizational histories of the NWP produced by Inez Haynes Irwin and Doris Stevens, as well as the memoirs of NAWSA leaders, Anna Howard Shaw and Carrie Chapman Catt, and their organizers. But one-sided chronicles of the suffrage campaign have continued in the most recent era of suffrage historiography. In the 1980s, Christine Lunardini and Linda Ford, for example, offered little discussion of the comparative importance of Catt's "winning plan." Similarly, a recent work on NAWSA by Sara Hunter Graham barely acknowledges the work of the NWP. *See* FORD, *supra* note 32, at 244-46 (offering no assessment of NAWSA's contributions, but stating the NWP was willing to share the credit while NAWSA never did); GRAHAM, *supra* note 37, at xvii (recognizing that NAWSA did not win "suffrage single-handedly" but also asserting "this book is about NAWSA and only incidentally concerns the National Woman's Party"); LUNARDINI, *supra* note 31, at 138-39 (suggesting that "NWP activity accounted for much of the change in attitude" in the fall of 1917).

⁴¹ A good example of this kind of approach—less personal biography than a study of political leadership—is ROBERT BOOTH FOWLER, *CARRIE CATT: FEMINIST POLITICIAN* (1986).

⁴² Gerda Lerner, *Where Biographers Fear to Tread*, 4 *THE WOMEN'S REVIEW OF BOOKS*, Sept. 1987, at 11 (suggesting that studies of early feminist leaders have "tacitly reinforced the notion that a woman who plays a decisive role in public life is really not quite human. She figures instead as some sort of weird engine hitched to the 'movement's' train.")

possible about the personal roots of her charisma and determination.⁴³ Part II of this Article thus seeks to describe the values and influences informing Paul's methods of protest, focusing in particular on her Quaker roots, her extensive education in the social sciences, and her early work with the militant British suffragettes.

The Article next examines how, at just twenty-eight years of age, Paul became one of the most influential leaders in the United States suffrage movement. The principal goal of Part III is to analyze Paul's "strategic capacity"—her ideas about the leadership and management of a social reform organization and her ability to put those ideas into practice.⁴⁴

⁴³ *Id.* at 11 ("The answer to the question of what made *this* women a great leader is far more complex. It demands an integration and fusion of the personal and public life and a reconstruction of the process by which a woman becomes a leader."). In recent years, there have appeared a number of important biographies and dissertations about many of the leaders active during the final years of the suffrage movement. *See, e.g.*, ELLEN CAROL DUBOIS, HARRIOT STANTON BLATCH AND THE WINNING OF WOMAN SUFFRAGE (1997); PAULA J. GIDDINGS, *IDA: A SWORD AMONG LIONS: IDA B. WELLS AND THE CAMPAIGN AGAINST LYNCHING* (2008); LINDA J. LUMSDEN, *INEZ: THE LIFE AND TIMES OF INEZ MILHOLLAND* (2004); JACQUELINE VAN VORIS, *CARRIE CHAPMAN CATT: A PUBLIC LIFE* (1987); Beverly Washington Jones, *Quest for Equality: The Life of Mary Eliza Church Terrell, 1863-1954*, (1980) (unpublished Ph.D. dissertation, The University of North Carolina at Chapel Hill) (on file with author).

There is, however, still no biography of Alice Paul. Until her long-awaited biography appears, the most comprehensive source for information about Paul's personal reflections and views remains the 671-page oral history interview she completed in the early 1970s. *See* Amelia R. Fry, *Conversations with Alice Paul: Woman Suffrage and the Equal Rights Amendment in Suffragists Oral History Project*, Bancroft Library, University of California at Berkeley. Online Archive of California. (Willa Baum ed., 1976), <http://content.cdlib.org/xtf/view?docId=kt6f59n89c&querybrand=calisphere> [hereinafter "Paul Interview"]. The Paul Interview—conducted when Paul was 87 years old, well over five decades after the events in question—may not provide the most accurate account of Paul's motivations, tactics, and strategies *during* the suffrage campaign. For this reason, the extensive microfilmed papers and archives of the NWP and NAWSA, both at the Library of Congress, as well as the Alice Paul Papers at the Schlesinger Library, remain indispensable resources. *See* Alice Paul Papers, Schlesinger Library, Radcliffe College, Harvard University [hereinafter "Alice Paul Papers"]; *THE NATIONAL WOMAN'S PARTY PAPERS: THE SUFFRAGE YEARS, 1913-1920*, 97 Reels (Microfilming Corp. of Am., 1978) [hereinafter "NWP Papers"]; *NATIONAL WOMAN'S PARTY PAPERS: THE SUFFRAGE YEARS, 1913-1920: A GUIDE TO THE MICROFILM EDITION* (Donald L. Haggerty, ed., Microfilming Corp. of Am. 1981) (finding aid). The NWP Papers are the principal source of information concerning the NWP's activities during the suffrage campaign, but it is important to note that Paul herself admitted that there was a significant amount of editing of the materials—"discarding what should be discarded," as Paul put it—before the collection was sent to the Library of Congress for further processing. Paul Interview, *supra*, at 142-46.

Paul's reluctance to write a memoir or assist with an official biography is itself very revealing. In her introduction to the Paul Interview, Fry observes that it took her over six years to convince Paul to participate in the Suffragists Oral History Project. *Id.* at iii (explaining that Paul finally struck a whimsical bargain, only agreeing to participate if Fry herself lobbied for the ERA and even then only agreed to participate if Congress passed the amendment).

⁴⁴ Much of the scholarship on social movements fails to devote sufficient attention to the role of strategic leadership. On the importance of leadership and "strategic capacity," see Marshall Ganz, *Resources and Resourcefulness: Strategic Capacity in the Unionization of California Agriculture, 1959-1966*, 105 AM. J. OF SOC. 1003 (2000) (criticizing resource mobilization theory); Marshall Ganz, *Why David Sometimes Wins: Strategic Capacity in Social Movements*, in *THE PSYCHOLOGY OF*

Part IV analyzes Paul's decision to picket the White House and to continue with the picketing campaign even after the United States entered World War I. Throughout the picketing campaign, the NWP suffragists demonstrated tremendous courage in criticizing a wartime president and assuming great political and personal risks. But their acts of civil disobedience also riveted the nation, resulting in continual press coverage and public debate throughout the war.

Part V focuses on what has been called the "endgame" of the suffrage campaign,⁴⁵ by assessing the impact of Paul's unyielding campaign of wartime picketing and prison protests on President Woodrow Wilson and members of Congress. To evaluate the success of Paul's tactics, this final section scrutinizes the relationship between her more militant tactics and the conciliatory posture adopted by the NAWSA lobbyists.

This kind of assessment must move beyond the one-sided, overly rehearsed chronological narratives of the suffrage campaign.⁴⁶ It instead

LEADERSHIP: NEW PERSPECTIVES AND RESEARCH (David M. Messick & Roderick M. Kramer eds., 2005). See also Aldon D. Morris & Suzanne Staggenborg, *Leadership in Social Movements*, in THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS Ch. 8, 171 (David A. Snow et al. eds. 2007) ("[Leadership in social movements has yet to be adequately theorized.]); Ron R. Amizade, Jack A. Goldstone, & Elizabeth J. Perry, *Leadership Dynamics and the Dynamics of Contention*, in SILENCE AND VOICE IN THE STUDY OF CONTENTIOUS POLITICS Ch. 5, 126 (Ron R. Amizade et al. eds. 2001) ("Surprisingly little scholarship, particularly in regard to social movements and revolutions, has sought to determine *the effect* that variation in leadership dynamics—that is, in the relationships among revolutionary leaders, or between leaders and followers—have on the course and outcomes of contentious politics.") (emphasis added).

The "resource mobilization" perspective is one of the leading descriptive accounts of the rise and maintenance of social movements. As Doug McAdam and W. Richard Scott explain, "these theorists stressed that movements, if they are to survive for any length of time, require some form of organization: leadership, administrative structure, incentives for participation, and a means for acquiring resources and support." Doug McAdam & W. Richard Scott, *Organizations and Movements*, in SOCIAL MOVEMENTS AND ORGANIZATION THEORY Ch. 1 (Gerald E. Davis et al. eds., 2005); see also J. Craig Jenkins, *Resource Mobilization Theory and the Study of Social Movements*, 9 ANN. REV. OF SOC. 527 (1983); John D. McCarthy & Mayer N. Zald, *Resource Mobilization and Social Movements: A Partial Theory*, 82 AM. J. SOC. 1212 (1977).

⁴⁵ BAKER, *supra* note 4, at 183-230.

⁴⁶ The need to answer the question—Which tactics worked, and why?—has not gone unnoticed by suffrage historians. As Aileen Kraditor suggested, "If someone tabulated the votes of all those Members of Congress who voted both when the amendment lost and later when it passed, and then searched the papers of those who changed their votes, we might know why they did so." KRADITOR, *supra* note 28, at vii. As with all attempts to determine the legislative intent of complex statutory schemes or the original intent of constitutional provisions and amendments, there are a host of challenges associated with this approach. In the case of the Nineteenth Amendment, for example, the investigation would have to be extended to the ratification debates at the state level. Even so, a thorough investigation of this kind—a kind of Namierist prosopography going beyond the debates in the public record to examine the personal papers of the politicians—might offer the most definitive account possible of whose tactics and strategies were most persuasive.

This account instead focuses on the interactions between the suffrage movement leaders and President Woodrow Wilson. Both Catt and Paul targeted Wilson and considered his endorsement the

requires an interdisciplinary analysis of Paul's strategy that incorporates the insights of research on social movements, interest groups, electoral politics, and presidential leadership.⁴⁷ This case study draws in particular on an influential line of scholarship in political science, often referred to as "American Political Development" (APD),⁴⁸ that seeks to explain political change. Rather than search for a "prime mover" of political change, APD scholars recognize that transformations in American politics are likely to involve a complex array of actors and institutions whose interactions over time are key.⁵⁰ For example, scholars such as Stephen Skowronek and Elizabeth Sanders have shown that, although the presidency can serve as a "disruptive force" that often "jolts order and routine elsewhere,"⁵¹

essential prerequisite for gaining the support of Democrats in Congress. Because Wilson's public endorsement and lobbying were indeed crucial for the passage of the amendment in both the House and the Senate, explaining how Wilson was persuaded to work on behalf of the federal amendment is a central part of this analysis.

⁴⁷ David A. Snow & Danny Trom, *The Case Study and the Study of Social Movements*, in *METHODS OF SOCIAL MOVEMENT RESEARCH* Ch. 6 (Bert Klandermans & Suzanne Staggenborg eds., 2002).

⁴⁸ KAREN ORREN & STEPHEN SKOWRONEK, *THE SEARCH FOR AMERICAN POLITICAL DEVELOPMENT* (2004); Karen Orren & Stephen Skowronek, *Beyond the Iconography of Order: Notes for a 'New Institutionalism' in THE DYNAMIC OF AMERICAN POLITICS: APPROACHES AND INTERPRETATIONS* (Lawrence C. Dodd & Calvin Jillson eds., 1994); Karen Orren & Stephen Skowronek, *Institutions and Intercurrence: Theory Building in the Fullness of Time*, in *NOMOS VOL. 38: POLITICAL ORDER 111* (Ian Shapiro & Russell Hardin eds., 1996).

⁵⁰ APD scholars typically employ a "new institutionalist" methodology in their work. See, e.g., Peter A. Hall & R.C.A. Taylor, *Political Science and the Three New Institutionalisms*, 44 *POL. STUD.* 936 (1996); Ellen M. Immergut, *The Theoretical Core of the New Institutionalism*, 26 *POL. & SOC'Y* 5 (1998); Paul Pierson & Theda Skocpol, *Historical Institutionalism in Contemporary Political Science*, in *POLITICAL SCIENCE: THE STATE OF THE DISCIPLINE 722* (Ira Katznelson & Helen V. Milner eds., 2002).

In recent years, a number of leading APD scholars have begun paying more attention to the transformative role of political actors, and "how and to what extent their actions change the American polity itself." Stephen Skowronek & Matthew Glassman, *Formative Acts*, in *FORMATIVE ACTS: AMERICAN POLITICS IN THE MAKING 1* (Stephen Skowronek & Matthew Glassman eds., 2007) (observing that "the study of political development in America has had more to say about the systemic factors that contain, regulate, and order political change over time than about those who act in the moment to change things"). This new APD scholarship seeks to enrich "polity-centered" accounts of political change relying on new institutionalist theory:

[The] analysis of American political development has favored wide time horizons where embedded structures and operating mores are seen to set boundaries on change. The literature has in this way specified the operation of cultural frames, constitutional arrangements, regional cleavages, electoral alignments, modes of production, social stratifications, technical capacities – polity-level characteristics that situate actors and delimit their range.

Id. at 1. The goal is to develop "actor-centered" accounts that are historically valid and integrated with "the polity-wide concerns of research on American political development." *Id.* at 3.

⁵¹ STEPHEN SKOWRONEK, *THE POLITICS PRESIDENTS MAKE: LEADERSHIP FROM JOHN ADAMS TO GEORGE BUSH* 3 (1993).

presidents typically fail to exercise leadership in their interactions with progressive social movements.⁵²

B. A Case Study of Popular Constitutionalism: The Role of Contentious Politics

What then explains the success of the suffrage campaign in convincing President Wilson to endorse the federal amendment and to work on its behalf? This Article contends that Paul's more unruly methods played a decisive role in obtaining the necessary congressional votes during Wilson's second term. Paul refused to merely play the role of the "insider" lobbyist.⁵³ She instead perfected an "outsider" strategy that appealed directly to voters and the public, first through parades, deputations, petitions, and other well-publicized events, and later through much more oppositional activities, such as anti-incumbent campaigns, pickets, and prison protests.⁵⁴ A kind of insider-outsider dynamic⁵⁵—with Catt

⁵² Elizabeth Sanders, *Presidents and Social Movements: A Logic and Preliminary Results*, in *FORMATIVE ACTS: AMERICAN POLITICS IN THE MAKING* 223 (Stephen Skowronek & Matthew Glassman eds., 2007) (offering a measurement of modes of presidential-social movement interaction and concluding that presidents in the period between 1897 to 1932 were more oriented toward the preservation of order and only rarely receptive to the demands of social movements). Sanders observes that, according to her empirical data, Wilson was exceptional in terms of the number and level of interactions with suffrage movement leaders, but she does not offer much of an explanation for the changes in Wilson's approach to suffrage, suggesting only that his support may have been due to the war, electoral concerns, and/or the picketing. *See, e.g., id.* at 234-35, 238.

⁵³ The NWP established a renowned lobbying organization, but it never relied solely upon this method to influence Wilson and members of Congress.

⁵⁴ GRAHAM, *supra* note 37, at xv-xvi (distinguishing the "insider" strategy, focusing on access and professional lobbying, and two "outsider" strategies, the cultivation of "grassroots pressure" or the use of more oppositional militant tactics).

⁵⁵ Sydney Tarrow, a leading scholar of social movements, suggests that this tendency to combine traditional interest group activity with contentious political protests has been a recurring feature of American social movements. The dualistic strategy, Tarrow argues, allows advocates for change "to shift their activities between different levels and arenas of politics, to use the same forms of private association as business and civic groups, and to traverse the frontiers between the conventional and confrontational repertoires [S]ocial movements in America developed a repertoire of contention that could allow them to bridge contentious and interest group politics without permanently losing their insurgent character." Sidney Tarrow, 'The Very Excess of Democracy', in *SOCIAL MOVEMENTS AND AMERICAN POLITICAL INSTITUTIONS* 20, 35 (Anne N. Costain & Andrew S. McFarland eds., 1998).

Daniel Tichenor has recently called attention to cases where this "insider-outsider" dynamic did not involve a "dualistic strategy" employed by a single group, but rather a rivalry between two movement leaders. *Cf.* Daniel J. Tichenor, *Leadership, Social Movements, and the Politics Rivalries Make*, in *FORMATIVE ACTS: AMERICAN POLITICS IN THE MAKING* 241, 244-5 (Stephen Skowronek & Matthew Glassman eds., 2007) (emphasizing the importance of exogenous shocks, such as national economic crises or war, in altering the strategic environment and allowing rivalries between radical and moderate wings of social movements to achieve breakthroughs); Daniel J. Tichenor, *The Presidency, Social Movements, and Contentious Change: Lessons from the Woman's Suffrage and Labor Movements*, 29 *PRES. STUD. QTLY.* 14-15, 23 (1999) (explaining support for woman suffrage primarily in terms of the disruptive effect of World War I).

eventually serving as the more cooperative suffrage leader, and Paul as the unruly, contentious outsider—appears to have been the crucial combination needed to gain Wilson’s help in pushing suffrage through Congress in 1918-19.

Using these contentious methods, Paul revitalized the suffrage movement. Even her most controversial tactics—the picketing and protests in 1917—were implemented with such ruthless determination that Wilson and other opponents in Congress began searching for a way to end the standoff. Paul’s resort to civil disobedience may have appeared unruly to her political opponents and the public, but it was in reality a tactic, like all of her strategies, chosen and deployed after a careful consideration of its political impact. Paul had an astute sense of the power of emotional appeals,⁵⁶ and it was this feature of her campaigning that made the NWP such a formidable force in the suffrage movement. That Wilson gave Catt and NAWSA all of the public credit for the shift should not obscure the crucial role that Paul’s campaign played in creating this pressure. Given this success, Alice Paul deserves more recognition as a leading exemplar of the transformative model of constitutional citizenship.⁵⁷

II. ALICE PAUL’S CIVIC EDUCATION

Alice Paul was born on January 11, 1885 in Moorestown, New Jersey, a small but prosperous Quaker community neighboring Philadelphia. Her father, William M. Paul, was the founder and president of the Burlington County Trust Company. When he died of pneumonia in 1902, her

⁵⁶ On the role of emotions in social movements, see *e.g.*, Ron Aminzade & Doug McAdam, *Emotions and Contentious Politics*, in *SILENCE AND VOICE IN THE STUDY OF CONTENTIOUS POLITICS* Ch. 2 (Ron R. Aminzade et al. eds. 2001); James M. Jasper, *The Emotions of Protest: Affective and Reactive Emotions In and Around Social Movements*, 13 *SOC. FORUM* 397 (1998); Aldon Morris & Naomi Braine, *Social Movements and Oppositional Consciousness*, in *OPPOSITIONAL CONSCIOUSNESS: THE SUBJECTIVE ROOTS OF SOCIAL PROTEST* Ch. 2 (Jane J. Mansbridge & Aldon Morris eds., 2001); Jeff Goodwin, James M. Jasper, & Francesca Polletta, *Why Emotions Matter*, in *PASSIONATE POLITICS: EMOTIONS AND SOCIAL MOVEMENTS* Ch. 1 (Jeff Goodwin et al. eds. 2001).

For recent political science research on the role of the emotions, see, *e.g.*, GEORGE E. MARCUS, *THE SENTIMENTAL CITIZEN: EMOTION IN DEMOCRATIC POLITICS* (2002); *THE AFFECT EFFECT: DYNAMICS OF EMOTION IN POLITICAL THINKING AND BEHAVIOR* (W. Russell Neuman et al. eds., 2007); *FEELING POLITICS: EMOTION IN POLITICAL INFORMATION PROCESSING* (David Redlawsk ed., 2006); Barry Richards, *The Emotional Deficit in Political Communication*, 21 *POL. COMM.* 339 (2004); George E. Marcus, *Emotions in Politics*, 3 *ANN. REV. POL. SCI.* 221 (2000); David O. Sears, *The Role of Affect in Symbolic Politics*, Ch. 2 in *CITIZENS AND POLITICS: PERSPECTIVE FROM POLITICAL PSYCHOLOGY* (James H. Kuklinski ed., 2000).

⁵⁷ *Cf.* BAKER, *supra* note 4, at 187 (describing Paul as the “most overlooked of twentieth-century feminists”).

mother—one of the first women to attend Swarthmore⁵⁸ and a lifelong supporter of equality between the sexes—continued to support Paul’s education and her later suffrage activities.⁵⁹

A. A Quaker Education for Social Justice

Paul’s Quaker heritage instilled in her a commitment to social reform, and she proved to be an intellectually curious student of these issues. After attending a Quaker school in Moorestown, Paul enrolled at Swarthmore in 1901.⁶⁰ During her senior year, after turning to the study of economics and politics under the tutelage of political science professor Robert Clarkson Brooks, Paul became truly engaged in her academic work for the first time in her college years.⁶¹ Following her graduation from Swarthmore in 1905, she accepted a fellowship from the College Settlement Association of America to attend a graduate program in social work at the New York School of Philanthropy⁶² and to work in a settlement house on the Lower East Side. After completing her year-long program, Paul returned to Pennsylvania, where she enrolled at the University of Pennsylvania for a master’s degree in sociology, with secondary specializations in economics and political science. During this time, Paul began to research women’s legal status, work that she would later incorporate into her doctoral dissertation.⁶³

⁵⁸ Paul Interview, *supra* note 43, at 6-7.

⁵⁹ *Id.* at ix, 5-6, 8, 31. See also MARGARET HOPE BACON, *MOTHERS OF FEMINISM: THE STORY OF QUAKER WOMEN IN AMERICA 2* (1986) (observing that the Society of Friends was the first sect to endorse the doctrine of “the spiritual equality of men and women”); FORD, *supra* note 32, at 16 (discussing the role of “Paul’s Hicksite Quaker heritage, especially the importance given a nonviolent life guided by an inward light, and the strong tradition of gender equality”).

⁶⁰ BACON, *supra* note 59, at 100.

⁶¹ Paul Interview, *supra* note 43, at 18, 21; ADAMS & KEENE, *supra* note 35, at 6; RICHARD J. WALTON, *SWARTHMORE COLLEGE: AN INFORMAL HISTORY 20* (1986).

⁶² Now the Columbia University School of Social Work.

⁶³ ADAMS & KEENE, *supra* note 35, at 6-7; LUNARDINI, *supra* note 31, at 13. See also Paul Interview, *supra* note 43, at 21-2 (describing her University of Pennsylvania economic professor, Simon Nelson Patten, and his views concerning reform efforts in the United States). On Patten’s ideas about economic development and social reform, see DANIEL M. FOX, *THE DISCOVERY OF ABUNDANCE: SIMON N. PATTEN AND THE TRANSFORMATION OF SOCIAL THEORY* (1967) (describing Patten as an prominent egalitarian economist who advocated for social reforms and public education as essential tools for improving standards of living); MICHAEL E. MCGERR, *A FIERCE DISCONTENT: THE RISE AND FALL OF THE PROGRESSIVE MOVEMENT IN THE UNITED STATES* 59, 68, 80-81, 99-100 (2003) (same).

B. A Militant in Training: The Pankhurst Years

Paul soon began searching for ways to put her education to use. In the fall of 1907, she took some time off from her graduate studies to accept a social work fellowship from the Woodbrooke Quaker Study Centre in England. By this point, Paul was doubtful that she would enter social work as a career. As she later explained in an interview, “I knew in a very short time that I was never going to be a social worker. . . . You knew you couldn’t *change* the situation by social work.”⁶⁴ She was far more inspired when she first heard Christabel Pankhurst speak at the University of Birmingham, where Paul was attending courses while completing her fellowship.⁶⁵ Emmeline Pankhurst and her daughters Christabel and Sylvia, the founders of the Women’s Social and Political Union (WSPU), had begun employing a more militant approach to suffrage campaigning in 1905. Their tactics—“outdoor work” that involved public speaking, processions, and demonstrations⁶⁶—had sparked much debate in England, especially when a number of suffragettes, including Christabel Pankhurst, were sent to prison following street demonstrations.⁶⁷

Paul had found her cause. The British suffrage campaign offered her the opportunity to learn innovative tactics of public persuasion, and Paul proved once again to be an eager pupil. It was this association with the Pankhursts—from 1908 through 1909, when the WSPU was at the peak of its influence—that constituted Paul’s core practical education as an activist and an advocate for social change. When she arrived in London to serve as a case worker in the summer of 1908,⁶⁸ the Pankhursts were demonstrating the appeal of their militant approach by organizing a suffrage rally on June

⁶⁴ Paul Interview, *supra* note 43, at 20.

⁶⁵ *Id.* at 32-4 (describing how, after hearing Christabel Pankhurst speak and get “shouted down,” she became a “heart and soul convert” to the suffrage cause); Letter from Alice Paul to Tacie Parry Paul, December 12, 1907 (on file with the Schlesinger Library, Alice Paul Papers, Box 2, Folder 27) (describing the Pankhurst event as “very exciting”); ADAMS & KEENE, *supra* note 35, at 7-9; Bland, *supra* note 29, at 34-35; FORD, *supra* note 32, at 25; LUNARDINI, *supra* note 31, at 13-14.

⁶⁶ Bland, *supra* note 29, at 10-15; FORD, *supra* note 32, at 26-29.

⁶⁷ ADAMS & KEENE, *supra* note 35, at 10; Bland, *supra* note 29, at 8; LUNARDINI, *supra* note 31, at 5-6. Throughout, I follow the common usage—employing the term “suffragettes” for the militant British activists (a term first used in a derisive manner by *The Daily Mail*, but then immediately adopted with enthusiasm by the WSPU to distinguish itself from more conservative suffragists), and “suffragists” for the Americans.

⁶⁸ While living in London, Paul enrolled in a series of courses during the 1908-09 terms at the London School of Economics, where she attended lectures by Sidney and Beatrice Webb and one of the founders of sociology, Edward A. Westermarck. Paul Interview, *supra* note 43, at 41-42; ADAMS & KEENE, *supra* note 35, at 8; J.P. ROOS, *Durkheim vs. Westermarck: An Uneven Match*, in *THE NEW EVOLUTIONARY SOCIAL SCIENCE: HUMAN NATURE, SOCIAL BEHAVIOR, AND CHANGE* (Heinz-Jurgen Niedenzu et al. eds., 2008).

21 in Hyde Park with an estimated 300,000 participating.⁶⁹ Once Paul joined the WSPU, she not only participated in marches and demonstrations; she was arrested seven times, imprisoned on three different occasions, and protested the treatment of her fellow suffrage prisoners by participating in a series of hunger strikes.⁷⁰

It is not so surprising that Paul was profoundly influenced by her work with the British suffragettes. A number of scholars have highlighted the transatlantic influences on Progressive Era reform movements and social policy.⁷¹ These transatlantic conversations were especially prominent in the suffrage movement.⁷² Both Susan B. Anthony and Elizabeth Cady Stanton traveled repeatedly to Britain in their later years, and the relationships they established in the late nineteenth century shaped the development of the more militant groups of British suffragettes.⁷³ The drama of the British suffrage campaign during the first decades of the

⁶⁹ Paul Interview, *supra* note 43, at 38; FORD, *supra* note 32, at 28; E. SYLVIA PANKHURST, THE SUFFRAGETTE: THE HISTORY OF THE WOMEN'S MILITANT SUFFRAGE MOVEMENT, 1905-1910, 244-49 (1911).

⁷⁰ BAKER, *supra* note 4, at 187, 196; LUNARDINI, *supra* note 31, at 13-14.

⁷¹ *E.g.*, JAMES KLOPPENBERG, UNCERTAIN VICTORY: SOCIAL DEMOCRACY AND PROGRESSIVISM IN EUROPEAN AND AMERICAN THOUGHT, 1870-1920 (1986); DANIEL T. RODGERS, ATLANTIC CROSSINGS: SOCIAL POLITICS IN A PROGRESSIVE AGE (1998).

⁷² *Cf.* LUCY DELAP, THE FEMINIST AVANT-GARDE: TRANSATLANTIC ENCOUNTERS OF THE EARLY TWENTIETH CENTURY 6-11 (2007) (focusing on elite intellectual "avant-garde" Edwardian-era feminists who distanced themselves from suffrage debates and instead espoused radical forms of individualism); PATRICIA HARRISON, CONNECTING LINKS: THE BRITISH AND AMERICAN WOMAN SUFFRAGE MOVEMENTS, 1900-1914 (2000) (describing the transatlantic ties among mainstream and militant suffrage leaders).

⁷³ The transatlantic conversation among suffragists can be traced back even further, to the 1840 World Anti-Slavery Conference in London, where future suffrage leaders Lucretia Mott and Elizabeth Cady Stanton were stunned to learn that women would be excluded from the proceedings. Many historians point to this event as one of the precipitating factors leading to the Seneca Falls meeting in 1848. See Kathryn Kish Sklar, 'Women Who Speak for an Entire Nation': American and British Women Compared at the World Anti-Slavery Convention, London, 1840, 59 PACIFIC HIST. REV. 453 (1990) (describing the Convention's influence on the subsequent development of suffrage movements in Britain and the United States).

On the late nineteenth century ties between the U.S. and British suffragists, see Christine Bolt, *America and the Pankhursts*, in VOTES FOR WOMEN 143-58 (Jean Baker ed., 2001) (describing the Pankhursts' lecture tours in the United States); DUBOIS, *supra* note 43, at 71-73 (discussing Blatch's work with Emmeline Pankhurst and the Women's Franchise League in England); FORD, *supra* note 32, at 24, 26-27 (describing Susan B. Anthony's influence on the Pankhursts); HARRISON, *supra* note 72, at 1-29 (discussing, *inter alia*, the role of personal visits and correspondence, the suffrage press, and public speaking tours in nurturing these transatlantic networks); Sandra Stanley Holton, 'To Educate Women into Rebellion': Elizabeth Cady Stanton and the Creation of a Transatlantic Network of Radical Suffragists, 99 AM. HIST. REV. 1112 (1994) (detailing Stanton's associations with the Bright circle, a late 19th century network of radical British suffragists, and the Women's Franchise League); EMMELINE PANKHURST, MY OWN STORY 37 (1914) (claiming that the creation of the WSPU in 1903 was partly inspired by Anthony's 1902 visit to Manchester); JUNE PURVIS, EMMELINE PANKHURST: A BIOGRAPHY 30-37, 40, (2002) (describing Pankhurst's work with the Women's Franchise League).

twentieth century inspired a number of women from the United States who were in their midst,⁷⁴ including Paul's future colleague, Lucy Burns.⁷⁵

Burns became acquainted with the Pankhursts while in England during a holiday from her graduate studies in Germany. The encounter inspired her to leave her program and work as an organizer for the WSPU. Burns and Paul first met one another at a London police station after they had been arrested during a suffrage demonstration. They discussed their experiences in England, compared them to the situation back home, and shared their hopes for the future of the movement in the United States.⁷⁶ Both Paul and Burns rose in the ranks of the WSPU, eventually serving together as assistants to Emmeline Pankhurst. When Pankhurst left for Scotland to expand the WSPU organization there, Paul and Burns joined her and gained invaluable experience in organizing parades, developing a network of supporters, opening new local offices, and facing arrest for their protests.⁷⁷

After returning to London in the fall of 1909, Paul participated in an infamous protest action on Lord Mayor's Day, November 9, during a banquet at the Guildhall attended by the prime minister and most of the cabinet. Along with another suffragette, Amelia Brown, Paul disguised herself as a cleaning woman and snuck into the building. When Prime Minister Asquith stood up to deliver his remarks, Paul and Brown—who, in order to attract attention, first threw her shoe and broke a stained-glass window—shouted: “Votes for women!” They were promptly arrested. Paul was sent to prison for a month of hard labor.⁷⁸ While in prison Paul and Brown claimed and were denied political prisoner status. Following the practice of other British suffragettes, they immediately launched a hunger strike and were eventually subjected to forced feeding. The entire

⁷⁴ See, e.g., CATT & SCHULER, *supra* note 26, at 241 (suggesting that the Pankhursts “taught many suffragists the world around that spectacular events carried suffrage messages to the masses of the people as suffrage appeals to reason never could”). Catt furthered these transatlantic connections as the president of the International Woman Suffrage Alliance—an organization established in Berlin in 1904 and inspired by an earlier group, the International Council of Women, founded in the 1880s by Anthony and Stanton.

⁷⁵ See Sidney Bland, ‘Never Quite as Committed as We’d Like’: *The Suffrage Militancy of Lucy Burns*, J. OF LONG ISLAND HIST. 4 (1981).

⁷⁶ Paul Interview, *supra* note 43, at 48; Bland, *supra* note 29, at 44; LUNARDINI, *supra* note 31, at 15.

⁷⁷ Paul Interview, *supra* note 43, at 51; ADAMS & KEENE, *supra* note 35, at 12-14.

⁷⁸ Paul Interview, *supra* note 43, at 56-8; PANKHURST, *supra* note 69, at 459-60. See Alice Paul Talks: *Hunger Striker Describes Forcible Feeding*, in the Miller NAWSA Suffrage Scrapbooks, 1897-1911, Library of Congress (clipping from the Philadelphia Tribune, January 22, 1910), available at <http://hdl.loc.gov/loc.rbc/rbcmil.scrp6014202>.

episode became international news, and Paul became a somewhat notorious figure in the United States.⁷⁹

C. Ending the “Doldrums”: A New Campaign for a Federal Suffrage Amendment

This notoriety initially alarmed Paul and her family, but her fame would eventually help her secure a prominent position in the suffrage movement in the United States. When she left England in January of 1910, the *New York Times* and other newspapers reported stories of her journey and arrival back in the United States.⁸⁰ Although she was willing to give interviews and assist with the local suffrage campaign in Philadelphia, she decided to return to her doctoral research at the University of Pennsylvania.⁸¹ The grueling campaign work, and especially her time in prison, had left Paul physically weakened and frail. After some much-needed rest, she agreed to speak in December on “The English Situation” at the delegate’s meeting of the convention of the National American Woman Suffrage Association (NAWSA) in Washington, D.C. In her speech, Paul described the “magnificent struggle” of the British suffragettes and argued England was now “the storm-center” of the movement for woman suffrage.⁸²

Burns and Paul reunited in 1912, when Paul completed her doctoral dissertation and Burns returned to the United States. They joined forces as soon as Burns arrived. One of the most striking aspects of their collaboration is how narrowly they defined their women’s rights agenda. Many of their peers—other young, self-supporting, highly educated, reform-minded women—were joining radical groups like the Heterodoxy Club in New York City, where feminists were discussing the possibility of achieving “free love” and sexual autonomy.⁸³ Others took a broader view

⁷⁹ *Miss Paul Describes Feeding by Force*, N.Y. TIMES, Dec. 10, 1909, at 1. See also Letters from Alice Paul to Tacie Parry Paul, Dec. 10, 18 & 27, 1909 (on file with the Schlesinger Library, Alice Paul Papers, Box 2, Folder 29).

⁸⁰ *Alice Paul Returns Home*, N.Y. TIMES, Jan. 21, 1910, at 18; see also ADAMS & KEENE, *supra* note 35, at 16 (noting that a crowd of journalists and photographers greeted her arrival).

⁸¹ Paul pursued a doctorate in sociology, with minors in economics and political science.

⁸² Paul’s speech is excerpted in THE HISTORY OF WOMAN SUFFRAGE, Vol. 5, 280-81; see also Alice Paul, *The Woman Suffrage Movement in Great Britain*, 35 Supp. ANNALS OF THE AMER. ACAD. OF POL. & SOC. SCI. 23 (1910); ADAMS & KEENE, *supra* note 35, at 19; LUNARDINI, *supra* note 31, at 15-18.

⁸³ On the more radical forms of feminism during this era, see SANDRA E. ADICKES, *TO BE YOUNG WAS VERY HEAVEN: WOMEN IN NEW YORK BEFORE THE FIRST WORLD WAR* (2000); JEAN V. MATTHEWS, *THE RISE OF THE NEW WOMAN: THE WOMAN’S MOVEMENT IN AMERICA, 1875-1930* (2003); JUDITH SCHWARZ, *RADICAL FEMINISTS OF HETERODOXY: GREENWICH VILLAGE, 1912-1940* (1986); JUNE SOCHEN, *THE NEW WOMAN: FEMINISM IN GREENWICH VILLAGE, 1910-1920* (1972);

of the problems of inequality, addressing other pressing social problems such as the need to regulate child labor, to improve the work and living conditions of immigrants, or to enact anti-lynching laws.⁸⁴

For Paul, however, the suffrage campaign was her *only* cause.⁸⁵ Paul's single-mindedness was at times her greatest strength,⁸⁶ and at others the source of tremendous damage to her influence and reputation.⁸⁷ At this stage of the suffrage campaign, however, such single-minded leadership was surely opportune. Developing the optimal strategy required both focus and fresh ideas.

Paul was convinced that a constitutional amendment offered the quickest route to national suffrage. Her strategy, clearly inspired by the WSPU's campaign, was centered on holding the national political parties responsible for the failure to pass an amendment. In 1912, the United States had six full-suffrage states and more than two million voting women, and Paul, believing that it was "more dignified of women to ask

CHRISTINE A. STANSELL, *AMERICAN MODERNS: BOHEMIAN NEW YORK AND THE RISE OF A NEW CENTURY* (2000). The leaders of the suffrage movement, including both Catt and Paul, were extremely wary of these feminists' advocacy of sexual freedom. *See, e.g.*, FOWLER, *supra* note 41, at 161-62. Even so, many of the organizers and leaders working under Paul were members of radical groups like the Heterodoxy Club—*i.e.*, Crystal Eastman, Rheta Childe Dorr, Charlotte Perkins Gilman, Inez Haynes Irwin, Inez Milholland, and Doris Stevens.

⁸⁴ For biographies of prominent social activists pursuing multiple reform agendas during the final years of the suffrage campaign, see PAULA J. GIDDINGS, *IDA: A SWORD AMONG LIONS: IDA B. WELLS AND THE CAMPAIGN AGAINST LYNCHING* (2008); JEAN BETHKE ELSHTAIN, *JANE ADDAMS AND THE DREAM OF AMERICAN DEMOCRACY: A LIFE* (2002); LOUISE W. KNIGHT, *CITIZEN: JANE ADDAMS AND THE STRUGGLE OF DEMOCRACY* (2005); KATHRYN KISH SKLAR, *FLORENCE KELLEY AND THE NATION'S WORK: THE RISE OF WOMEN'S POLITICAL CULTURE, 1830-1900* (1997).

⁸⁵ *Cf.* Paul Interview, *supra* note 43, at xvii (Fry introduction) ("Alice's campaign, in fact her whole life, was a one-issue affair: women's rights."). In this respect, too, Paul's approach resembles that taken by Susan B. Anthony, who also tried to keep suffrage as the single item on the agenda, primarily to prevent unnecessary dissension among suffragists until their right to vote was secured. *See* KRADITOR, *supra* note 28, at 143-44 (observing that while Anthony's private letters are filled with pronouncements about a variety of public issues, "she refused to go on record on those issues until she should have the right to make her views felt at the ballot box and advised all suffragists to follow her example").

⁸⁶ For example, Paul's efforts to keep the agenda limited to woman suffrage allowed for the broadest coalition of supporters. Wealthy society figures worked alongside labor organizers, and conservative housewives with Heterodoxy leaders.

⁸⁷ Paul's approach is reviled by contemporary feminists who use intersectionality analysis to explain how multiple aspects of personal identity—gender, race, national origin, sexual orientation, class, and disability—have an important role to play in theorizing and strategizing about social change. *See, e.g.*, Patricia Hill Collins, *It's All in the Family: Intersections of Gender, Race, and Nation*, in *DECENTERING THE CENTER: PHILOSOPHY FOR A MULTICULTURAL, POSTCOLONIAL, AND FEMINIST WORLD* 156-76 (Uma Narayan & Sandra Harding eds., 2000); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex*, in *LIVING WITH CONTRADICTIONS: CONTROVERSIES IN FEMINIST SOCIAL ETHICS* (Allison Jaggar ed., 1994); Audre Lorde, *Age, Race, Class, and Sex: Women Redefining Difference*, in *SISTER OUTSIDER: ESSAYS AND SPEECHES* (1984); Leslie McCall, *The Complexity of Intersectionality*, 30 *SIGNS* 1771 (2005).

the vote of other women than to beg it of men,”⁸⁸ planned to mobilize a substantial voting bloc of women voters who would provide the leverage needed to bring the rest of the parties in line. If Democratic Party members of Congress failed to pass a suffrage amendment, she was determined to hold them accountable at the next election. It was of no consequence that some pro-suffrage members might be punished with this strategy. Only the threat of a loss of support, Paul concluded, would provide sufficient incentive to push the entire Democratic Party to support woman suffrage.

NAWSA, in contrast, was fully committed to a decentralized, state-by-state campaign for women’s suffrage, either by state constitutional amendment or state legislative enactment. These state campaigns required huge expenditures of resources, and, despite these efforts, success remained elusive. After Wyoming entered the Union as the first suffrage state in 1890, only Colorado (1893), Idaho (1896) and Utah (1896) had extended the right to vote to women. For fourteen long years, from 1896 to 1910, no other state responded to NAWSA’s extensive state campaign work.⁸⁹

These results led some suffrage leaders to question the state lobbying strategy and NAWSA’s “slow and academic” methods.⁹⁰ New York suffragist Harriot Stanton Blatch, for example, argued forcefully that new and “less genteel” methods were required.⁹¹ Other suffragists voiced

⁸⁸ IRWIN, *supra* note 23, at 12.

⁸⁹ FLEXNER, *supra* note 27, at 241 (“[T]he years from 1896 to 1910 came to be known among suffragists as “the doldrums”); *see also* BAKER, *supra* note 4, at 189 (suggesting that Stanton’s death in 1902 and Anthony’s in 1906—both of which occurred during these long years without any new suffrage victories—added to the sense of failure). Even when the state of Washington passed woman suffrage in 1910, and California followed in 1911, many suffragists remained skeptical about the worth of the state-level campaigns.

⁹⁰ RHETA CHILDE DORR, *A WOMAN OF FIFTY* 281 (1924); *see also id.* at 148–49 (observing that the suffrage movement in the early 1900s was “in a condition of profound lethargy” and “devoid of all inspiration,” and that “no newspaper or magazine editor would have printed an article on the subject”).

⁹¹ The daughter of Elizabeth Cady Stanton, Harriot Stanton Blatch married an Englishman in 1882 and moved to Basingstoke, a small town outside of London. From 1882–1902, her home became a salon of sorts to an array of socialists, feminists and other political radicals. When she returned to the United States, she made use of her many radical English ties and later helped bring Emmeline Pankhurst to the United States for speaking tours.

Blatch was an early and influential advocate of using parades to revitalize suffrage campaigning. She was convinced that public parades would convert far more than the well-trod lecture circuit ever could: “The stirring of our feelings, rather than an appeal to our reason, carries us to high convictions.” Harriot Stanton Blatch, *The Value of a Woman Suffrage Parade*, *WOMAN’S JOURNAL*, May 4, 1912, at 137. On Blatch’s suffrage work in New York, *see* Bland, *supra* note 29, at 27 (emphasizing Blatch’s adoption of innovative tactics); DUBOIS, *supra* note 43, at 102–04, 111–12 (describing Blatch’s efforts to import the WSPU’s public campaigning model in her own suffrage organizations – the Equality League, and later the Women’s Political Union – which included among their members such leaders as Charlotte Perkins Gilman, Florence Kelley, and Inez Milholland); FLEXNER, *supra* note 27, at 243

doubts about the strategic merits of a state-by-state approach. NAWSA's decentralized organizational structure gave each state campaign near complete autonomy, and, as a result, some offices were less well organized than others. NAWSA's national office offered little tactical support beyond general encouragement, fundraising assistance, and a speakers' bureau.⁹²

During this period, NAWSA's efforts in support of a federal amendment to the Constitution were purely symbolic. In 1910, NAWSA leader Carrie Chapman Catt testified before the Senate Committee on Woman Suffrage and NAWSA established a congressional committee to serve as a liaison with Congress. Elizabeth Kent, the wife of a member of Congress from California, led the new committee. For this new initiative, NAWSA allocated an annual budget of ten dollars, which typically remained unspent.⁹³

Although Oregon, Arizona, and Kansas became suffrage states in 1912, the debate over future strategy intensified as extensive and hard-fought suffrage campaigns in Ohio, Michigan, and Wisconsin were lost that year.⁹⁴ Increasingly skeptical about the wisdom of these state referenda battles, Paul was eager to begin campaigning for a federal amendment. She presented a proposal she developed with Lucy Burns at NAWSA's annual convention in Philadelphia. Although the NAWSA leaders quickly dismissed their initial proposal, Paul and Burns refused to back down. They sought the assistance of Jane Addams, who agreed to argue on their behalf before NAWSA's leadership committee. The intervention worked. Paul was appointed to chair NAWSA's congressional committee, and Burns was named vice-chair. Although NAWSA President Anna Howard Shaw and other officers emphasized that the congressional committee would be responsible for raising its own operating revenue, they did endorse Paul's plan to organize a large suffrage parade in Washington,

(attributing Blatch's "impatience" with the U.S. suffrage campaign to her familiarity with the "new forces beginning to stir the English movement").

On the national shift to these "less genteel" methods, including open-air meetings and street speeches, see FINNEGAN, *supra* note 37, at 11-12 (linking this shift to parades, pageants, and publicity in the 1910s to the rise of consumerism); LUMSDEN, *supra* note 35, at 77 ("Thanks to parades, the press for the first time gave suffragists a national forum for carrying their message to the public."); Holly J. McCammon, 'Out of the Parlors and into the Streets': *The Changing Tactical Repertoire of the U.S. Women's Suffrage Movements*, 81 SOC. FORCES 787, 791-94 (2003) (noting that the first suffrage parade occurred in 1908 and observing that parades became a common suffrage tactic nationally after the Washington, D.C. parade in 1913).

⁹² LUNARDINI, *supra* note 31, at 3.

⁹³ Bland, *supra* note 29, at 45, n. 5; IRWIN, *supra* note 23, at 18; LUNARDINI, *supra* note 31, at 4-5.

⁹⁴ Bland, *supra* note 29, at 8.

D.C., scheduled for the following March on the eve of Wilson's inauguration.⁹⁵

Giving Paul such a prominent position soon made the NAWSA leadership nervous, especially those who worried about comparisons to the Pankhursts' increasingly violent militant campaign. During the months that Paul had spent as an organizer for the WSPU, the British suffrage movement had not yet entered its most oppositional stage. In 1910, the Pankhursts had begun encouraging WSPU members to engage in widespread acts of violence against property—damaging storefronts, setting fire to mailboxes, even stealing priceless works of art from London museums.⁹⁶ By the time Paul entered the leadership of the U.S. suffrage movement in 1913, the British suffragettes' reputation was at its nadir and Paul's past ties to the WSPU were regularly mentioned as a source of controversy.⁹⁷ Many mainstream suffragists in the United States, including Catt, had occasionally praised the Pankhursts for their ability to arouse public attention through dramatic pageantry and large demonstrations,⁹⁸ but they drew a line at lawbreaking and were wary of any attempt to link NAWSA to the more militant WSPU.⁹⁹

At the same time, there were a number of U.S. suffragists who admired the Pankhursts' oppositional tactics and acts of courage—including their public protests, arrests, and subsequent hunger strikes in prison. In addition to Paul, Burns, and Harriot Stanton Blatch, other suffragists who supported the WSPU both financially and publicly included Alva

⁹⁵ Paul Interview, *supra* note 43, at 63-66, 72, 308 (recalling that NAWSA leaders “were always harping on the fact that they couldn't afford to pay anything toward” the parade's expenses and that she “shouldn't send a single bill for a single dollar to the national board”); Bland, *supra* note 29, at 45; FORD, *supra* note 32, at 46-47; IRWIN, *supra* note 23, at 12-13; LUNARDINI, *supra* note 31, at 21-22.

⁹⁶ For more on the WSPU's growing notoriety in the United States, following their resort to more militant tactics in 1910 (when, soon after Paul returned to the United States, Prime Minister Asquith reneged on a promise to support the Conciliation Bill in Parliament) through 1914 (when Britain entered the war and the Pankhursts ended their campaign), see Sandra Adickes, *Sisters, Not Demons: The Influence of the British Suffragists on the American Suffrage Movement*, 11 WOMEN'S HIST. REV. 675 (2002) (describing the increasingly negative coverage of the WSPU in the *New York Times* after 1909).

⁹⁷ Perhaps the controversy lingered because Paul never publicly criticized the WSPU for its conduct in the British campaign. Even so, she refused to endorse tactics threatening private property, always preferring to emphasize that such measures were not appropriate in the United States. See ADAMS & KEENE, *supra* note 35, at 31-32; Bland, *supra* note 29, at 16; FORD, *supra* note 32, at 32-34, 56-57.

⁹⁸ On this often overlooked aspect of Catt's strategic thinking, praising the militants' talent for publicity but ultimately rejecting their militant methods, see Edith F. Hurwitz, *Carrie C. Catt's 'Suffrage Militancy'*, 3 SIGNS 739 (1978) (introducing and reprinting the speech, “Suffrage Militancy,” delivered by Catt at the June, 1913 conference of the International Woman Suffrage Alliance).

⁹⁹ HARRISON, *supra* note 72, at 192-95, 204-06 (describing NAWSA's efforts to distance itself from the WSPU in 1913-14).

Belmont¹⁰⁰ and Rheta Childe Dorr.¹⁰¹ Paul would soon discover there were thousands of like-minded suffragists eager to begin a new phase of suffrage campaigning.

III. "A GENIUS FOR ORGANIZATION"¹⁰²

A. "The Great Demand": The 1913 Suffrage Parade

1913 was an extraordinary year in the history of the woman suffrage movement. Once Paul assumed the leadership of NAWSA's congressional committee, she and Burns quickly assembled the members of their committee.¹⁰³ By the time they met on January 2 at their new headquarters in Washington, D.C., new volunteers had joined the committee¹⁰⁴ and the parade planning was well under way.

Paul's rationale for launching her suffrage campaign with a massive parade was convincing. Holding the parade on March 3, the eve of the presidential inauguration, would guarantee extensive publicity. In addition, Paul remained convinced that gaining the support of President Wilson was essential if Congress was ever going to pass a federal amendment. The parade would place him on notice that this issue was going to be a salient one, a public issue that he would have to contend

¹⁰⁰ Alva Belmont was the divorced wife of William K. Vanderbilt and later the widow of her second husband, the wealthy banker and reformer Oliver H.P. Belmont. After becoming inspired by the Pankhursts during a trip abroad, in 1909 Belmont established the Political Equality Association in New York City. Her efforts to incorporate both working-class and African-American women into the suffrage movement garnered much attention. DUBOIS, *supra* note 43, at 109. In 1913 Belmont became a leading benefactor of Alice Paul's suffrage campaign, no doubt hoping that Paul would shift the U.S. suffrage movement in a more militant direction. *No Such Thing as 'Idle Rich', Insists Mrs. O.H.P. Belmont*, WASH. POST, July 10, 1911, at 5 (encouraging American suffragists to emulate the British militants' efforts to "focus and rivet attention by force"); see also Janet W. Buell, *Alva Belmont: From Socialite to Feminist*, HISTORIAN, Feb. 1990, at 219; DUBOIS, *supra* note 43, 107-11; Peter Geidel, *Alva Belmont: Forgotten Feminist* (1993) (unpublished Ph.D. dissertation, Columbia University) (on file with author).

¹⁰¹ Rheta Childe Dorr was a pioneering journalist—a former editor of the women's pages for the *New York Evening Post* and a features writer whose articles were published in leading magazines, including *Collier's*, *Cosmopolitan*, and *Hampton's*.

¹⁰² Maud Younger, a leading suffrage organizer, wrote of Paul: "She is a genius for organization, both in the mass and in the detail." IRWIN, *supra* note 23, at 15.

¹⁰³ The Congressional Committee included Crystal Eastman, a lawyer and feminist; Mary Ritter Beard, a labor leader and suffragist; and Dora Kelly Lewis, a Philadelphia society leader and a friend of Paul's from their days as members of Philadelphia's Equal Franchise Society.

¹⁰⁴ Elsie M. Hill, whose father was a member of Congress from Connecticut; Elizabeth Kent, the former chair of the Congressional Committee; Helen Hamilton Gardener, a writer; Emma Gillett, a lawyer and one of the founders of the Washington College of Law of American University; Florence Etheridge, a federal government worker in the Bureau of Indian Affairs; and Belva Lockwood, the 83-year old feminist leader and lawyer who had run for President in 1884.

with, whether he was initially receptive or not.¹⁰⁵ Paul's choice of timing distinguished her use of the parade device from that of others, like the California suffrage campaigners and Harriot Stanton Blatch, who had organized parades to "sell suffrage" to the public.¹⁰⁶ Paul's primary goal, by contrast, was to send a message to the politicians in Washington, especially Wilson. By organizing a spectacle of unprecedented scope, Paul wanted the parade to offer *a demonstration of power*.¹⁰⁷ The first page of the parade program featured their "demand" for a federal suffrage amendment in the statement of purpose.¹⁰⁸ The lead banner in the procession similarly pronounced: "We Demand an Amendment to the United States Constitution Enfranchising the Women of the Country."¹⁰⁹

Paul's approach was to combine this sort of show of force with savvy persuasive techniques. She was well aware that both were necessary. Her attention to the aesthetic dimensions of persuasion—what one suffragist called "a genius for picturesque publicity"¹¹⁰—suggests that Paul, here clearly influenced by her work with the Pankhursts, already appreciated how emotional appeals could develop support for her campaign by inspiring suffragists, impressing bystanders, and generating admiring press coverage.

Perhaps because Paul's congressional committee was then still operating under NAWSA's direction, the parade program's list of the reasons to support suffrage included claims of justice and equality along with more "expediency"-related arguments. For example, one argument,

¹⁰⁵ Bland, *supra* note 29, at 47; LUNARDINI, *supra* note 31, at 25-26; Christine A. Lunardini & Thomas J. Knock, *Woodrow Wilson and Woman Suffrage: A New Look*, 95 POL. SCI. Q. 655 (1980-1).

¹⁰⁶ DUBOIS, *supra* note 43, at 126-27 (describing Blatch's adoption of a style of suffrage campaigning that relied on the advertising philosophy of mass consumer culture); FINNEGAN, *supra* note 37, at 11-13, 45-75 (same).

¹⁰⁷ Michael McGerr, *Political Style and Women's Power, 1839-1930*, 77 J. AM. HIST. 864, 877-78 (1990) (observing that one purpose of suffrage parades in the 1910s was to signal the "developing strength" of the suffrage movement); LUMSDEN, *supra* note 35, at 77 ("Since suffrage predated the opinion poll, the only way women could impress upon politicians and the public the widespread popularity of suffrage was through demonstrations such as big parades or delivering long petitions, a form of protest that was much easier to ignore. Parades were a great vehicle for showing the influential press that suffragists were womanly, serious in purpose, and existed in large numbers."); BAKER, *supra* note 4, at 191 (describing the parade as "a shot across the bow," directed at Wilson).

¹⁰⁸ The official parade program, which includes a list of the various sections of the procession as well as pictures and biographical profiles of the suffragists who planned the event, is available at the Library of Congress, American Memory Project: <http://hdl.loc.gov/loc.rbc/rbpe.20801600> (stating that the purpose of the procession is to offer a "concrete demonstration of the real feeling behind the demand" for a constitutional amendment and "to give evidence to the world of our determination that this simple act of justice shall be done").

¹⁰⁹ This lead parade banner later became known and cherished in suffrage circles as the "Great Demand" banner. IRWIN, *supra* note 23, at 29, 203.

¹¹⁰ *Id.* at 100.

drawing on the “civic housekeeping” theme prominent among some reform-minded suffragists, referred to the need to secure certain types of legislation that only women were likely to support at the polls.¹¹¹ Another frankly nativist argument held that women’s votes were needed to counterbalance the influx of uneducated, illiterate, foreign men.¹¹²

These arguments were not universally endorsed by suffragists. In her own suffrage work, Paul never publicly promoted the idea that women were uniquely nurturing,¹¹³ nor did she choose to emphasize Social Darwinist, anti-immigrant arguments, as did Carrie Chapman Catt in her own speeches and writings.¹¹⁴ Instead, Paul’s Quaker heritage taught her

¹¹¹ For perhaps the most influential formulation of the civic housekeeping argument, see Jane Addams, *Why Women Should Vote*, 27 LADIES’ HOME JOURNAL (1910), at 20-21, reprinted in ONE WOMAN, ONE VOTE: REDISCOVERING THE WOMAN SUFFRAGE MOVEMENT 195-201 (Marjorie Spruill Wheeler ed., 1995); KRADITOR, *supra* note 28, at 52-57, 63 n. 34, 116 (describing Addams’ 1910 article as “the ideal expression of the new philosophy” and linking it to Frances Willard’s earlier claim that “government is . . . housekeeping on a broadest scale”); Smith, *supra* note 18, at 229 (observing that progressive reformers concerned about the problems of female workers and immigrants offered arguments for “female suffrage in terms of the special maternal qualities women would bring to political life”).

¹¹² Parade Program, at 4.

¹¹³ Even so, one of the more interesting revelations of the Paul Interview is her endorsement of essentialist views about women’s uniquely nurturing capacities. Paul Interview, *supra* note 43, at 400-02 (stating that “men contribute one thing and women another thing, that we’re made that way” and describing women as the “peace-loving half of the world and the homemaking half of the world, the temperate half of the world”).

¹¹⁴ See Kevin S. Amidon, *Carrie Chapman Catt and the Evolutionary Politics of Sex and Race, 1885-1940*, 68 J. OF THE HIST. OF IDEAS 305, 327-28 (2007) (finding in Catt’s public addresses and writings a persistent reliance on “a narrative of evolutionary progress,” through which “race difference retained its potential as grounds for exclusion from politics and historical progress”); CATT & SHULER, *supra* note 26, at 162 (suggesting that suffragists “of American birth” were “driven to beg their right to have their opinions counted from Negroes, newly emancipated, untrained, and from foreign-born voters, mainly uneducated, with views concerning women molded by European tradition” and that “[n]o other women in the world suffered such humiliation nor worked against such odds for their political liberty”); GRAHAM, *supra* note 37, at 22 (quoting from Catt’s presidential address at the 1901 NAWSA convention, where Catt spoke of the “ill-advised haste” of movements to enfranchise “the foreigner, the negro and the Indian”); KRADITOR, *supra* note 28, at 106 (“Northern suffragists began saying that having to obey laws made by men from every corner of the earth was an indignity to which descendants of the heroes of 1776 ought not to be subjected. This was one argument that suffragists began using early in the thirty-year period (1890-1920) and continued to repeat until the final years of the amendment campaign.”); NEWMAN, *supra* note 38, at 183 (situating suffrage ideology within an intellectual milieu that included Social Darwinism and imperialism, and concluding that racism was “an integral, constitutive element in feminism’s overall understanding of citizenship, democracy, political self-possession, and equality”); Smith, *supra* note 18, at 263-64 (linking the rise of Social Darwinism to the prominence of essentialist arguments for suffrage that suggested women were naturally suited to the task of social “housekeeping,” arguments that were “less capable of forging alliances with working women and the new wave of immigrants as well as blacks”).

In the final decade of the suffrage campaign, NAWSA deemphasized nativist rhetoric, but its leaders continued to promote civic housekeeping themes. See KRADITOR, *supra* note 28, at 114 (“While the arguments for woman suffrage based on fear of the foreign-born vote remained, some suffragists adopted a new sympathetic approach to the immigrant shortly after the turn of the century. The two attitudes continued to live in uneasy coexistence within the suffragist rationale until the very end of the

that all humans have similar souls in the eyes of God, a belief that inspired her fight for equal treatment of men and women throughout her life.¹¹⁵

As Paul moved forward with her planning, she made every effort to move beyond these academic arguments for suffrage.¹¹⁶ Following the Pankhursts, she believed that it was finally time for “deeds, not words.”¹¹⁷ This emphasis on action over rhetoric and debate is a recurring feature of Paul’s suffrage campaigning. Viewing the merit of woman suffrage as a given, she intended to replace dry and interminable debates over particular reasons to support suffrage with new tactics that would resonate with both elites and the public. She sought out visual techniques for publicity and persuasion that could attract support from a diverse group of potential supporters. Her careful planning for the parade is an early example of Paul’s visual style of campaigning. Features such as the beautiful Inez Milholland leading the procession on a white horse¹¹⁸ and the parade’s elaborate tableau¹¹⁹ were designed to associate then-reigning ideals of beauty and womanly virtue with the suffrage cause. In addition to the sections of homemakers and club women, Paul also arranged for large sections of professional women and university students. In this way, the

amendment campaign.”); MARILLEY, *supra* note 33, at 194-96 (attributing Catt’s turn away from nativist rhetoric to her international travels on behalf of the International Woman Suffrage Alliance from 1910 to 1912); Smith, *supra* note 18, at 273-74 (suggesting that, with “the realization that they could win immigrant votes,” and “under the influence of the progressives,” “NAWSA took a somewhat less nativist and anti-labor line” during the final years of the suffrage campaign).

¹¹⁵ Paul did not rely on nativist rhetoric in her *public* campaign; and, in her correspondence, she frequently invoked her Quaker heritage to support her claim that she was not personally racist. But, just like her NAWSA rivals, Paul remained concerned about the reactions of southerners, if racial equality became associated with the suffrage cause. She always attempted to avoid causing southerners concern on this issue, albeit without overtly endorsing their racist views. For example, in 1914, Paul wrote an editorial in the *Suffragist* asserting that a federal amendment would not change the status of Jim Crow laws in the southern states. See *National Suffrage and the Race Problem*, SUFFRAGIST, Nov. 14, 1914, at 3. Paul’s approach was virtually identical to “the unwritten and largely unspoken NAWSA policy on black suffragists . . . to ignore them whenever possible or, if pressed, to refuse their advances politely but firmly when black activists offered their allegiance and aid.” GRAHAM, *supra* note 37, at 24.

¹¹⁶ Cf. Paula Baker, *The Domestication of Politics: Women and American Political Society, 1789-1920*, 69 AM. HIST. REV. 620, 642 (1984) (suggesting that “organization, not argumentation, was the key to winning the vote for the second-generation”).

¹¹⁷ PANKHURST, *supra* note 73, at 49 (referring to the phrase “deeds, not words” as the “permanent motto” of the WSPU).

¹¹⁸ Anna Marie Nicolosi, ‘The Most Beautiful Suffragette’: Inez Milholland the Political Currency of Beauty, 6 J. OF THE GILDED AGE & PROGR. ERA 287 (2007); Photograph of Inez Milholland Boissevain preparing to lead the suffrage parade in Washington, D.C., March 3, 1913, Records of the National Woman’s Party, Library of Congress, available at <http://hdl.loc.gov/loc.mss/mnwp.274006>.

¹¹⁹ Photograph of the Suffrage Tableau, Washington, D.C., March 3, 1913, Records of the National Woman’s Party, Library of Congress, available at <http://hdl.loc.gov/loc.mss/mnwp.276006>.

parade, like most of Paul's suffrage events, would offer an exciting spectacle capable of appealing to a variety of supporters.

The suffrage parade also provided the first indication of Paul's impressive organizational abilities. Given the short amount of time the committee allowed for the parade's planning, their achievements were extraordinary.¹²⁰ In a matter of weeks, they managed to finance the parade without the assistance of NAWSA's headquarters. They had launched their fundraising efforts with a letter announcing the parade, both to solicit financial contributions and to publicize the parade throughout the national suffrage community. To help contain costs, the committee asked groups who wished to attend¹²¹ to finance their own participation in the parade, including the costs of their trip, their own lodging, and their costumes or other equipment like banners and floats. Financial contributions to the committee were devoted to publicity and developing its national network.¹²²

¹²⁰ Paul Interview, *supra* note 43, at 74.

¹²¹ Generally, all suffrage organizations were encouraged to participate. One dispute arose when a group of Howard University student suffragists volunteered to march in the college section. Some of the other volunteers refused to march if the Howard students were allowed. Paul initially sought a compromise and asked the Howard group to march within the section of the parade including prosuffrage male marchers, who had agreed to act as a buffer for the Howard students in order to protect them from bystanders. See Alice Paul to Lucy Stone Blackwell, (Jan. 15, 1913) *microformed on NWP Papers*, Reel 1 (Microfilming Corp. of Am.) (Paul expressed her concern that an integrated march might cause white suffragists to avoid participating, and, after referring to her northern Quaker roots, attempted to assure Blackwell that she was not motivated by any race prejudice, remarking how "sad" it made her that "our women are so prejudiced"); *Colored Women to March in Suffrage Parade*, WASH. POST, Mar. 2, 1913, at 16; Bland, *supra* note 29, at 53-54; FORD, *supra* note 32, at 109-10; LUNARDINI, *supra* note 31, at 26-27.

Another controversy involved the journalist Ida B. Wells-Barnett's refusal to march in a segregated section. See *Illinois Feature Parade*, DAILY CHIC. TRIB., Mar. 4, 1913, at 2 (quoting Wells' declaration that the Illinois delegation had "to take a stand" or "the colored women would be lost"); ADAMS & KEENE, *supra* note 35, at 86-87; DUBOIS, *supra* note 43, at 186-89; Wanda Hendricks, *Ida B. Wells-Barnett and the Alpha Suffrage Club of Chicago*, in ONE WOMAN, ONE VOTE: REDISCOVERING THE WOMAN SUFFRAGE MOVEMENT 263-77 (Marjorie Spruill Wheeler ed., 1995).

¹²² ADAMS & KEENE, *supra* note 35, at 79; LUNARDINI, *supra* note 31, at 26. Although NAWSA leaders initially told Paul to raise her own money for the parade, reports of her fundraising successes later caused considerable friction with the national leadership. Anna Howard Shaw wrote directly to Paul, fretting that the amount she was spending on parade "decorations" was enough to win referenda battles in two or three western states, such as Nevada, Montana or South Dakota. Shaw expressed unease "pouring cold water" on their plans, but she wanted to "caution you young women not to make too expensive an affair of it." See Anna Howard Shaw to Alice Paul, (Jan. 2, 1913), *microformed on NWP Papers*, Reel 1 (Microfilming Corp. of Am.) Paul, however, had arranged for some unusual sources of funding. The companies selling grandstand tickets for the Wilson inaugural proposed to her that they sell tickets to cover the two days of parades, so that they would include her parade as well. The Congressional Committee would then receive a small percentage of the sales. As Paul later explained, "they took in a great deal of money, and it was one of the big helps in enabling us to pay all the big bills we had from getting this up." Paul Interview, *supra* note 43, at 75-76.

The second major challenge confronting the committee involved their negotiations with Washington, D.C. officials to secure the permits for the parade route and to arrange for security. When Paul met with the superintendent of police, Richard Sylvester, to discuss her plans, he attempted to dissuade her from holding the parade in March as scheduled,¹²³ warning her that the huge crowds arriving for the inauguration would likely become restive and uncooperative. In the days leading up to the parade, Paul repeatedly requested more information about threats, and she became increasingly concerned about the safety of the marchers. On the day before the parade, Paul asked Elizabeth Selden White Rogers, the sister-in-law of President Taft's soon departing Secretary of War, Henry L. Stimson, to help her request military officers to provide protection. Stimson responded with sympathy, but told them that the law forbade that option. Nevertheless, Stimson was concerned enough that he ordered troops from the Fifteenth Cavalry from Fort Myer, Virginia to stand ready just outside the capitol in case they were needed.¹²⁴ As it turned out, these concerns were warranted.¹²⁵

On March 3, over half a million people gathered along the Pennsylvania Avenue campaign route. When Wilson arrived at Union Station on the afternoon before his inauguration, a member of his party asked why the expected crowds had not appeared to greet his arrival. They were told all of Washington was on Pennsylvania Avenue watching the suffrage parade.¹²⁶ The parade was a massive spectacle, with over 8,000 marchers divided into six sections, ten bands, twenty-six floats, five cavalry squadrons with six chariots,¹²⁷ and a staging of "an allegorical tableau."¹²⁸

¹²³ Sylvester also initially refused Paul's request for a permit to march on Pennsylvania Avenue, claiming that it would be "totally unsuitable" for women to do so. He proposed 16th Street instead, where a number of embassies were located. But Paul prevailed and obtained her permit to march down Pennsylvania Avenue. Paul Interview, *supra* note 43, at 73; ADAMS & KEENE, *supra* note 35, at 80.

¹²⁴ Paul Interview, *supra* note 43, at 74-78; LUNARDINI, *supra* note 31, at 29.

¹²⁵ *Throngs Greet Pilgrims' Entry*, WASH. POST, Mar. 1, 1913, at 1 (describing the city as "suffrage mad" in the days before the parade, with "suffrage on everyone's tongue").

¹²⁶ IRWIN, *supra* note 23, at 30.

¹²⁷ *5,000 Women March, Beset by Crowds*, N.Y. TIMES, Mar. 4, 1913, at 5 (describing the event as "an astonishing demonstration" and "the greatest parade of women in [the capital's] history").

¹²⁸ Paul asked Hazel MacKaye to arrange the massive "tableau" display with over one hundred women performers on the steps of the Treasury Building. According to Lumsden, suffragists were "the first group to use pageants to agitate for social change," as part of an effort to incorporate emotional appeals that would inspire viewers. These pageants typically included displays of allegorical tableaux meant to depict "female wisdom and strength and to project their vision of a future in which women would be equal partners with men." LUMSDEN, *supra* note 35, at 96. See also *Told the Story of the Ages; Suffrage Allegory, A Beautiful Spectacle, Was a Triumph for Women*, N.Y. TIMES, Mar. 4, 1913, at 5; Bland, *supra* note 29, at 49; LUNARDINI, *supra* note 31, at 28.

There had not been a crowd of this size assembled in the District of Columbia in over sixteen years.¹²⁹ The district police did little to stop the more boisterous members of the crowd from harassing the marchers. Within an hour of its start, the crowd had pushed its way into the suffragists' line of march, and "the situation descended into a near-riot," with pushing and shoving, heckling and shouting.¹³⁰ The Fifteenth Calvary rode into the city to restore order, and well over a hundred people were taken by ambulance to the hospital for treatment of their (mostly minor) injuries.¹³¹



Woman's Suffrage Parade, 1913 (Courtesy of the Library of Congress)

¹²⁹ BAKER, *supra* note 4, at 185.

¹³⁰ CATT & SHULER, *supra* note 26, at 242 ("Women were spat upon, slapped in the face, tripped up, pelted with burning cigar stubs and insulted by jeers and obscene language too vile to print or repeat."); Bland, *supra* note 29, at 58; LUNARDINI, *supra* note 31, at 29-30; LUMSDEN, *supra* note 35, at 79.

For whatever reason—a generally poor memory or a tendency to put behind her unpleasant physical experiences—in her oral interview with Amelia Fry, Paul offers a very different depiction of the parade, suggesting it was simply a matter of inadequate police personnel, and fails to recall any overtly rude behavior from the crowds or police. Paul Interview, *supra* note 43, at 79-81, 89. Paul's recollections from 1972-3, however, contradict the statements she and others made in 1913 to the press and to Congress.

¹³¹ LUNARDINI, *supra* note 31, at 30.

Journalists and members of Congress reacted with dismay and anger. Both the *New York Times* and the *Washington Post* described the beauty and size of the parade, as well as the utter failure of the D.C. police to maintain order.¹³² Taking advantage of this spirit of outrage and sympathy, Paul used the negative publicity as leverage for her calls for action at the highest levels of government.¹³³ On March 6, just three days after the parade, a special investigative committee in the Senate scheduled hearings to determine responsibility for the havoc. Paul spoke at the hearings, describing how the organizers had done everything possible to prevent any harm to the marchers.¹³⁴ Stimson supported Paul's testimony,¹³⁵ and the parade organizers received even more favorable publicity from the investigation.¹³⁶ Although the Senate report exonerated Superintendent Sylvester,¹³⁷ the controversy eventually contributed to his departure.¹³⁸

The parade and its aftermath revealed Paul's talent for quickly seizing control of events and using them to her advantage. The problems with the parade's security focused the public's attention on the suffrage question.¹³⁹

¹³² *Parade Protest Arouses Ire in the Senate*, N.Y. TIMES, Mar. 5, 1913, at 8; *Woman's Beauty, Grace, and Art Bewilder the Capital*, WASH. POST, Mar. 4, 1913, at 3; *100 Are in Hospital*, WASH. POST, Mar. 4, 1913, at 10; see also Bland, *supra* note 29, at 57-59 (describing the supportive press coverage).

¹³³ ADAMS & KEENE, *supra* note 35, at 94-96 (describing Paul's response, which included sending out press releases filled with suffragists' "notarized statements" describing the abuse they had experienced during the parade and calling on progressive leaders like Louis Brandeis to attend public meetings in the days following the parade); Bland, *supra* note 29, at 59 (discussing Alice Stone Blackwell's efforts to stoke the controversy in the *Woman's Journal*); CATT & SHULER, *supra* note 26, at 242-43 (observing that "the failure of the police to maintain order, and not the procession itself, gave the chief contribution to suffrage progress" because all of the news coverage "brought discussion on the subject of woman suffrage to every hamlet in the land" and in Congress).

¹³⁴ See WOMEN'S SUFFRAGE AND THE POLICE: THREE SENATE DOCUMENTS (1971) (reprint of Senate Report No. 53 (63rd Congress, 1st Sess., 1913), including over 700 pages of testimony) [hereinafter "Suffrage Parade Senate Report" or "Suffrage Parade Senate Hearings"]. For Paul's testimony, see Suffrage Parade Senate Hearings, at 131-35.

¹³⁵ *Id.* at 116-22.

¹³⁶ *Senate Police Inquiry On*, N.Y. TIMES, Mar. 6, 1913, at 3; *Police Idly Watched Abuse of Women*, N.Y. TIMES, Mar. 7, 1913, at 1; *Sylvester Shocked at Insults to Women*, N.Y. TIMES, Mar. 9, 1913, at 3; *Begin Police Grill*, WASH. POST, Mar. 5, 1913, at 3; *Police Must Explain*, WASH. POST, Mar. 5, 1913, at 1.

¹³⁷ Suffrage Parade Senate Report, *supra* note 134, at xv.

¹³⁸ ADAMS & KEENE, *supra* note 35, at 96-97; Bland, *supra* note 29, at 66-67; IRWIN, *supra* note 23, at 29; LUNARDINI, *supra* note 31, at 30; STEVENS, *supra* note 23, at 21-22.

¹³⁹ CATT & SHULER, *supra* note 26, at 242-43 ("the failure of the police to maintain order, and not the procession itself, gave the chief contribution to suffrage progress" because all of the news coverage "brought discussion on the subject of woman suffrage to every hamlet in the land" and in Congress). See also Bland, *supra* note 29, at 60 (drawing an analogy to the abolitionist movement, suggests that the attacks also likely deepened the commitment of the suffrage marchers, by inspiring a "new esprit de corps" and improved solidarity).

If one goal was to raise the public profile of the congressional committee and its work on behalf of a federal amendment, then the suffrage parade, despite its chaotic ending, was a resounding success.

B. Targeting the President

With this favorable publicity enhancing her status, Paul immediately directed her attention to President Wilson. Her ultimate aim was for Congress to pass the federal suffrage amendment, but she knew that she would have to appeal to Congress through every available method. With the parade, Paul had pursued a “bottom-up” strategy to maximize publicity and constituent pressure, and the results were a useful first step. Her next step was to begin implementing a “top-down” approach that required convincing Wilson to lead his party to support woman suffrage.¹⁴¹

Within just two weeks of the parade, on March 17, Paul arranged for a delegation to meet with President Wilson.¹⁴² At the meeting, Paul quoted from Wilson’s recent book, *The New Freedom*, and suggested that extending suffrage to women would be the principled position to take, given his views about democracy.¹⁴³ Wilson attempted to deflect these arguments by telling the delegation that the issue “had never been brought to his attention.”¹⁴⁴ Paul left the meeting with the impression that the suffrage issue was far from a priority for the new President.¹⁴⁵

¹⁴¹ IRWIN, *supra* note 23, at 31 (stating that Paul always continued to work “on Congress by a series of electric shocks delivered to it downwards from the President, and by a constant succession of waves delivered upwards through the people”).

¹⁴² The group included Paul, Ida Husted Harper, editor of *The History of Woman Suffrage* volumes, and Genevieve Stone, the wife of a member of Congress. ADAMS & KEENE, *supra* note 35, at 127; LUNARDINI, *supra* note 31, at 32.

¹⁴³ WOODROW WILSON, *THE NEW FREEDOM: A CALL FOR THE EMANCIPATION OF THE GREAT ENERGIES OF OUR PEOPLE* (1913); BAKER, *supra* note 4, at 191, 204-05.

¹⁴⁴ IRWIN, *supra* note 23, at 33. Cf. Letter to Robert Underwood Johnson (Feb. 23, 1896), in 9 *THE PAPERS OF WOODROW WILSON* 448-9 (Arthur S. Link ed., 1970) (letter from Wilson declaring his opposition to woman suffrage); Interview with Dr. Wilson (Mar. 3, 1908), in 18 *THE PAPERS OF WOODROW WILSON* 3 (Arthur S. Link ed., 1975) (“Women, says President Wilson [of Princeton University], do not really want the Franchise and it would not be an unmixed blessing for the rest of the world if they had it. . . . [A]s a rule, women prefer goodness as a quality, to ability, and are apt to be not a little influenced by charm of manner.”); Letter to Witter Bynner (June 20, 1911), in 23 *THE PAPERS OF WOODROW WILSON* 160 (Arthur S. Link ed., 1977) (responding to a query about his views on woman suffrage and responding that “I must say very frankly that my personal judgment is very strongly against it.”); AUGUST HECKSCHER, *WOODROW WILSON: A BIOGRAPHY* 234 (1991) (observing that, “despite two of his daughters being suffragists,” Wilson “was firmly opposed to it” in 1911).

When preparing to run for president in 1912, Wilson began offering to the public a very different view, suggesting that he was still pondering the question. See, e.g., Letter to Edith M. Whitmore (Feb. 8, 1912) in 24 *THE PAPERS OF WOODROW WILSON* 140 (Arthur S. Link ed., 1978) (responding to a request for a statement regarding woman suffrage and responding that “my own mind is in the midst of the debate which it involves. I do not feel I am ready to utter any confident judgment as yet about it”).

Wilson's intransigence posed an enormous obstacle for Paul's campaign for a federal amendment. In developing her strategy, Paul had concluded that Wilson was the one actor whose support was essential. The president was the leader of his party, and just as he had the power to shape the party's legislative agenda, so too could he persuade the Democrats in Congress to support the amendment.

Paul's views about the role of the president were both sophisticated and prescient.¹⁴⁶ Wilson's innovations in office have traditionally been thought to have their origins in his work as a political science professor at Princeton University. In his first book, *Congressional Government*, Wilson had criticized the Framers' constitutional system for its inability to meet the challenges of a more complex, industrialized society.¹⁴⁷ In his view, by insisting on separating the powers of the branches, the Framers had made it impossible for quick, decisive action by a responsible political leader. What developed instead was the rise of "congressional government"—a proliferation of legislative committees that undercut the authority of the president's cabinet even as they grew too numerous and competitive to provide effective direction to the government. Wilson expressed admiration for the British model of parliamentary government with a responsible cabinet, and in his later work he argued that the challenges of modern government in the United States could best be confronted by a more powerful president who could lead public opinion and exert greater party control over Congress.¹⁴⁸

Paul believed that Wilson was capable of exerting a great deal of control over the Democrats in Congress—although she may have overestimated how *willing* he was generally to exert it¹⁴⁹—and it was this

Behind the scenes, however, Wilson was actively lobbying the Democratic Party platform committee in opposition to a pro-suffrage plank. Tichenor, *supra* note 55, at 16.

¹⁴⁵ Paul Interview, *supra* note 43, at 89-90; FORD, *supra* note 32, at 54; LUNARDINI, *supra* note 31, at 33; STEVENS, *supra* note 23, at 22-23.

¹⁴⁶ Cf. IRWIN, *supra* note 23, at 27-28 (commenting on Paul's renowned political skills).

¹⁴⁷ WOODROW WILSON, *CONGRESSIONAL GOVERNMENT: A STUDY IN AMERICAN POLITICS* (1885).

¹⁴⁸ WOODROW WILSON, *CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES* (1908). The view that Wilson ushered in the "rhetorical presidency" has been an influential one. See, e.g., JEFFREY K. TULIS, *THE RHETORICAL PRESIDENCY* (1987).

¹⁴⁹ For recent scholarship questioning the rhetorical presidency thesis, see Terri Bimes & Stephen Skowronek, *Woodrow Wilson's Critique of Popular Leadership: Reassessing the Modern-Traditional Divide in Presidential History*, in *SPEAKING TO THE PEOPLE: THE RHETORICAL PRESIDENCY IN HISTORICAL PERSPECTIVE* 134 (Richard J. Ellis ed., 1998) (arguing that the conventional view of Wilson as "the great repudiator of original understandings of the president's role" overemphasizes the influence of his political science texts, *Congressional Government* and *Constitutional Government*, and suggesting in the alternative that the origins of the views on presidential leadership shaping his own record as president—as a cautious manager of social change—are more accurately located in the

understanding of the changing dynamics of American politics that prompted her “to make the president . . . the specific target of a political movement.”¹⁵⁰ Political movements, of course, need money and resources to accomplish such lofty goals. Paul and her colleague Dora Lewis met again in March with the leaders of NAWSA, including Anna Howard Shaw and Mary Ware Dennett, to request the creation of a permanent organization devoted to federal lobbying for the suffrage amendment. In April, the Congressional Union for Woman Suffrage was formed, operating alongside the congressional committee as a kind of fundraising and support affiliate. The Union set out to recruit members who wanted not only to contribute to the cause but also to volunteer their time to work in the campaign for a federal suffrage amendment.¹⁵¹

C. *The Rise of the Congressional Union*

The Union realized they needed to communicate their sense of political priorities to the broader public, as well as to Wilson and members of Congress. One of the Union’s outstanding achievements in 1913 was the creation and promotion of a new publication, the *Suffragist*, which was managed and edited by Rheta Childe Dorr, a former columnist for the *New York Evening Post*. Dorr launched and began regular production of the newspaper while also managing to put the publication on a sound financial footing through paid subscribers and advertising.¹⁵²

histories of the United States he authored in the 1890s); Daniel Stid, *Rhetorical Leadership and ‘Common Counsel’ in the Presidency of Woodrow Wilson*, in *id.* at 163, 168-69 (“Wilson was well aware of the limits of public opinion leadership,” and so he “consistently combined his public, rhetorical efforts to sway Congress with a more informal and interactive mode of presidential-congressional relations” that emphasized personal conferrals and persuasive appeals, what he sometime called the aim of “common counsel”); DANIEL D. STID, *THE PRESIDENT AS STATESMAN: WOODROW WILSON AND THE CONSTITUTION* (1998).

For a response to these critiques, see Jeffrey K. Tulis, *Reflections on the Rhetorical Presidency*, in *SPEAKING TO THE PEOPLE: THE RHETORICAL PRESIDENCY IN HISTORICAL PERSPECTIVE* 211, 219 (Richard J. Ellis ed., 1998) (suggesting that his “intention was never to blame Wilson” for the rise of the rhetorical presidency and praising his critics’ efforts to invoke Wilson’s own scholarship and practices in order to “encourage thinking” about the “pathologies of modern governance”). On Wilson’s views regarding presidential leadership and their impact on the suffrage debate, see BAKER, *supra* note 4, at 185-86, 200.

¹⁵⁰ *Id.* at 187. Baker also suggests that this is “the first time in history” that such an attempt was made, but I question this claim. Consider, just to take one example, the number of delegations abolitionists sent to Lincoln’s White House.

¹⁵¹ Paul Interview, *supra* note 43, at 95-96; see also Bland, *supra* note 29, at 68-69; FORD, *supra* note 32, at 55; IRWIN, *supra* note 23, at 37; LUNARDINI, *supra* note 31, at 34. To be concise, I will refer to these lobbying efforts as taking place under the auspices of the Union, although Paul considered the activities of the Congressional Union and NAWSA’s congressional committee to be coordinated until the final break with NAWSA in early 1914.

¹⁵² DORR, *supra* note 90, at 288-89; IRWIN, *supra* note 23, at 46-47. In the summer of 1913, Paul launched an innovative campaign to increase the number of subscribers to *The Suffragist*, sending

Paul rejected the idea of a “propaganda” newspaper that would attempt to persuade the uncommitted.¹⁵³ Instead, the original justification for the weekly journal was the need to replace the Union’s cumbersome process of using circular letters to communicate with members. The *Suffragist* provided information and inspiration first and foremost to the *members* of the Union and, in later years, the NWP. The journal helped to give members far from the Washington, D.C. headquarters a sense of identity as part of a vibrant and successful political organization¹⁵⁴ as well as official “talking points” regarding tactics.” Because the paper often included explanations and justifications of Paul’s political strategies, it also became a useful tool for communicating her perspective to a broader audience—especially the “opinion elite,” other journalists and politicians—during the suffrage campaign.

Through a new press office, the Union issued press releases and organized press conferences in order to ask federal officials the kinds of provocative questions that would produce “good copy” for journalists.¹⁵⁵ The *Suffragist* would then identify the most supportive statements from newspaper editorials and articles, and print these excerpts in its “Comments of the Press” section. In this way, Paul established what was then one of the most sophisticated programs for influencing and using newspaper coverage, making the most of this publicity to further the goals of her organization.¹⁵⁶ By the summer of 1913, Dorr observed, “there was

letters to fifty supporters urging each of them to recruit 100 new subscribers. In addition to providing an efficient method of initially boosting the publication’s subscriber rolls, Paul believed that her volunteers’ success in this task would offer a good indication of their ability to serve as local political organizers for the CU. By December 1913, the magazine had 1,200 paid subscribers; in 1918, the subscription number exceeded 10,000. ADAMS & KEENE, *supra* note 35, at 46-47.

The collaboration between Dorr and Paul lasted only for one year. An experienced journalist, Dorr soon became exasperated by Paul’s efforts to overrule her editorial decisions. ADAMS & KEENE, *supra* note 35, at 47-48. Dorr, however, did not entirely reject Paul’s leadership. She continued to support Paul’s campaign, later accepted a position on Paul’s Advisory Council, and wrote glowingly about Paul in her autobiography. DORR, *supra* note 90, at 303 (referring to Paul’s “skill and amazing courage” and describing her suffrage campaign as “one of the immense achievements of my time”).

¹⁵³ *Salutatory*, SUFFRAGIST, Nov. 15, 1913, at 4 (observing that “woman suffrage has passed beyond propaganda and reached its political stage”).

¹⁵⁴ For example, the *Suffragist* often included photographs of suffrage leaders and of recent activities—of parades, delegations, speaking tours, and pickets—in order to help its far-flung readers feel more intimately familiar with and involved in the work of the organization. The cartoonist, Nina Allender, contributed original political cartoons offering “commentary on the progress of the Woman’s Party.” IRWIN, *supra* note 23, at 47; *see also* ADAMS & KEENE, *supra* note 35, at 51-65.

¹⁵⁵ Paul Interview, *supra* note 43, at 83-85, 356-57; LUNARDINI, *supra* note 31, at 39.

¹⁵⁶ *Cf.* Baumgartner, *supra* note 35, at 129 (describing the Union as “the first woman’s organization strategically to seek to influence the press”); *see also* *Congressional Union Press Bureau*, SUFFRAGIST, June 20, 1914, at 3 (describing the resources of the CU’s public relations office).

never a day when local reporters and Washington correspondents did not call or send to our headquarters for suffrage news.”¹⁵⁷

The Congressional Union’s lobbying efforts throughout the remaining months of 1913 were also impressive. When Congress assembled for its special session on April 7, the Union was prepared with a coordinated assembly composed of one woman from each congressional district. Each of the women brought petitions and resolutions from constituents in their district arranged appointments with the congressmen and senators to lobby on behalf of the amendment.¹⁵⁸

In April, a Senate Joint Resolution calling for the passage of a federal suffrage amendment was sponsored by Senator George E. Chamberlain of Oregon and Frank W. Mondell of Oregon and referred to the Senate Woman Suffrage Committee. The committee voted unanimously on June 13 to send the resolution to the Senate floor for a vote.¹⁵⁹ The Union stepped up its lobbying efforts as soon as the date for floor debate was announced. They arranged “pilgrimages” from cities across the country during which the suffragists collected thousands of signatures for their petitions. On July 31, they gathered in Hyattsville, Maryland, just outside of Washington, D.C., and Union leaders escorted them to the Capitol, where the petitions were delivered to senators just prior to the floor debate.¹⁶⁰

On September 18, the Senate addressed the suffrage issue again and Senator Henry Fountain Ashurst of Arizona stated that he would push for a vote.¹⁶¹ In the House, the Judiciary Committee failed to send the matter out, but three separate resolutions endorsed the creation of a separate House Woman Suffrage Committee to take over the handling of the issue. Although no votes were taken, simply having the issue addressed by Congress was a considerable achievement.¹⁶²

Paul’s fundraising operation benefited from all of the favorable publicity from the parade and ongoing lobbying activities. By the end of

¹⁵⁷ DORR, *supra* note 90, at 287-88. She quotes one news reporter: “I have been in Washington nineteen years, and never before have I mentioned woman suffrage in my dispatches. Now I am obliged to mention it several times a week.” *Id.*

¹⁵⁸ IRWIN, *supra* note 23, at 35-36.

¹⁵⁹ 50 CONG. REC. 1988-90 (1913).

¹⁶⁰ ADAMS & KEENE, *supra* note 35 at 98-99; IRWIN, *supra* note 23, at 38-39; LUNARDINI, *supra* note 31, at 37; *see also* 50 CONG. REC. 2941-52 (1913).

¹⁶¹ 50 CONG. REC. 5119-22 (1913).

¹⁶² *See* IRWIN, *supra* note 23, at 40 (noting that more time in the legislature was being given to the woman suffrage issue than ever before); LUNARDINI, *supra* note 31, at 36-37 (noting that Congress’ willingness to consider the suffrage issue should be considered a victory for the women).

1913, the Union had more than 1,000 dues paying members¹⁶³ and sought monthly pledges from wealthier suffrage advocates. Elizabeth Kent formed a committee of permanent donors, called the Committee of Two Hundred, which took over the responsibility of financing the headquarters of the Union and assisting her in other fundraising activities. Wealthier donors like Alva Belmont and Louisine Havemeyer pledged more substantial amounts.¹⁶⁴ By the end of 1913, the Union had raised \$25,343.88.¹⁶⁵ NAWSA had originally demanded that Paul rely on her own resources for her federal campaign, and she clearly had risen to the challenge, ending the year with no debts and an undeniably impressive record of achievements.

D. The Break with NAWSA

In December, the Union sponsored and hosted NAWSA's annual convention in Washington, D.C.¹⁶⁶ Paul delivered a speech describing her accomplishments during the past year, and the delegates responded with a standing ovation. Carrie Chapman Catt then rose to deliver a rebuke to Paul and her colleagues. She challenged the status of the Union within NAWSA and asked why there was any need to work outside the structure of the congressional committee. She further charged Paul and the Union with deceiving donors across the country who may have thought part of their donations would go to NAWSA's state campaigns. Finally, she questioned why neither the Union nor the committee sent a portion of their donations to NAWSA, like other auxiliary organizations. The treasurer of NAWSA, Katharine Dexter McCormick, immediately seconded Catt's remarks.¹⁶⁷

¹⁶³ Aileen Kraditor observes that Paul never attempted to form a mass membership organization to compete with NAWSA. By 1917, when the CU merged with the NWP, the CU alone included 25,000 members – a small fraction of the nearly 2,000,000 members of NAWSA in 1917. KRADITOR, *supra* note 28, at 5-6 (“[T]he CU . . . had no use for paper members.”).

¹⁶⁴ Paul Interview, *supra* note 43, at 321; COTT, *supra* note 30, at 55-56; LUNARDINI, *supra* note 31, at 40-41. Havemeyer was the widow of the former head of the American Sugar Refinery Company. In addition to being a suffrage benefactor, she was a patron of the arts who later bequeathed her substantial and priceless art collection to the Metropolitan Museum of Art, which as a result became the leading modern art institution in the United States.

¹⁶⁵ *Report on Congressional Work from January 1 to December 1, 1913*, SUFFRAGIST, Dec. 13, 1913, at 38-39.

¹⁶⁶ Paul would later emphasize the fact that the committee had spent a considerable sum of money to host the conference, not anticipating the criticism they would hear from the NAWSA leadership. Paul Interview, *supra* note 43, at 96-102, 310.

¹⁶⁷ Paul Interview, *supra* note 43, at 98, 309-10, 324; ADAMS & KEENE, *supra* note 35, at 100; CATT & SHULER, *supra* note 26, at 244-46; LUNARDINI, *supra* note 31, at 42.

Jane Addams rose to inform the gathered delegates, and to remind the NAWSA board, that they had agreed to all of these arrangements earlier in the year, in meetings with Paul, Anna Howard Shaw and Mary Ware Dennett, and that it was NAWSA that had insisted Paul *raise her own funds* for her activities. Addams testified that there was no evidence that Paul had been misleading in her organizations' fundraising appeals, or in her use of the funds collected.¹⁶⁸ Despite Addams' defense, the delegates, understandably confused at this point, voted in support of a motion requesting Paul to submit a new annual report clearly distinguishing the work of the Congressional Union and the congressional committee, and the NAWSA Board announced that the congressional committee may continue, though under the guidance and funding of NAWSA.¹⁶⁹ In another motion, also endorsed by the delegates, all auxiliary organizations of NAWSA, including the Congressional Union, were asked to submit new applications for readmission.

Although the delegates were reassured that the applications for auxiliary groups' readmission would be merely a procedural requirement, it soon became evident that NAWSA leaders had arrived at some sort of impasse with the Congressional Union. Perhaps Catt was envious of Paul's accomplishments.¹⁷⁰ NAWSA leaders were clearly threatened by the prospect of a federal amendment campaign overshadowing their state-level work. They were also concerned that the tactic of electoral accountability

¹⁶⁸ Paul Interview, *supra* note 43, at 309. Indeed, as Paul saw it, the whole reason for creating the separate Congressional Union was to *avoid* causing potential donors any confusion with NAWSA's state campaigns. *Id.* at 100-02, 309.

¹⁶⁹ *Id.* at 98-99.

¹⁷⁰ Given her own challenges working within the NAWSA bureaucracy, Catt may have been envious of Paul's success in implementing these new ideas. In the late 1890s, Catt served as NAWSA's chair of a newly created organization committee. She attempted to introduce a number of ambitious reforms, but when she assumed the presidency of NAWSA in 1900, the executive committee eliminated the organization committee, a move Catt bitterly resented. FOWLER, *supra* note 41, at 23; GRAHAM, *supra* note 37, at 7-8. In addition, after serving as the president of NAWSA from 1900-1904, Catt established in 1910 the Woman Suffrage Party of New York, which implemented the strategy of organizing by political precinct. Friends encouraged Catt to develop a national organization, but she instead chose to defer to Anna Howard Shaw, who viewed the new organization with suspicion. FOWLER, *supra* note 41, at 23; GRAHAM *supra* note 37, at 5-6. Catt thus may have felt some resentment that Paul was meeting with far greater success in her efforts to push NAWSA in a new direction. FLEXNER, *supra* note 27, at 230. On the rivalry between Catt and Paul, see Paul Interview, *supra* note 43, at 115 (describing Catt as one of the "few people" who seemed to hold in her "heart . . . any animosity" toward Paul).

Like Catt, McCormick apparently developed real bitterness towards Paul. McCormick would later even question Paul's mental health, declaring in a private letter, that Paul was an "aneamic [sic] fanatic, well-intentioned and conscientious . . . but almost unbalanced because of her physical condition." McCormick insisted that Paul will be "a *martyr* whether there is the slightest excuse for it in this country or not . . ." LUNARDINI, *supra* note 31, at 9-10.

aimed at the Democratic Party would become the official policy of the Congressional Union.¹⁷¹ Another unresolved issue was the possibility that Paul might introduce other militant tactics into her federal campaign.¹⁷²

Despite Paul's efforts to remedy the situation,¹⁷³ NAWSA began issuing demands that led Paul and Burns to conclude that they could no longer pursue their federal amendment campaign under its auspices.¹⁷⁴ After a number of newspapers reported the unsubstantiated charges of financial improprieties on the part of the Congressional Union, Paul realized the damage the rift was creating.¹⁷⁵ She announced that the Union could not agree to "surrender its right to decide how lobbyists, the organization, its press bureau . . . should operate."¹⁷⁶ Members of the Union rallied around Paul, organizing a large fundraiser and presenting her with a silver cup in honor of the achievements of 1913. Paul announced to the *New York Times* that, under her leadership, the Union would "make a vigorous campaign against the Democratic candidates for Congress in close districts as the responsibility for the failure of legislation should be placed on the Democratic Party."¹⁷⁷

E. Paul's Leadership Style & the Role of "Strategic Capacity"

As the Congressional Union moved forward as an independent organization and launched its effort to campaign against the Democrats in the elections of 1914, there were rumblings of discontent among suffragists associated with the Union. Several members wrote letters to Paul, protesting the hierarchical structure of the organization and requesting

¹⁷¹ LUNARDINI, *supra* note 31, at 45. These concerns were warranted. By the end of 1913, the Union was issuing its call for political accountability. See, e.g., Lucy Burns, *A Federal Amendment Now*, SUFFRAGIST, Nov. 15, 1913, at 2 (emphasizing that it would be a mistake to continue taking "an attitude of patient waiting"); *Suffrage as a National Issue*, SUFFRAGIST, Nov. 29, 1913 ("[O]ne-sixth of the electoral vote comes from States where women vote, and this fact makes it possible for the women voters to influence—really influence—the attitude towards Suffrage of great national parties.").

¹⁷² LUNARDINI, *supra* note 31, at 45.

¹⁷³ She, for example, applied again to NAWSA for the Congressional Union to receive auxiliary status. Her application was immediately denied. Paul Interview, *supra* note 43, at 107; LUNARDINI, *supra* note 41, at 45, 48-49.

¹⁷⁴ In their first meeting, NAWSA leaders conditioned Paul's continued chair of the congressional committee on her resignation from the Congressional Union. When she refused, they offered the committee chair to Lucy Burns, who also refused. LUNARDINI, *supra* note 41, at 46-47.

¹⁷⁵ *Suffragist Rivals Now in the Field*, N.Y. TIMES, Jan. 5, 1914, at 3; LUNARDINI, *supra* note 41, at 47.

¹⁷⁶ LUNARDINI, *supra* note 41, at 48 (quoting Alice Paul to Dora Lewis, January 5, 1914, NWP Papers).

¹⁷⁷ *Suffragists on Warpath*, N.Y. TIMES, Jan. 12, 1914, at 3; KRADITOR, *supra* note 28, at 192-93; LUNARDINI, *supra* note 31, at 48.

more decision-making authority.¹⁷⁸ Paul responded with a confident defense of her method of organizing. She believed that the top-down hierarchical structure was essential for rapid reactions in a fluid political environment. Transforming the Union into an “immense debating society” would render the organization useless for its political mission.¹⁷⁹ Although she did not dismiss criticism, and even encouraged it, she could not be swayed to dramatically transform the organizational structure, and she was unconcerned about the claim that there was some inconsistency in fighting for democratic equality with an organization employing a very hierarchical leadership model.

Paul’s insistence on this point is noteworthy in light of the rich social science literature examining various organizational models within social reform movements. Sociologist Elisabeth Clemens’ study of woman suffrage organizations, for instance, focuses on the state-level organizations during this era and emphasizes their willingness to experiment with innovative organizational structures.¹⁸⁰ Paul, however, was not willing to experiment. Her personal experience with the hierarchical structure of the WSPU led her to believe that this model was most appropriate for the kind of suffrage campaign she wanted to wage.¹⁸¹ She had envisioned a vigorous campaign incorporating multiple techniques of persuasion, including direct action through parades and other “outdoor campaigns,” as well as the forceful application of political pressure through lobbying and press coverage. Social movement scholar William Gamson uses the term “combat readiness” to describe this trait of hierarchical reform organizations.¹⁸² Paul was indisputably successful in moving quickly to take advantage of every possible opportunity to promote the federal amendment—whether it involved her tour de force performance in organizing the attention-grabbing pre-inaugural suffrage parade,

¹⁷⁸ For the most thorough coverage of this dispute, see Zimmerman, *supra* note 29, at 92-99 (citing letters of complaint and two “resolutions” sent from a group of rank-and-file Congressional Union members—first led by Ivy Kellerman-Reed and later organized as a “Committee of Five”—to Alice Paul in early 1914). See also Bland, *supra* note 29, at 78; COTT, *supra* note 30, at 56; LUNARDINI, *supra* note 31, at 51. When later asked about the handful of protest letters she received in the spring of 1914, Paul could not recall the controversy. Paul Interview, *supra* note 43, at 307, 322.

¹⁷⁹ Letter from Alice Paul to Eunice R. Oberly (Mar. 6, 1914), *microformed on NWP Papers*, Reel 1 (Microfilming Corp. of Am.); LUNARDINI, *supra* note 41, at 51 (describing Paul’s rejection of an “immense debating society”). See also Krادitor, *supra* note 28, at 5 (“[T]he CU . . . saw itself . . . as a small disciplined army able to maneuver quickly according to the tactics worked out by its leaders.”).

¹⁸⁰ Clemens, *supra* note 36, at 762 (examining California, Wisconsin, and Washington); see also *id.* at 759 (discussing “migrations of organizational models” and the call for a theory of organization choice in the new institutionalist literature).

¹⁸¹ Bland, *supra* note 29, at 78.

¹⁸² WILLIAM GAMSON, *THE STRATEGY OF SOCIAL PROTEST* Ch. 7 (2d ed. 1990).

responding with alacrity and a keen sense of advantage to the allegations of governmental failures to protect the marchers, organizing a network of lobbyist-constituents to deliver a unified message to each member of Congress, establishing a respected magazine to publicize and defend the Union's aims and methods, or recruiting a group of committed donors to support the federal campaign. As long as Paul's leadership was appreciated by most of the Union's volunteers, then the choice to employ the hierarchical model was surely best, especially given the successes it produced.

Much depended on the quality of leadership, of course. Paul clearly inspired enormous loyalty from members of the Congressional Union, and later the National Woman's Party.¹⁸³ Doris Stevens, a leading suffrage campaigner and author of the famous memoir, *Jailed for Freedom*, said of Paul, "I know of no other modern leader with whom to compare her. . . . [I]f she has demanded the ultimate of her followers, she has given it herself."¹⁸⁴ Lucy Burns endorsed this view: "Her great assets . . . are her power to make plans on a national scale; and a supplementary power to see that it is done down to the last postage stamp."¹⁸⁵ Perhaps what endeared Paul to her colleagues was her tendency to focus on the cause, rather than on credit claiming or self-promotion. One can well imagine other leaders with more personal ambition. Yet even as Paul's fame grew, she remained an enigmatic figure. One journalist, evidently frustrated in her attempts to

¹⁸³ One of Paul's greatest strengths as a leader was her ability to inspire the suffragists who worked for her. Paul delegated to various colleagues and leaders within her organizations a great deal of responsibility, and they nearly always rose to the occasion. The Paul Interview is filled with lengthy digressions, when Paul would change the topic in order to emphasize the importance of various suffragists and their roles. See, e.g., Paul Interview, *supra* note 43, at 83-84, 356-57 (Florence Brewer in the press office); *id.* at 85-86 (Mabel Vernon's organizing work); *id.* at 131, 189 (Helen West in Florida, Anita Pollitzer in South Carolina, and Sue White in Tennessee).

¹⁸⁴ STEVENS, *supra* note 23, at 17.

¹⁸⁵ IRWIN, *supra* note 23, at 16. Paul's fellow suffragists seemed to enjoy sharing anecdotes describing how no one could refuse one of Paul's requests. See *id.* at 19-22. Irwin also describes how Paul's talent for reviving the efforts of her organizers:

[O]ne of the great secrets of Alice Paul's success was that she freshened her old forces all the time, by giving them new work, brought new forces to bear all the time on old work. If organizers showed the first symptoms of growing stale on one beat, she transferred them to another. Most of them performed at some time during their connection with the Woman's Party every phase of its work.

Id. at 126. Hundreds of letters in the NWP Papers demonstrate Paul's powers of persuasion and influence. See, e.g., Ada James to Alice Paul (July 1, 1917), *microformed on* NWP Papers, Reel 45 (Microfilming Corp. of Am.) (ending with the closing, "yours to command").

profile Paul, concluded: “There is no Alice Paul. There is suffrage. She leads by being . . . her cause.”¹⁸⁶

Despite her faith in the benefits of the Union’s hierarchical structure, Paul did attempt to respond to her critics by proposing the adoption of a new constitution. Although decision-making authority was still centered in the executive committee, the new constitution provided for the executive committee to choose members for a new body called the National Advisory Council. Paul thought this change would be beneficial because it allowed for the appointment of a number of prominent women who might not otherwise have time to work actively on a daily basis for the Union. In an effort to disperse some decision-making authority, the new constitution granted to the state branches the role of electing state chairs who would then be eligible to vote in the national conventions. These state chairs would also elect members of the executive committee (from a slate of candidates chosen by former executive committee members and the new Advisory Council). With these reforms, Paul was able to placate her critics, while maintaining what she considered an effective organizational structure.¹⁸⁷

F. Campaigning Against the Democratic Party in 1914

Paul’s talent for organizing, however, could not help her to control the actions of rival suffrage organizations. Although Paul herself did little to elevate the sense of competition, NAWSA continued to pose some challenges. In March 1914, a Paul critic, Ruth Hanna McCormick, then serving as chair of NAWSA’s congressional committee, took unilateral action in endorsing a new federal suffrage amendment, known as the Shafroth-Palmer amendment, without seeking the approval of NAWSA’s board. The purpose of this version of a federal amendment was to placate supporters of states’ rights.¹⁸⁸ Paul realized that having two competing

¹⁸⁶ Anne Herendeen, *What the Hometown Thinks of Alice Paul*, XLI EVERYBODY’S 145 (Oct. 1919). When writing a book on leading suffragists that sought to assess the links between their private lives and public accomplishments, the historian Jean Baker was similarly left stymied when she turned to the final chapter on Alice Paul. See BAKER, *supra* note 4, at 193 (“She was one of those human beings in whom the political is the personal, not the reverse. She has left few clues to her inner emotions, and it is only in the ways in which she led her public life that Paul the person becomes visible.”).

¹⁸⁷ By the end of 1914, the Advisory Council included Helen Keller, Phoebe Hearst, Charlotte Perkins Gilman, Florence Kelley, and Harriot Stanton Blatch, among others. Bland, *supra* note 29, at 78; LUNARDINI, *supra* note 31, at 52-53.

¹⁸⁸ It provided that when eight percent of the state’s voters (measured in terms of those who had voted in the previous election) endorsed a pro-suffrage initiative petition, then the suffrage question would be placed as a referendum item on the next state election ballot. CATT & SHULER, *supra* note 26, at 246-48; FLEXNER, *supra* note 27, at 260; IRWIN, *supra* note 23, at 54-56.

federal suffrage amendments would pose enormous obstacles in her efforts to consolidate support for the Susan B. Anthony Amendment. She arranged meetings with NAWSA leaders, some of whom questioned why McCormick had acted on her own initiative, but they were unwilling to back down.¹⁸⁹

In 1914, NAWSA waged costly and hard-fought campaigns in the states. Out of seven states to vote on suffrage that year, only two—Montana and Nevada—voted in favor. At the same time, extensive resources also went into losing battles in North and South Dakota, Nebraska, Missouri, and Ohio, raising more questions about the merits of NAWSA's strategy. As Flexner described the complaints, "Where was there evidence of any planning, of the weighing of one possible campaign's chances of success against another's—in short, of competent leadership?"¹⁹⁰

Paul, by contrast, never lost sight of her political agenda: forcing the Democratic Party to take a stand on the suffrage issue and holding the party accountable if it failed to advance the federal amendment. The *Suffragist* included numerous editorials and articles assigning responsibility to Wilson as the leader of the Democratic Party.¹⁹¹ But this pressure at first appeared to have little effect. After holding hearings on whether to create a standing committee on woman suffrage,¹⁹² the House finally addressed the issue in February 1914. When Representative Baker opened a Democratic House Caucus meeting on February 3 with a motion supporting the establishment of a House Committee on Woman Suffrage, Representative Heflin of Alabama countered with a substitute resolution that stated suffrage was a states' rights issue, and the caucus voted 123-57 in support of Heflin.¹⁹³

¹⁸⁹ Paul Interview, *supra* note 43, at 103-06, 312-14; LUNARDINI, *supra* note 31, at 55-56.

¹⁹⁰ FLEXNER, *supra* note 27, at 260.

¹⁹¹ See, e.g., *The President's Message*, SUFFRAGIST, Dec. 6, 1913, at 6 ("The President has demonstrated that he is more than a 'titular leader' of his party. The party responds to his leadership. . . . [T]he time has come for him to grapple with it [suffrage]"); *The Powers of the President*, SUFFRAGIST, Dec. 13, 1913, at 36 (rejecting Wilson's excuses for inaction). In another article, Union writer Mary Winsor quotes from Wilson's own description of the ideal president in his book, *Constitutional Government*—"a man who has the personality and the initiative to enforce his views both upon the people and upon Congress"—and then rebukes Wilson for now excusing his inaction on suffrage on the grounds that he is the mere "spokesman" of the Democratic Party. Mary Winsor, *The Office of the President*, SUFFRAGIST, Dec. 13, 1913, at 36.

¹⁹² *Hearing on House Woman Suffrage Committee*, SUFFRAGIST, Dec. 6, 1913, at 29-30.

¹⁹³ IRWIN, *supra* note 23, at 52; LUNARDINI, *supra* note 41, at 58. The Congressional Union spent much of 1914 lobbying members of the House Rules Committee to schedule a floor debate on the suffrage amendment. Their extensive lobbying campaign failed. See IRWIN, *supra* note 23, at 66-72. (describing this failed effort).

Paul preferred that the Senate vote on the suffrage amendment would not take place for another few weeks. The Union had planned a series of demonstrations in towns and cities across the country for the month of May that they hoped would positively influence senators who had not yet taken a position on the issue.¹⁹⁴ NAWSA, however, pushed for an early Senate vote in March. In the end, the Senate voted on March 19, and the Anthony amendment failed with a 35-34 vote, far less than the two-thirds majority required for constitutional amendments.¹⁹⁵

The House and Senate votes, in Paul's view, provided an opportunity to move on to the next phase of her plan. Having forced the House Democrats to register their opposition, and with the Senate's rejection of the amendment, the Union was now in a position to hold the Democratic Party accountable for its failure to endorse woman suffrage.¹⁹⁶ The next test for Paul's strategy was the election of 1914.

On August 28, Paul presented her proposal at a Congressional Union meeting held at Alva Belmont's estate, Marble House, in Newport, Rhode Island. In a closed-door session, Paul explained to the delegates her plans for the upcoming fall elections. Her proposal offered an innovative variant on the model of political participation by single-issue interest groups.¹⁹⁷

¹⁹⁴ IRWIN, *supra* note 23, at 66-67.

¹⁹⁵ 51 CONG. REC. 5088-5108 (1914); ADAMS & KEENE, *supra* note 35, at 101-02; IRWIN, *supra* note 23, at 53-54; LUNARDINI, *supra* note 31, at 58-59.

¹⁹⁶ Bland, *supra* note 29, at 80-81; LUNARDINI, *supra* note 31, at 58-59. Wilson's evasive responses to delegations of suffragists strengthened their resolve. See Remarks to a Woman Suffrage Delegation (June 30, 1914), in 30 THE PAPERS OF WOODROW WILSON 226-28 (Arthur S. Link ed., 1979) (stating the suffrage issue should be decided by the states and that he could not force his party to take up an issue absent from the party platform); *President Refuses Aid to Deputation*, SUFFRAGIST, July 4, 1914, at 3. See also FORD, *supra* note 32, at 60-61 (describing a series of failed delegations to the White House in 1914); IRWIN, *supra* note 23, at 57-63 (same).

When called upon to demonstrate leadership in support of the federal suffrage amendment, Wilson often argued that, as president, he could not interfere with Congress. Paul and her colleagues always refused to let him rely on this claim, but Wilson persisted in making it, irritating suffragists and exasperating his close colleagues. See, e.g., *Woman Chides Wilson, Suffrage Leaders Charge Conflicting Views as to Party Leadership*, N.Y. TIMES, Jan. 22, 1917, at 3 (describing "the charge . . . [by NWP lobbyist] Anne Martin that President Wilson regarded himself as the 'leader' of his party when measures regarding male suffrage were concerned, but that he became 'a mere follower' of his party when woman suffrage was discussed"). In his diary, Colonel House describes an exchange between the president and one of his closest colleagues, Dudley Field Malone. Wilson claimed to Malone that he could not demand the suffrage amendment from Congress, which prompted Malone to ask "why he considered it right to demand of Congress practically all of the other important legislation he had gotten through." House thought this exchange was ridiculous: "Whenever the President gives evasive or foolish reasons—reasons I know are not the real ones, I never argue with him, as Dudley did, but I simply cease talking. The President understands that I know he is talking nonsense, and my method is more effective." From the Diary of Colonel House (July 26, 1917), in 43 THE PAPERS OF WOODROW WILSON 290-91 (Arthur S. Link ed., 1983).

¹⁹⁷ Clemens, *supra* note 36, at 760 ("Although the invention of modern interest-group politics may not have been intended by women activists, it was one of the most important consequences of this

Its goal was to punish the party in power—the Democratic Party—for its failure to respond to the Union’s call for a federal amendment. This party accountability strategy had previously been employed by the WSPU, and at first glance it appeared best suited to the parliamentary system in Great Britain. But Paul’s choice to employ it was made plausible by the extremely competitive standing of the Republican and Democratic parties.¹⁹⁸ As Paul saw it, “the question is whether we are good enough politicians to take four million votes and organize them and use them.”¹⁹⁹ The Advisory Council approved Paul’s plan and in doing so launched the second phase of organizing for the Congressional Union.²⁰⁰

Paul’s plan—to use women voters as leverage to force the Democratic Party to unify in favor of suffrage and to encourage the Republicans in Congress to vote for woman suffrage in an attempt to outmaneuver wavering Democrats—was deployed at precisely the right time in the history of electoral politics. NAWSA’s criticism of Paul’s strategy ignored the effects of voter dealignment and party competition.²⁰¹ NAWSA leaders complained that Paul’s approach was illogical because she focused only on the Democratic Party when a two-thirds majority was needed to vote an amendment out of Congress. But Paul was thinking in much more

period of experimentation with political organization.”).

¹⁹⁸ This level of party competition was a necessary prerequisite for Paul’s strategy to have any effect at all. If the Democratic Party had enjoyed a more comfortable margin of support over the Republicans, yet not enough support in Congress to single-handedly deliver the two-thirds vote required by Article V, it would have been difficult if not impossible to use the western women’s votes as leverage. On the importance of “political opportunity structures,” and particularly the role of “divided elites,” in the construction of social movement strategies, see SIDNEY TARROW, *POWER IN MOVEMENT: SOCIAL MOVEMENTS AND CONTENTIOUS POLITICS* 75 (2d. ed. 1998); Alana S. Jeydel, *Social Movements, Political Elites and Political Opportunity Opportunity Structures: The Case of the Woman Suffrage Movement, 1890-1920*, 27 *CONG. & THE PRES.* 15, 32 (2000) (testing the political opportunity structure hypothesis and suggesting that party competition had an impact on Democratic Party support for the federal suffrage amendment).

¹⁹⁹ *The Newport Conference*, *SUFFRAGIST*, Sept. 12, 1914, at 5 (reprinting Paul’s speech).

²⁰⁰ Bland, *supra* note 29, at 82-83; IRWIN, *supra* note 23, at 73-77; LUNARDINI, *supra* note 31, at 61-62.

²⁰¹ Daniel T. Rodgers, *In Search of Progressivism*, 10 *REVS. IN AM. HIST.* 113, 116 (1982) (describing a “critical weakening of all party loyalties.”). On changes in electoral behavior during this period, see WALTER DEAN BURNHAM, *CRITICAL ELECTIONS AND THE MAINSTREAMS OF AMERICAN POLITICS* (1971) (describing the transformation of electoral behavior during the Progressive Era); Walter Dean Burnham, *The Changing Shape of the American Political Universe*, 59 *AM. POL. SCI. REV.* 7 (1965) (reporting a decline in voter turnout and a rise in split-ticket voting after 1900). See also MICHAEL E. MCGERR, *THE DECLINE OF POPULAR POLITICS: THE AMERICAN NORTH, 1865-1928*, 70, 89 (1986) (attributing some of the decline in voting and party loyalty to a changes in electoral politics beginning in the late nineteenth century, when party leaders abandoned the use of public spectacles, like parades and rallies to arouse the public, and replaced them with “educational campaigns designed to win the support of undecided voters,” an approach which failed “to rouse the partisan majority”).

sophisticated terms. She was well aware that her policy could only work in an era of fierce party competition.²⁰²

This electoral strategy required intensive organizing in all of the nine western states where women were already enfranchised, as well as Nevada, where a suffrage referendum was on the ballot. Paul chose her most talented and energetic organizers²⁰³ and sent two of them to each state to mobilize women to vote against the Democratic candidates in their districts. One of the state organizers opened new headquarters and established press and publicity operations, while the other organizer set off on a tour of speaking engagements throughout the state to organize and persuade women voters. Paul chose her organizers carefully; she demonstrated a talent for delegating these important roles to the right women and selected many Union leaders, including executive committee members like Lucy Burns and Doris Stevens.²⁰⁴ With her usual panache, Paul sent off her organizers to their new assignment in a “suffrage train” festooned with purple and gold banners.

Most of the organizers were unmarried, willing to subsist on very little pay, and prepared to face considerable opposition from the Democratic establishment and the press. Throughout the campaign, Paul’s central tactic for persuasion was an emotional appeal to women voters, urging them to show solidarity with their disenfranchised eastern “sisters” by “punishing” Wilson and the Democrats for failing to support suffrage.²⁰⁵ By Election Day, November 3, it appeared that all the effort had an impact. Suffrage had become a key topic of debate in every state where the Congressional Union organized campaigns against the Democrats. The national press covered these developments in great detail, and now the entire country could appreciate Paul’s success.²⁰⁶

²⁰² Moreover, even if the Union failed to defeat any Democrats, the mere process of organizing in the western states to mobilize women voters would have a positive effect especially since NAWSA typically stopped organizing in those states once suffrage rights had been won. With the Union’s work, at the very least, “educational work along political lines will have been done, in the only way it can be done and the results will be apparent in the next session.” Letter from Mary Beard to Alice Paul (Sept. 17, 1914), *microformed on NWP Papers*, Reel 7 (Microfilming Corp. of Am.).

²⁰³ See IRWIN, *supra* note 23, at 124-26.

²⁰⁴ *Id.* at 77 (listing organizers and their assigned states); LUNARDINI, *supra* note 31, at 63 (observing that, for Paul, the women chosen had to have the “right combinations of independence, motivation, managerial and organizational skills, and public-speaking talent with style and flair . . . [they] had to be politically astute, creative, tactful, and hard as nails to remain in the field”).

²⁰⁵ See IRWIN, *supra* note 23, at 78-81.

²⁰⁶ CATT & SHULER, *supra* note 26, at 248 (“Congress was reopened in an irritated state of mind. All Republicans and Democrats in Senate or House were outspoken in their condemnation of the ‘party responsible’ plan, and the National Suffrage Association’s Congressional Committee was obliged to soothe before attempting to persuade.”); IRWIN, *supra* note 23, at 87 (“The effect of this campaign—the first of the kind in the history of the United States—was as though acid had been poured into the milk

In the western states where the Congressional Union had campaigned, only twenty of the forty-three Democrats running for the House and Senate were elected.²⁰⁷ Although the Union cannot be given all of the credit for this success—off-year elections often result in incumbent losses, and in 1914, unlike in 1912, the Democrats did not benefit from the split between the Republicans and the Progressives—it appeared that the Union had played a significant role in a number of contests. Newspapers across the country attributed much of this outcome to the Congressional Union, helping to construct the message Paul wanted to send out: The Democratic Party was now on notice for the election of 1916.²⁰⁸

G. Stalemate in Congress

On December 9, the Union lobbyists believed their campaign had been vindicated when they learned that the House Rules Committee was finally willing to schedule a floor debate on the suffrage resolution.²⁰⁹ On January 12, 1915, the House spent over six hours debating and voting on the suffrage amendment, but the vote fell seventy-eight votes short of the required two-thirds majority.²¹⁰

Because the Sixty-fourth Congress would not meet until December 1915, the spring and summer months gave Paul an opportunity to strengthen the organizing capacity of the Union without worrying about slackening the pace of lobbying in Congress.²¹¹ At the next meeting of the Advisory Council in March, Paul proposed a new effort to set up organizations in every state where the Union did not yet have a branch

of the Democratic calm and security.”).

²⁰⁷ Bland, *supra* note 29, at 87; FLEXNER, *supra* note 27, at 261; IRWIN, *supra* note 23, at 92. The Union did not claim full credit for all of these defeats, but they did take responsibility for at least three of the defeats, and viewed its campaign as a contributing cause of a handful of others. In addition, it emphasized that its efforts had resulted in the reduction of the majority vote in states that had been Democratic strongholds. *See id.* at 92-93.

²⁰⁸ ADAMS & KEENE, *supra* note 35, at 147-48; Bland, *supra* note 29, at 87-88; LUNARDINI, *supra* note 31, at 64-69.

²⁰⁹ Paul later commented on these developments in testimony before the House Judiciary Committee:

The part we played in the last election was simply to tell the women voters of the West of the way the Democratic Party had blocked us at Washington and of the way the individual members of the Party, from the West, had supported their Party in blocking us. As soon as we told of this record they ceased blocking us and we trust they will never block us again.

Woman Suffrage: Hearings on 63 H.J. Res. 1-7 Before the Committee on the Judiciary Committee, 64th Congress (1915) (microform CIS-NO: H152-7-B) (Testimony of Alice Paul, at 62-88).

²¹⁰ IRWIN, *supra* note 23, at 94-6; 52 CONG. REC. 1407-84 (1915).

²¹¹ IRWIN, *supra* note 23, at 99-100.

office. The goal was to establish state affiliates working actively on behalf of the federal amendment, and she hoped to have all of the new organizations in place before September, when she planned to hold the first national convention of suffragists at the Panama-Pacific Exposition in San Francisco.²¹²

The state organizing proceeded in an impressively quick and efficient manner, as did the preparations for the Panama-Pacific convention. Paul once again sought to maximize publicity by planning a number of visually inventive events. One young suffragist agreed to serve the cause as a passenger in an airplane circling above the Bay while releasing suffrage leaflets to the amazed crowd below. Exposition visitors were asked to sign a petition that the Union planned to send back to Congress before its spring session. Beginning on September 4, the women voters' convention included three days of meetings concerning the political strategy supporting the federal amendment.²¹³

Paul ended the meeting by launching an automobile tour, which one admirer called a "stupendous pageant—whose stage was the entire United States."²¹⁴ The suffragist Sara Bard Field agreed to escort what was then an 18,000 foot long petition, with more than 500,000 signatures, across the country from San Francisco to Washington, D.C. in an automobile the Congressional Union called the "Suffrage Flier." The Union's press office took advantage of all the publicity resulting from the cross-country trip, and Field spoke at suffrage rallies in cities across the country. In December, Field finally arrived in Washington, where the Union had arranged a delegation to escort both her and the petition—by then four miles long, with over five million signatures—to Congress and to meet with President Wilson at an East Room reception in the White House.²¹⁶

Earlier in the fall, influenced perhaps by his suffragist daughter Margaret and more likely by potentially negative publicity about his personal life,²¹⁷ Wilson had announced that he was voting for woman

²¹² NAWSA leaders, not surprisingly, opposed this new Union initiative because they worried that it would interfere with their state campaigns. LUNARDINI, *supra* note 31, at 71-78.

²¹³ ADAMS & KEENE, *supra* note 35, at 103-05; IRWIN, *supra* note 23, at 100-07; LUNARDINI, *supra* note 31, at 78-79.

²¹⁴ IRWIN, *supra* note 23, at 107.

²¹⁶ Remarks to a Group of Women (Dec. 6, 1915), in 35 THE PAPERS OF WOODROW WILSON 292-93 (Arthur S. Link, ed., 1981) (informing the Union delegation that suffrage would not be mentioned in his annual message to Congress, but also declaring that he was impressed by "the presentation of such a request in such numbers and backed by such influence"). See also ADAMS & KEENE, *supra* note 35, at 105-10; Bland, *supra* note 29, at 89-91; IRWIN, *supra* note 23, at 107-16; LUNARDINI, *supra* note 31, at 80.

²¹⁷ Paul later recalled one occasion, during their father's presidency, when Margaret and Jesse

suffrage in the upcoming New Jersey referendum. He also acknowledged the impact of the suffrage campaigns: “I know of no body of persons comparable to a body of ladies for creating an atmosphere of opinion.”²¹⁸ His support for suffrage in his home state must have given suffrage leaders hope that he could eventually be persuaded to support the federal amendment.

By the end of 1915, the Congressional Union had raised more than \$50,000, opened a number of state offices, increased its membership to 4,500, and improved the circulation and influence of *The Suffragist*. Paul, however, was not content to rest on these accomplishments. At the next Advisory Council meeting in April of 1916, she laid out her plans for the upcoming presidential election campaign. Paul’s proposal was to organize a woman’s political party that would work to shift the balance of power in the 1916 presidential election.²¹⁹

NAWSA was not fairing nearly so well. As Flexner describes the situation, in 1915 NAWSA was “virtually bankrupt” and its lobbying effort in Congress during this period was “pitiful,” certainly no match for the Union’s innovative lobbying activities.²²⁰ NAWSA appeared to be focusing its efforts on state referenda victories in the East. Catt, in particular, devoted nearly all of her energy to the New York campaign.²²¹

served in a reception line at a National Woman’s Party event in their headquarters across from the White House adjacent to Lafayette Park. Paul Interview, *supra* note 43, at 91-92. Wilson’s concerns about his courtship of Edith Bolling Galt—which began in March 1915, only a few months following the death of Ellen Wilson on August 6, 1914—is an even more likely factor influencing his public statement on the New Jersey referendum, especially given that he released the statement on the very day he issued a formal announcement of his engagement to Edith Bolling Galt. Lunardini & Knock, *supra* note 105, at 660.

²¹⁸ Press Release (Oct. 6, 1915), in 35 THE PAPERS OF WOODROW WILSON 28-29 (Arthur S. Link ed., 1981); *Hot Suffrage Drive Begins in New Jersey*, N.Y. TIMES, Oct. 12, 1915, at 4.

²¹⁹ LUNARDINI, *supra* note 31, at 84-85.

²²⁰ FLEXNER, *supra* note 27, at 261 (observing that, in 1915, the number of CU lobbyists compared to NAWSA lobbyists “ran as high as forty-one to three”).

²²¹ During the campaign, Catt wrote a series of letters to the Congressional Union, complaining that their organizing activities were interfering with her campaign work in New York. *See, e.g.*, Letter from Carrie Chapman Catt to Alice Paul, May 26, 1915 (on file with the Schlesinger Library, Alice Paul Papers, Box 16, Folder 230) (expressing her “distress” that Paul had broken a “compact” promising not to campaign for the federal amendment in New York state, and complaining that a recent CU demonstration there was the “worst political blunder possible,” producing “disastrous” results—a “statewide revulsion against our movement” that would “seriously damage” the chances for a state referendum); Letter from Alice Paul to Carrie Chapman Catt, June 24, 1915 (on file with the Schlesinger Library, Alice Paul Papers, Box 16, Folder 230) (replying that Catt misunderstood Paul’s earlier correspondence, that the CU never promised to end their organizing work in New York, only that they would hold off forming the official state branch until after the referendum campaign ended, refuting Catt’s allegations that the CU had behaved in an improper manner, and calling Catt to account for writing letters to suffrage leaders in non-campaign states, like Ohio, denigrating the work of the CU).

Other campaigns were mounted in Pennsylvania, Massachusetts, and New Jersey—and all four state referenda were defeated.²²²

Changes in the NAWSA leadership later in the year boosted the fortunes of the federal amendment campaign. Perhaps in an effort to persuade Catt to assume the presidency, the National Board of NAWSA had quietly dropped its support of the Shafroth Amendment, and gave her complete authority to select members of NAWSA's Executive Board.²²³ Soon after Catt became President in December 1915, she worked to select new board members and plan her strategy.

In December, the Union and NAWSA held discussions in an attempt to coordinate their work on behalf of the federal amendment, but the two organizations still differed on the issue of the proper methods and tactics. Catt strongly opposed Paul's party accountability strategy, and she wanted the Union to become an affiliate of NAWSA in order to prevent competition at the state level. The talks ended on a sour note, and there were no further efforts to work together again.²²⁴

Paul and her Union lobbyists continued with their innovative and extensive efforts on Capitol Hill, but the Democrats did little to placate them. On December 16, 1915, Paul testified before the House Judiciary

²²² Since the California campaign in 1911, these state campaigns were by far the most expensive and hard-fought. FLEXNER, *supra* note 27, at 263 (acknowledging the local NAWSA chapters' "unparalleled" and "heroic" efforts). All of these losses were devastating. In Massachusetts, just over a third of the voters supported suffrage—one of the worse percentage margins in NAWSA history. New York was by far the largest state, with 42 votes in the Electoral College; the loss there ensured that the ability of suffrage states to push forward the federal amendment bill in Congress would remain less certain. The losses in New Jersey and Pennsylvania were also significant setbacks, because their constitutions provided that new amendment proposals could not be resubmitted for another five years. *See id.* at 263-64. In her memoir, Catt devotes no more than two sentences to these failures. CATT & SHULER, *supra* note 26, at 248-49 ("Meanwhile the State campaigns were awl with activities undreamt of in earlier days. November recorded the defeat of the suffrage referenda in four Eastern States, New York, Pennsylvania, Massachusetts and New Jersey, but the fact that 1,234,000 Eastern men had voted yes was not overlooked by the Congress.").

²²³ Previously, members were chosen by delegates at NAWSA's annual convention. GRAHAM, *supra* note 37, at 86.

²²⁴ LUNARDINI, *supra* note 31, at 82-84. Some suffrage activists, including the famous playwright Zona Gale, viewed this to be the perfect opportunity to reunite the suffrage movement. At the end of a meeting arranged by Gale, Catt reportedly said to Paul: "All I wish to say is, I will fight you to the last ditch." Paul Interview, *supra* note 43, at 325 (observing that this was the last time Paul ever met with Catt).

Catt and Paul continued to pursue the same goal in their very different styles. Catt attempted to cultivate a relationship with Wilson, politely telegraphing Joseph Tumulty to request brief ten-minute appointments. On one occasion, Wilson sent a note to Tumulty: "Are these ladies of the 'Congressional Union' variety?" Tumulty explained in a memorandum that "the National Association is regarded as the conservative body and the Congressional Union as the radical body. The Congressional Union people are of the 'heckling' variety and their methods are not approved by the National Association." The exchange of July 27, 1916 is available at 37 THE PAPERS OF WOODROW WILSON 490-91 (Arthur S. Link ed., 1982).

Committee in the first congressional hearings following the Congressional Union's 1914 campaign against the Democratic Party, and Democratic members of Congress took this opportunity to berate Paul for her tactics.²²⁵ When Paul's leading lobbyists, Anne Martin and Maud Younger, tried to convince the House Judiciary Committee to take action on the suffrage amendment, the Democrats insisted on waiting until December, after the 1916 election. The Democrats had led Martin and Younger to believe that if they could convince a majority of the Committee to meet, they might take action. After an extraordinary effort, they managed to put together their majority, yet when the Committee met on March 28, a motion to delay all constitutional amendments resulted in no action being taken on the suffrage amendment.²²⁶

H. The National Woman's Party & the Election of 1916

These developments angered Union supporters, who were now more inclined to support the anti-Democratic campaign when the convention of women voters took place in Chicago in June 1916. At this convention, Paul planned to introduce her proposal to create a National Woman's Party (NWP) for enfranchised women who supported a federal amendment.²²⁷

²²⁵ IRWIN, *supra* note 23, at 116 (describing these hearings as "one of the most stormy in the history of the Congressional Union"); Woman Suffrage: Hearings on 63 H.J. Res. 1-7 Before the Committee on the Judiciary Committee, 64th Congress. (1915) (microform), CIS-NO: H152-7-B.

²²⁶ IRWIN, *supra* note 23, at 130-43 (describing the convoluted maneuverings with the members of the Judiciary Committee); *Shelves Suffrage and Prohibition, House Judiciary Committee Postpones Indefinitely Consideration of the Issues*, N.Y. TIMES, Mar. 29, 1916, at 6. The very next day, Maud Younger arrived to work with the Judiciary Committee. Irwin reports the following exchange between Younger and the Chair of the House Judiciary Committee, Representative Webb:

‘You haven't given up yet?’
 ‘Not until you report our Amendment.’
 For the first time, Mr. Webb smiled. There was surprise in his voice. ‘You women really are earnest about this.’

IRWIN, *supra* note 23, at 143. Paul's lobbying committee became legendary. Led by Lucy Burns from 1913-1915, and from then on by Anne Martin and Maud Younger, the committee compiled a list of note cards for each member of Congress, describing every aspect of their personal background, career, current schedule, reading habits, and previous votes—as well as a careful record of each statement and remark uttered during visits with suffrage lobbyists. Paul Interview, *supra* note 43, at 292-01; ADAMS & KEENE, *supra* note 35, at 118-24 (observing that some suffrage opponents worried that Paul's organization used the card system to compile information to “blackmail” legislators); *Her Pressure on Congress*, N.Y. TIMES, Mar. 2, 1919, at 71; ‘Pressure’ for Suffrage, N.Y. TIMES, May 25, 1919, at 77 (both describing the NWP lobbying work).

²²⁷ Clemens' study of organizational repertoires in the suffrage movement fails to properly acknowledge this reliance—by one of the most prominent national suffrage leaders—upon the model of the electoral party. She suggests that woman suffrage groups, because of their estrangement from the political process, sought *alternatives* to these older forms of political organization, and “drew on models of organization that were culturally or experientially available in other areas of social life.”

To publicize the meeting, on April 9, Paul sent a group of organizers to the western states on a train called the “Suffrage Special.” The tour of the western states was a great success. In June, more than 1,500 delegates arrived in Chicago for the convention. They voted to establish the new organization and proceeded to debate its agenda. The NWP was to be independent of the other political parties, and it would endorse only one issue – the federal suffrage amendment. It would have formal ties to the Congressional Union, as each state chairwoman of the NWP would also become a member of the executive committee of the Union.²²⁸

Members of the NWP next approached the other parties’ resolutions committees to persuade them to include the federal suffrage amendment in their party platforms. The Republican and Progressive Party conventions opened the same day that the NWP’s convention ended. While the Progressive Party had long endorsed the federal amendment, the Republicans sought a compromise position. They were eager to endorse woman suffrage as a general matter, but they did not endorse a federal amendment, instead suggesting that it was a matter for the states to address. When the Democrats opened their convention in St. Louis in mid-June, the NWP advised them that they would relaunch the western campaigns against them in the fall if they did not include a plank endorsing the federal amendment in their party platform. But the Democrats’ plank was modeled on the Republicans’, limiting its support of woman suffrage to a states’ rights approach.²²⁹

Following the conventions, the NWP began lobbying the Republican presidential candidate, Charles Evans Hughes, to endorse the federal suffrage amendment. By August 1, their campaign of letters, telegrams and personal appeals had persuaded Hughes to announce his opposition to his

Clemens, *supra* note 36, at 761 (examining the debates in state organizations and describing innovative approaches such as California suffragists’ reliance on consumer advertising models in the constructive of “ad campaigns” on behalf of suffrage). When she mentions the 1916 campaign in passing, *id.* at 767, n. 8, Clemens suggests that “strategies of mobilizing their members as voters were unfamiliar to many women’s organizations.” Of course, this assertion ignores the fact that the 1914 campaign produced enormous press coverage and national debate. It was not unfamiliarity with the “model,” but rather its strategic implications—for the success of the Democratic Party and its effect on the war—that led to dissension in 1916.

²²⁸ ADAMS & KEENE, *supra* note 35, at 110-12, 149; Bland, *supra* note 29, at 93-95; FORD, *supra* note 32, at 69-70; IRWIN, *supra* note 23, at 151-59; LUNARDINI, *supra* note 31, at 86-88; *see also* DUBOIS, *supra* note 43, at 193-94 (noting that Blatch served as the “National Political Chairman” of the Union’s “Suffrage Special” train tour of the western states).

²²⁹ IRWIN, *supra* note 23, at 159-62; KRADITOR, *supra* note 28, at 194 (observing that “this was the first time that the question of votes for women had been the star feature of a national convention of any party”). *See also* ADAMS & KEENE, *supra* note 35, at 150; Bland, *supra* note 29, at 96-97; LUNARDINI, *supra* note 31 at 89-90.

party's platform and endorse the federal amendment. In his statement, he gave credit to the tactics and approach of Paul: "Facts should be squarely met. We shall have a constantly intensified effort and a distinct feminist movement constantly perfecting its organization to the subversion of normal political issues. . . . It seems to me that in the interest of the public life of this country, the contest should be ended promptly."²³⁰ With this success, Paul may have hoped that Wilson would fall into line, but there was little evidence that he was inclined to do so.

Just one week earlier, during a July 24 meeting with Harriot Stanton Blatch, Wilson had candidly explained the political calculations prompting him to reject a federal amendment. In his estimation, the "negro question" prevented the Democratic Party from endorsing the federal amendment, because giving all women the vote would double the size of the black electorate. When Blatch responded, reasonably, that the white vote would also increase proportionately, Wilson quietly stated that, according to his estimates, "the black vote would still preponderate" in two states if women were granted suffrage.²³¹

²³⁰ LUNARDINI, *supra* note 31, at 91-92 (quoting Hughes).

²³¹ DUBOIS, *supra* note 43, at 197 (quoting Wilson); IRWIN, *supra* note 23, at 167-68 (same); KYVIG, *supra* note 10, at 231-32 (citing claims regarding the disproportionate size of the female black population relative to the female white population in southern states).

On the concerns of southern members of Congress, see PAULA J. GIDDINGS, WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA 123 (1984) (quoting Senator Vardaman of Mississippi, who argued that "[t]he negro woman will be . . . more difficult to handle at the polls"); Kenneth R. Johnson, *White Racial Attitudes as a Factor in the Arguments Against the Nineteenth Amendment*, 31 PHYLON 31, 33-34 (1970). Leading southern suffragists also voiced concerns. Kate Gordon, the founder of the Southern States Woman Suffrage Conference, argued in the organization's newspaper, *The New Southern Citizen*, that the woman suffrage amendment would pave the way for "Negro domination" in Mississippi and South Carolina, and in numerous congressional districts throughout the South, because blacks formed a majority of potential voters in those areas. Kenneth R. Johnson, *Kate Gordon and the Woman-Suffrage Movement in the South*, J. OF SOUTH. HIST. 365, 375 (1972). See also KRADITOR, *supra* note 28, at 138-84; TERBORG-PENN, *supra* note 38, at 124; WHEELER, *supra* note 34, at Ch. 4.

In the *Suffragist*, the CU responded to these concerns, observing that although there are more black women than white women in South Carolina and Mississippi, a similar ratio *already* existed for the male population. While declining to offer a defense of these laws, the *Suffragist* article emphasized that "white supremacy could continue to be maintained by the same means as now prevails in these states." *National Suffrage and the Race Problem*, SUFFRAGIST, Nov. 14, 1914, at 3 (describing Jim Crow voting restrictions in South Carolina and Mississippi).

There were some indications, however, that Jim Crow voting restrictions might be undermined by the Supreme Court. For example, although the Court's Equal Protection doctrine ultimately did little during this era to undermine the restrictions imposed by so-called "grandfather clauses," *Guinn v. United States*, 238 U.S. 347 (1915), offered hints of the future promise of court litigation. See MICHAEL J. KLARMAN, FROM JIM CROW TO CIVIL RIGHTS 85-86 (2004) (discussing the reaction to *Guinn*); Benno C. Schmidt, Jr., *Principle and Prejudice: The Supreme Court and Race in the Progressive Era, Part 3: Black Disenfranchisement from the KKK to the Grandfather Clause*, 82 COLUM. L. REV. 835, 851-70, 878-81 (1982) (explaining that the federal prosecution began during the Taft Administration by an independent-minded U.S. Attorney, and the Wilson Administration surprised

In August, Paul called for a meeting of NWP delegates to plan the fall campaign. Their strategy would center on opposition to Wilson. In response to the Democratic Party's slogan, "He kept us out of the war," the NWP campaigners offered the retort, "He kept us out of suffrage." In hindsight, Paul underestimated how important the peace issue would be for women voters in the western states. Paul's single-issue party accountability approach was unlikely to succeed when women's commitment to pacifism clashed with the NWP's effort to punish the Democratic Party for its failure to endorse suffrage. Indeed, Crystal Eastman resigned from the NWP once the implications of the 1916 election strategy became clear. Nevertheless, Paul sent her best organizers into the western states for the fall campaign.²³²

The organizers encountered more resistance, perhaps because, in contrast to their previous campaign in 1914, they were now involved in a presidential campaign with much higher stakes. In addition, their opponents were prepared this time to respond to their methods. Local Democratic officials sometimes denied permits, prohibited meetings, and even arrested some of the NWP organizers. On other occasions, the women were heckled and even assaulted by onlookers.²³³ Letters from the organizers relayed their severe discouragement. Their campaign schedule was exhausting and was taking its toll. In October, one of the most famous NWP organizers, the renowned suffragist Inez Milholland Boissevan, collapsed onstage in California. She died from complications resulting

many observers by continuing with the case). In 1916, the Oklahoma state legislature met in a special session and passed a new statute requiring those who did not vote in 1914 to register between April 30 and May 11, or face onerous literacy tests. Nearly a quarter of a century later, that law was overturned in *Lane v. Wilson*, 307 U.S. 268 (1939).

²³² DUBOIS, *supra* note 43, at 198; IRWIN, *supra* note 23, at 174-80; KRADITOR, *supra* note 28, at 195; LUNARDINI, *supra* note 31, at 92-93, 97-98.

²³³ One notable fracas occurred in Chicago, where Alice Paul was running the campaign. A group of over one hundred NWP members had gathered with banners to protest in front an auditorium where Wilson was speaking. Bystanders offended by the NWP's anti-Wilson banners attacked the suffragists, knocking them over and destroying the banners. See *An Address in Chicago to Nonpartisan Women* (Oct. 19, 1916), in 38 *THE PAPERS OF WOODROW WILSON* 481-89 (Arthur S. Link ed., 1982) (suggesting that women's contribution would be to inject an "element of mediation" and "the power of sympathy" as opposed to the male principles of "contest," "rivalry," and "commanding the services of others by superior powers of executive organization"); IRWIN, *supra* note 23, at 175-76; *Wilson Exhorts the Foreign Born*, N.Y. TIMES, Oct. 20, 1916, at 1 ("banners opposing Wilson were torn from the demonstrators and trampled, and the women were roughly handled"); Matilda Hall Gardner, *The Attack on the Suffrage Demonstration*, SUFFRAGIST, Oct. 21, 1916, at 8-9 (quoting Alice Paul, who observed that "[t]his organized attack by a Democratic mob upon a group of defenseless suffragists has apparently made us more converts than has months of campaigning).

from pernicious anemia, and the resulting publicity produced a national outpouring of concern.²³⁴

Meanwhile, Wilson had agreed to deliver the keynote address at the NAWSA convention in September of 1916.²³⁵ Hinting that he would not stand in the way of a federal amendment, he gave some hope to women voters ambivalent about the NWP's strategy to punish the Democratic Party, which was surely his intent.²³⁶

Despite Wilson's overtures, the election was closely contested. The race between Wilson and Hughes in the end was one of the closest in U.S. history, with Wilson receiving 277 electoral votes to Hughes' 254. The NWP organizers, however, could not prevent Wilson from sweeping all of the suffrage states except for Oregon and Illinois. Indeed, many political observers credited women voters with *saving* Wilson's candidacy, because of the war issue.²³⁷ The *New Republic* warned President Wilson that he owed women voters his victory, and suggested that the power of their votes should be respected. Similarly, in a post-election analysis, Vance McCormick, Chairman of the Democratic Party, described the stakes going forward: "Our weakest spot is the suffrage situation," he concluded. "We must get rid of the suffrage amendment before 1918 if we want to control the next Congress."²³⁸ If Paul failed to hold the Democratic Party accountable in 1916 as she intended, she certainly succeeded in placing Wilson and the Party on notice.

Catt, on the other hand, chose a less contentious path to a federal amendment. Following Wilson's speech at NAWSA's national convention, Catt presented her "winning plan" to the NAWSA delegates and received their endorsement. The key components of the plan were the requirement that the state organizations sign a compact obliging them to follow the direction of Catt and the Executive Board, the creation of a national press bureau,²³⁹ and the formation of a professional lobbying

²³⁴ Paul Interview, *supra* note 43, at 170-73, 339-40, 496; ADAMS & KEENE, *supra* note 35, at 112-16; LUMSDEN, *supra* note 43, at 160-73; LUNARDINI, *supra* note 31, at 94-99; STEVENS, *supra* note 23, at 48-60.

²³⁵ FLEXNER, *supra* note 27, at 271-72.

²³⁶ An Address in Atlantic City to the National American Woman Suffrage Association (Sept. 8, 1916), in 38 THE PAPERS OF WOODROW WILSON 161, 163 (Arthur S. Link ed., 1982) ("We feel the tide; we rejoice in the strength of it, and we shall not quarrel in the long run as to the method of it.")

²³⁷ *Votes of Women and Bull Moose Elect Wilson*, N.Y. TIMES, Nov. 12, 1916, at 1; ADAMS & KEENE, *supra* note 35, at 154; Bland, *supra* note 29, at 100-03; LUNARDINI, *supra* note 31, at 101-02. Bland is more critical of the NWP's strategy in 1916, but he also disregards the complicating factor of the war issue.

²³⁸ IRWIN, *supra* note 23, at 180.

²³⁹ Catt received a million dollar bequest from Mrs. Frank Leslie in 1914. After years of challenges by relatives, Catt was finally awarded the money, which she promptly donated to the suffrage cause,

committee.²⁴⁰ Catt thought it was necessary to continue pursuing state referenda campaigns, but now she wanted to assign resources to state campaigns more strategically in order to keep the passage of the federal amendment the central priority.²⁴¹ She still believed, for example, that New York's campaign in 1917 would play a crucial role, given the number of electoral votes it held.²⁴²

Much of the success of the suffrage campaign from 1917 onward has been attributed to Catt's "winning plan." It is worth emphasizing, though, how much of this plan endorses the strategy that Paul had promoted from the beginning: to make the federal amendment a priority, to provide centralized management of state affiliates, to establish a press bureau, and to develop a professional lobbying organization. In implementing all of these elements of her plan, Catt had a precedent to rely upon for guidance and inspiration because Paul was the first to employ them all.²⁴³

IV. "MR. PRESIDENT, HOW LONG MUST WOMEN WAIT FOR LIBERTY?"²⁴⁴ RHETORICAL FRAMING IN THE SUFFRAGE CAMPAIGN

A. *The Days of "Mild Militancy"*

For Paul, the challenge now was to find new tactics that could maintain the pressure on the White House.²⁴⁵ She discussed the possibility of a

creating the Leslie Woman Suffrage Commission and the Leslie Bureau of Suffrage Education in 1917. FOWLER, *supra* note 41, at 118-19.

²⁴⁰ FOWLER, *supra* note 41, at 143-45; GRAHAM, *supra* note 37, at 88-95. For more on NAWSA's creation of a lobbying committee, under the direction of Maud Wood Park and Helen Hamilton Gardener, see MAUD WOOD PARK, *THE FRONT DOOR LOBBY* (1960).

²⁴¹ GRAHAM, *supra* note 37, at 83 (calling this strategy "bureaucratic centralism" and crediting Catt with turning NAWSA into "one of the most successful pressure groups in American history").

²⁴² Catt also argued that there were many states that could successfully pursue the Illinois model of "presidential suffrage," by appealing to state legislatures to give women the right to vote in presidential elections. Catt rightly predicted that in many states such a strategy was much more likely than state referenda by popular vote to succeed. FLEXNER, *supra* note 27, at 273-74.

²⁴³ Unlike NAWSA, which seemed to experience serious crises of leadership and suffer from a lack of direction, Paul's organizations always advanced steadily towards the goal of a federal amendment. It was a feature of her leadership that her loyal comrades admired. See, e.g., IRWIN, *supra* note 23, at 26-27 ("Her work in Washington started slowly, though with sureness of attack, but all the time it heightened and deepened. From 1913 to 1919 it never faltered. Sometimes changes in outside affairs made changes in her self-evolved plan, but they never stopped it, never even slowed it. From the beginning she saw her objective clearly; and always she made for it.").

²⁴⁴ These were the reputed last words of Inez Milholland. In her memory, they were often placed on NWP suffrage banners.

²⁴⁵ In her empirical study of the conditions for innovative tactics in the state suffrage organizations, Holly McCammon observes that recent political defeats usually led the state organizations to use new tactics, and that less centralized organizations were even more likely to do so. See McCammon, *supra* note 91, at 806-08. Paul's hierarchical organization does not fit these findings, but it is not surprising to learn that her willingness to experiment was in all likelihood quite exceptional.

picketing campaign with Harriot Stanton Blatch, who had previously used this approach in New York, where she had set up pickets in front of the State House during earlier referenda campaigns. Paul asked Blatch to present a proposal at the January 5 meeting of the NWP's executive committee.²⁴⁶ Although committee members were initially hesitant, their concerns quickly dissipated after a January 9 meeting with Wilson, when he refused to express any personal commitment to help advance the cause of a federal amendment. They agreed to organize pickets at the entry gate of the White House, "so that he can never fail to realize that there is tremendous earnestness and insistence back of this measure."²⁴⁷

Paul's next task involved determining whether there were enough volunteers and resources to support a picketing campaign for a lengthy period of time. It turned out that this issue was quickly resolved. Once the picketing campaign commenced letters with offers of support and requests to participate arrived from women all over the country.²⁴⁸



Suffragists picket White House, 1917 (Courtesy of the Library of Congress)

²⁴⁶ Minutes of the National Executive Committee (Jan. 5, 1917), *microformed on NWP Papers*, Reel 87 (Microfilming Corp. of Am.).

²⁴⁷ HARRIOT STANTON BLATCH & ALMA LUTZ, *CHALLENGING YEARS: THE MEMOIRS OF HARRIOT STANTON BLATCH 275-76* (1940); Press Release (Jan. 9, 1917), *microformed on NWP Papers*, Reel 91 (Microfilming Corp. of Am.); *Suffragists Will Picket the White House*, N.Y. TIMES, Jan. 10, 1917, at 1.

²⁴⁸ LUNARDINI, *supra* note 31, at 106.

In the early days of the campaign, Paul thought of creative ways to avoid monotony, arranging for “theme days” including days for specific professions, individual states, colleges and universities, and holidays.²⁴⁹ This tactic helped keep the picketers in the newspapers and the suffrage issue before the public. During these initial weeks, the picketers were attacked by the anti-suffragist *New York Times* for their unladylike and “silly” behavior, but the reaction of the general public and press was accepting.²⁵⁰

B. Rhetorical Framing in Wartime

The climate changed dramatically in February, when Wilson announced that he had severed diplomatic relations with Germany. In determining how to proceed, Paul sought input from the NWP and Union, sending a letter calling for a convention of the state chairs of the organizations. Paul asked them to remember that their organizations were devoted to a single cause—the federal suffrage amendment. If they wanted to work on behalf of the peace movement, or to help prepare for the likely war, there were separate organizations devoted to those causes. She emphasized how much the suffrage fight mattered in the current climate: “We must do our part to see that war, which concerns women as seriously as men, shall not be entered upon without the consent of women.”²⁵¹

At the convention, the NWP leadership voted in favor of a resolution adopting her argument: “Be it resolved that the NWP, organized for the sole purpose of securing political liberty for women, shall continue to work for this purpose until it is accomplished, being unalterably convinced that in so doing the organization serves the highest interests of the country.”²⁵²

²⁴⁹ IRWIN, *supra* note 23, at 197-99.

²⁵⁰ Cf. *Silent, Silly, Offensive* (editorial), N.Y. TIMES, Jan. 11, 1917, at 4; *President Ignores Suffrage Pickets*, N.Y. TIMES, Jan. 11, 1917, at 1 (describing the new tactic as “mild militancy” and observing that the “police on duty only smile”). See also *‘Picket’ White House*, WASH. POST, Jan. 10, 1917, at 1 (noting that Wilson’s daughter, Margaret, waved in greeting); *Freezing Suffrage ‘Sentinels’ Ignore Invitation by Wilson to Come Inside and Get Warm*, WASH. POST, Jan. 12, 1917, at 5; *Shivering Pickets Salute Wilson as he Smiles upon Suffrage Squad*, WASH. POST, Jan. 13, 1917, at 2; *Suffragists Wait at the White House for Action*, SUFFRAGIST, Jan. 17, 1917, at 7-8; *Suffrage Sentinels Still Wait at the White House*, SUFFRAGIST, Jan. 24, 1917, at 4-5; *State Delegations Join the Picket Line*, SUFFRAGIST, Jan. 31, 1917, at 4-6; ADAMS & KEENE, *supra* note 35, at 163, 166-67; IRWIN, *supra* note 23, at 213-19; LUNARDINI, *supra* note 31, at 108-09; STEVENS, *supra* note 23, at 64-68.

²⁵¹ See Letter from Alice Paul to State Chairmen, Feb. 8, 1917 (on file with the Schlesinger Library, Alice Paul Papers, Box 17, Folder 252).

²⁵² LUNARDINI, *supra* note 31, at 111-12. During this convention, the delegates also voted to end the separate Congressional Union and integrate its members and resources into the National Woman’s Party.

The NWP meeting ended on March 4, the eve of Wilson's inauguration. Over 1,000 suffragists, carrying banners, marched to the White House to deliver their resolution to Wilson. Despite the cold and stormy weather, they surrounded the White House and waited for a guard to agree to deliver their message, but to no avail.²⁵³ Paul had once again chosen to pursue an approach based on assertions of determination and defiance, rather than offers of conciliation and pleas for support.

Paul's response stood in stark contrast to that of NAWSA. Despite her own pacifist background, Catt believed that the best approach was to work to support Wilson's war policies, with the hope that he would eventually see fit to repay that support at some point in the future.²⁵⁴ In February, NAWSA leaders arrived in Washington, D.C. for an emergency meeting, where they pushed through a binding resolution pledging the organization's resources and support in support of the war.²⁵⁵ Some members expressed concern that NAWSA would suspend its suffrage campaign for the duration of the war.²⁵⁶ Indeed, Catt, Shaw, and other senior NAWSA leaders soon accepted appointments to serve on Wilson's Women's Committee of the U.S. Council of National Defense (CND), which was established to coordinate the resources of women's organizations for use in the war effort.²⁵⁷ But Catt made it clear that she

²⁵³ *Suffragists Girdle White House in Rain*, N.Y. TIMES, Mar. 5, 1917, at 3; *Rain Soaked, 500 Suffragists Parade Four Times Around White House as 5,000 Cheer*, WASH. POST, Mar. 5, 1917, at 1; *President Asked to Open Second Term with Action on Suffrage, Refuses to See Delegation which Waits Two Hours in Rain*, SUFFRAGIST, Mar. 10, 1917, at 7-9; ADAMS & KEENE, *supra* note 35, at 163; COTT, *supra* note 30, at 59; FORD, *supra* note 32, at 133-34; LUMSDEN, *supra* note 35, at 119-20.

²⁵⁴ FLEXNER, *supra* note 27, at 276 ("Realist that she was, Mrs. Catt knew that the ability of suffragists to plead their cause successfully would depend in some measure on whether they too had joined in the national war effort."); FOWLER, *supra* note 41, at 138 (describing Catt's pacifist work prior to and following the suffrage campaign, when "it became her principal field of public activity").

²⁵⁵ GRAHAM, *supra* note 37, at 100; VAN VORIS, *supra* note 43, at 138 ("The announcement that NAWSA would stand by the government in case of war was the most widely criticized act of Catt's life.").

²⁵⁶ Although the formal congressional lobbying was occasionally suspended, Catt and her lobbyists continued to correspond with Wilson and his staff throughout the war. Catt, for example, was the first to argue that the suffrage amendment be treated as a war measure. One month after Congress declared war, in a letter to Wilson, Catt argued that if the amendment passed, it would free more women to work on behalf of the war effort. She also reassured him that she felt "it was only fair to you to wait yet a while longer." Wilson agreed that it was too early to put the suffrage amendment before Congress, but he did not explicitly reject her call for a federal amendment. In any event, the link between the suffrage amendment and women's work on behalf of the war effort had been brought to Wilson's attention. From Carrie Clinton Lane Chapman Catt (May 7, 1917), in 42 THE PAPERS OF WOODROW WILSON (Arthur S. Link ed., 1983); Two Letters to Carrie Clinton Lane Chapman Catt (May 8, 1917), in *id.* at 241.

²⁵⁷ GRAHAM, *supra* note 37, at 103-05. On the role of women during World War I, see KIMBERLY, JENSEN, *MOBILIZING MINERVA: AMERICAN WOMEN IN THE FIRST WORLD WAR* (2008); KATHLEEN KENNEDY, *DISLOYAL MOTHERS AND SCURRILOUS CITIZENS: WOMEN AND SUBVERSION DURING*

expected a payoff for this wartime service, and despite her extensive work with the CND, she continued to supervise an extensive campaign for the New York referendum of 1917.²⁵⁸ Catt was determined to make this war work advance the suffrage cause, and so, with financial support from the Leslie bequest, she helped to ensure extensive publicity of all of the hard work NAWSA suffragists completed in service to the war effort.²⁵⁹

When Wilson declared war on April 6, 1917, the Democratic Party announced that during the special war session, which would run from April to October, Congress would take action only on measures related to the war. In other words, suffrage was off the government's agenda.²⁶⁰ Paul, however, refused to defer. Her views on this matter were informed by history. In her doctoral dissertation, Paul had assessed the harm resulting from suffragists' suspension of their campaign for the duration of the Civil War. For this reason, she was extremely wary of NAWSA's war stance.²⁶¹

WORLD WAR I (1999); BARBARA STEINSON, *AMERICAN WOMEN'S ACTIVISM AND WORLD WAR I* (1982). Cf. Julianne Unsel, *Woman's Hour: Suffrage and American Citizenship in War and Reconstruction, 1914-1924* Ch. 5 (2005) (unpublished Ph.D. dissertation, University of Wisconsin, Madison) (on file with author) (rejecting the view that NAWSA suspended the suffrage campaign during the war and suggesting that NAWSA members of the Woman's Committee of the CND used their influence to assume responsibility for key aspects of domestic wartime mobilization, which allowed them to greatly improve their political reputations and outreach, particularly during the pivotal 1917 New York state referenda campaign).

²⁵⁸ *Suffrage Help in War*, WASH. POST, Feb. 26, 1917, at 4; Unsel, *supra* note 257, Chs. 4-6. For the text of the NAWSA offer of support to the Wilson Administration, see *Executive Council Note to President and Government*, WOMAN'S JOURNAL, Mar. 3, 1917, at 49:

We devoutly hope and pray that our country's crisis may be passed without recourse to war. We declare our belief that the settlement of international difficulties by bloodshed is unworthy of the Twentieth Century, and our confidence that our government is using every honorable means to avoid conflict. If, however, our nation is drawn into the maelstrom, we stand ready to serve our country with the zeal and consecration which should ever characterize those who cherish high ideals of the duty and obligation of citizenship. With no intention of laying aside our constructive, forward work to secure the vote for the womanhood of this country as the right protective of all rights, we offer our services to our country in the event they should be needed, and in so far as we are authorized, we pledge the loyal service of our more than two million members.

²⁵⁹ FOWLER, *supra* note 41, at 142; STEINSON, *supra* note 257, at 319-20. An unprecedented amount of money was spent in 1917-18. During the war, the mainstream suffragists could no longer depend on regular news coverage, so they began to pay for advertisements and inserts in order to raise the level of publicity. The Leslie Bureau of Suffrage Education produced a steady stream of advertisements, press releases, and publicity materials. In addition, Catt used the Leslie funds to purchase the *Woman's Journal*, along with a number of other suffrage periodicals, which she soon replaced with a new magazine called the *Woman Citizen*. FOWLER, *supra* note 41, at 116-17; VAN VORIS, *supra* note 43, at 143-44, n. 8.

²⁶⁰ SEWARD W. LIVERMORE, *POLITICS IS ADJOURNED: WOODROW WILSON AND THE WAR CONGRESS, 1916-1918* (1966).

²⁶¹ Cf. *Pickets Delay Legislation, Mrs. Catt Tells Miss Paul*, WASH. POST, May 26, 1917, at 2;

Even knowing that the British suffragettes, including the Pankhursts, had suspended their activities in order to work on behalf of the war effort did not dissuade her. Paul's decision may have cost her a sizable portion of her membership in the newly consolidated NWP.²⁶² Some of Paul's senior colleagues, including Harriot Stanton Blatch, chose to leave the organization at this time.²⁶³

After the declaration of war, the NWP picketing continued with few disturbances until the banners began to incorporate quotations from Wilson's speeches. Paul's idea was to use Wilson's rhetoric on behalf of the war—especially his speeches mentioning the need to fight for democracy in Europe—in order to point out the hypocrisy of doing so while he continued to ignore the failure to live up to democratic ideals in the United States.²⁶⁴ In one of Wilson's speeches, often quoted on suffrage banners, Wilson declared: “We shall fight for the things which we have always held nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments.” If Paul's device for rhetorical framing was meant to cause discomfort to Wilson and force more attention on the suffrage issue, these tactics surely worked.²⁶⁵

Suffrage 'Pickets' Remain on Guard, Miss Paul Says Party Will Not Heed Mrs. Catt's Protest, WASH. POST, May 27, 1917, at 12.

²⁶² See e.g., letters from July and August 1917, *microformed on NWP Papers*, Reels 45-47 (Microfilming Corp. of Am.); Paul Interview, *supra* note 43, at 349-50 (discussing over a hundred letters of resignation on file in the NWP Papers as a result of the picketing campaign); ADAMS & KEENE, *supra* note 35, at 168-72 (suggesting the NWP may have lost up to one-sixth of its membership during the war).

²⁶³ Paul Interview, *supra* note 43, at 214 (describing the decision to continue to continue picketing during wartime, despite opposition from Blatch and other suffragists, as the moment “when our militancy really began”); *id.* at 338-39 (discussing Blatch's initial support for the picketing and abrupt change of heart following the declaration of war).

²⁶⁴ Although the NWP may have initially lost some support, this rhetorical strategy succeeded in keeping the suffrage cause at the center of public debate. See Letter from Katharine R. Fisher to Lucy Burns (July 14, 1917), *microformed on NWP Papers*, Reel 45 (Microfilming Corp. of Am.) (“[I]t is better to make people mad than not to have them know you are around What a pity we cannot have a perfectly ladylike organization to raise funds and another to raise hell!”).

²⁶⁵ Articles and editorials in the *Suffragist* reinforced these arguments about Wilson's hypocrisy. See, e.g., *Why Not Self-Government at Home?*, SUFFRAGIST, Apr. 7, 1917, at 6.

On Paul's picketing strategy, see ADAMS & KEENE, *supra* note 35, at 164; LUMSDEN, *supra* note 35, at 121; LUNARDINI, *supra* note 31, at 114. Bland's view of Paul's motives here are probably unduly cynical, describing Paul's choice to use Wilson's words on the banners as an effort to make the president “the target of a personal vendetta” and to make picketing the “medium for reviling the system.” Bland, *supra* note 29, at 118-19, 120 (suggesting that Paul had needed to make Wilson the enemy in order to “impart needed solidarity to the movement”). In contrast to Bland, I think there is little evidence to support the view that Paul initially intended for the picketing to instigate a violent conflict with the authorities. Instead, Paul herself always explained that the aim of the picketing was to goad Wilson—to attract more publicity—and by doing so convince Wilson, Congress, and the public that suffragists would never give up until the amendment passed.

Once the NWP picketers began pointing out these contradictions, they were increasingly viewed as disloyal by the broader public. Bystanders assaulted the picketers, tearing the banners from their hands and sometimes causing physical injuries to the women serving on the picket line. In June, the picketing campaign took on an even more confrontational tone. During a series of diplomatic exchanges with Russia, in an effort by the Wilson Administration to persuade the Russians to stay in the war, diplomat Elihu Root delivered a speech asserting that the United States protected equal suffrage rights.²⁶⁶ Paul chose to use a banner to point out the hypocrisy of these statements in a picket on June 20, the day a Russian delegation was scheduled to visit Wilson at the White House. The picketers held up an oversized banner stating that Wilson was deceiving Russia, America was not a democracy, and ending with the plea: “Help us make this nation really free. Tell our government that it must liberate its people before it can claim free Russia as an ally.”²⁶⁷

A crowd gathered around the picketers and destroyed the banner.²⁶⁸ In the following days, the skirmishes continued. One woman, Mrs. Dee W. Richardson, leapt upon a group of picketers, tearing their banners and declaring that they were “a bunch of traitors” and a “disgrace to womanhood.”²⁶⁹ These events were covered on the front pages of newspapers across the country.²⁷⁰ In response, Paul released a defiant statement to the press: “It is those who deny justice, and not those who demand it who embarrass the country in its international relations The responsibility . . . is with the government and not with the women of America, if the lack of democracy at home weakens government in its fight for democracy three thousand miles away.”²⁷¹

Social scientists have described this technique of “juxtaposition” as one of the most effective forms of negative campaigning.²⁷² It may be that

²⁶⁶ *Suffragists Assail Selection of Root*, WASH. POST, Apr. 27, 1917, at 7.

²⁶⁷ *The Woman’s Party Appeals to the Russian Mission*, SUFFRAGIST, June 23, 1917, at 7; ADAMS & KEENE, *supra* note 35, at 175-76; FORD, *supra* note 32, at 147-48; IRWIN, *supra* note 23, at 208-09; LUNARDINI, *supra* note 31, at 115; STEVENS, *supra* note 23, at 74.

²⁶⁸ *Crowd Destroys Suffrage Banner at White House*, N.Y. TIMES, June 21, 1917, at 1.

²⁶⁹ *Crowds Again Rend Suffrage Banners*, N.Y. TIMES, June 22, 1917, at 5.

²⁷⁰ *Crowd Destroys Suffrage Banner at White House*, N.Y. TIMES, June 21, 1917, at 1; *Flaunt Fresh Banner*, WASH. POST, June 21, 1917, at 1; *Brave Third Day Riot*, WASH. POST, June 22, 1917, at 1; FORD, *supra* note 32, at 151-52 (describing the early critical coverage in the press); LUMSDEN, *supra* note 35, at 123-25 (same).

²⁷¹ Press Release (June 22, 1917), *microformed on NWP Papers*, Reel 91 (Microfilming Corp. of Am.).

²⁷² DREW WESTEN, *THE POLITICAL BRAIN: THE ROLE OF EMOTION IN DECIDING THE FATE OF THE NATION* 320-21, 331 (2007); *see also* JOHN GEER, *IN DEFENSE OF NEGATIVITY: ATTACK ADS IN POLITICAL CAMPAIGNS* (2006).

claims of hypocrisy are usually effective, but is not clear that Paul at this point appreciated how controversial this framing device would become.²⁷³ The fight for suffrage became much more contentious after the United States entered the war. It appears that the war provided a necessary “destabilizing event” that sharpened opposition and accelerated the pace of the conflict.²⁷⁴ Paul’s decision to use such controversial public rhetoric—to risk charges of disloyalty by criticizing the government during wartime—is today considered to be the type of courageous and contentious action essential to successful strategies to achieve social change.²⁷⁵ In *Challenging Authority*, Frances Fox Piven refers to these methods as exercises of “disruptive power.” By defying convention and settled expectations, the group’s protest activities opened up the possibility for shifts in public opinion and significant political change.²⁷⁶ Paul’s protest strategy—by making use of visual, emotionally resonant appeals as well as cognitive claims²⁷⁷—clearly had an impact on elite opinion, especially among print journalists who became an important influence on broader public opinion.²⁷⁸

²⁷³ Just days after the Russian Envoy banner skirmish, letters began arriving at NWP headquarters from suffragists across the country who were concerned that Paul’s tactics would cost the movement much needed support. Other suffragists sought to help counter the negative press coverage, by passing resolutions of support in their state branches, sending local newspapers copies of the *Suffragist* or writing editorials for their local newspapers. Paul and the NWP’s staff also responded personally to individual critics, sending them copies of the *Suffragist*. See, e.g., letters from July and August 1917, *microformed on NWP Papers, Reels 45-47* (Microfilming Corp. of Am.).

²⁷⁴ See McAdam & Scott, *supra* note 44, at 18, 30-31.

²⁷⁵ Social movement scholars have introduced the concept of a “collective action frame” to describe the process of the framing of grievances and demands by social movements. The “injustice frame” is one of the most common framing devices for social movements: “Inscribing grievances in overall frames that identify and injustice, attribute the responsibility for it to others, and propose solutions to it is a central activity of social movements.” TARROW, *supra* note 198, at 110-11.

Paul’s decision to continue with an injustice frame during wartime posed obvious and enormous risks, but there are at least two reasons why she may have been somewhat hopeful that her organization could avoid being permanently reduced to the status of a “pariah” group and indeed benefit from these protests. Cf. PAUL L. MURPHY, *WORLD WAR I AND THE ORIGIN OF CIVIL LIBERTIES IN AMERICA* 139-40 (1979) (describing the failed use of “free speech fights” by the I.W.W. in previous years). First, socially prominent women were leading the picketing campaign. Second, their grievances were based upon an injustice frame that invoked core American values of democratic and self-determination. On the politics of “creedal passion,” see SAMUEL HUNTINGTON, *AMERICAN POLITICS: THE PROMISE OF DISHARMONY* (1981).

²⁷⁶ FRANCES FOX PIVEN, *CHALLENGING AUTHORITY* 19-35, 104 (2006). See also TARROW, *supra* note 198, at 96-98 (describing “repertoires of disruption” as “the strongest weapon of social movements”).

²⁷⁷ See WESTEN, *supra* note 272, at 321 (emphasizing the importance of “multimodal networks linking words, images, sounds, and emotions”).

²⁷⁸ Print journalists’ role in shaping broader public opinion, a development which in turn eventually affected the reactions of Wilson and Congress, was an important dynamic throughout the picketing campaign. On the influence of political elites, see JOHN ZALLER, *THE NATURE AND ORIGINS OF MASS OPINION* (1992) (describing how political elites shape public opinion, with unified elite opinion

C. The Riots & Arrests

In the days following the “Russian Banner” skirmishes, the situation became far more adversarial.²⁷⁹ The District of Columbia Chief of Police, Raymond Pullman, notified Paul that further picketing would lead to arrests. After consulting with an attorney, Paul informed Pullman that the picketers would be protected under the Clayton Act.²⁸⁰ He disagreed and responded that he would not hesitate to order arrests.²⁸¹ Paul immediately informed the NWP picketers of these developments, so they could decide whether they wished to go on and risk arrest.²⁸² The volunteers agreed to forge ahead despite the threat, and on June 22 Lucy Burns and Katharine Morey were arrested.²⁸³

As the pickets continued, so did the arrests. Over the next three days, the police arrested twenty-seven additional NWP picketers. At first, the picketers were processed, charged with obstructing traffic, and released.²⁸⁴ The women arrested on June 26, however, were held in jail overnight until a trial could be held the following day. During the trial, six NWP picketers were found guilty and fined twenty-five dollars. When the women refused to pay the fine, they were sentenced to three days in jail.²⁸⁵ More arrests followed a similar pattern.²⁸⁶ Then, on July 17, sixteen picketers were

producing broad consensus and divided elite opinion resulting in party leaders providing separate cues to the public).

²⁷⁹ With Catt’s encouragement, Wilson and his Committee on Public Information worked behind the scenes to negotiate with the press, including the *Washington Times*, the Associated Press, and other wire services, in a failed effort to persuade them to stop giving the NWP protests any significant coverage. See GRAHAM, *supra* note 37, at 108-09. See also ADAMS & KEENE, *supra* note 35, at 167; FORD, *supra* note 32, at 156; LUNARDINI, *supra* note 31, at 127.

²⁸⁰ Paul asserted that their First Amendment right to assemble and to petition the government for redress of grievances was at stake. Moreover, their protest was in no way distinguishable from the activities of unions and other groups whose right to strike, boycott, and picket was, she believed, protected by the Clayton Antitrust Act. ADAMS & KEENE, *supra* note 35, at 179.

²⁸¹ Paul Interview, *supra* note 43, at 213-14; LUNARDINI, *supra* note 31, at 116-17; STEVENS, *supra* note 23, at 93-94.

²⁸² Paul Interview, *supra* note 43, at 216, 219-20.

²⁸³ *Woman Arrests Suffrage Pickets*, N.Y. TIMES, June 23, 1917, at 9; *‘Move Along’ Pickets, Police End Suffrage Campaign at White House Gates*, WASH. POST, June 23, 1917, at 1. On the day of the arrests, in a letter to his daughter, Wilson expressed his exasperation with the picketers, calling them “obnoxious.” See Letter to Jessie Woodrow Wilson Sayers (June 22, 1917), in 42 THE PAPERS OF WOODROW WILSON 560 (Arthur S. Link ed., 1983).

²⁸⁴ *Bars Cells to Pickets*, WASH. POST, June 24, 1917, at 2; *New Pickets on Duty*, WASH. POST, June 25, 1917, at 2; *Seize 12 Militants Near White House*, N.Y. TIMES, June 26, 1917, at 12; *Arrest Twelve ‘Pickets’, Police Save Alice Paul’s Party from Mob at White House*, WASH. POST, June 26, 1917, at 1.

²⁸⁵ *White House Hecklers Hold Service in Jail*, CHI. DAILY TRIB., June 28, 1917, at 1; *Nine More Pickets Seized at White House*, N.Y. TIMES, June 27, 1917, at 7; *Suffragettes in Jail*, WASH. POST, June 28, 1917, at 1; IRWIN, *supra* note 23, at 220; LUNARDINI, *supra* note 31, at 117; STEVENS, *supra* note 23, at 94-95, 102.

²⁸⁶ A group of suffragists were arrested on July 4. See Record of Picket Arrests (July 4, 1917),

sentenced to *sixty days* at the Occoquan Workhouse in Virginia.²⁸⁷ The suffrage fight had reached its most critical and contentious stage.

V. “I . . . AM READY TO SUFFER FOR THE CAUSE OF AMERICAN DEMOCRACY”: “PRISONERS OF FREEDOM” & “THE SUCCESS OF THE UNRULY”²⁸⁸

A. *The Power of an Unruly Elite*

The group of sixteen NWP picketers receiving the two-month sentence included leading suffragists and very well-connected women. The effect of these prison sentences and the publicity that followed should not be underestimated. The entire nation was shocked.²⁸⁹ As Nancy Cott explains, “the usefulness of suffrage militance was biased toward the elite; the wealthier its proponent was—the more ladylike she was supposed to be—the greater effect of her subversion of the norm.”²⁹⁰ One was a daughter of a former ambassador and secretary of state.²⁹¹ Another was the wife of a Progressive Party leader.²⁹² Others were noted society figures, relatives of politicians, and high-ranking members of the NWP. Dudley Field Malone, the Collector of the Port of New York and a close confidant of President Wilson, attended the hearing and heard the women offer a series of defiant statements to the judge. Matilda Hall Gardner, for example, declared that she knew she was not being sentenced for

microformed on NWP Papers, Reel 45 (Microfilming Corp. of Am.); 13 Suffragists Jailed in Riots at White House, CHI. DAILY TRIB., July 5, 1917, at 2; White House ‘Riot’ Broken Up by Police, N.Y. TIMES, July 5, 1917, at 9; Militants in Riot, 13 Held for Jail, WASH. POST, July 5, 1917, at 1; Militants Go to Jail, WASH. POST, July 7, 1917, at 2 (describing Judge Mallowney’s pleas to the these women “of education and refinement” – asking them to avoid jail by paying the fine, to let him loan money for the fine, or, if they must continue picketing, then at least to avoid the White House because “we are at war, and you should not bother the president”).

²⁸⁷ This group was arrested on Bastille Day, July 14, and sentenced by Judge Mallowney on July 17. *Pickets Going ‘Route’, WASH. POST, July 14, 1917, at 7; Suffragists to Go to Jail, Put Blame on Wilson, CHI. DAILY TRIB., July 16, 1917, at 3; Jail is Pickets Choice, No Fines, WASH. POST, July 16, 1917, at 10; Pickets Amuse Court, WASH. POST, July 17, 1917, at 12; Sixteen Militants Begin 60-Day Term, WASH. POST, July 18, 1917, at 1 (describing the pickets as “ladies . . . of wealth and distinction”).*

²⁸⁸ Pauline F. Adams to Iris Calderhead (Aug. 20, 1917), *microformed on NWP Papers, Reel 47 (Microfilming Corp. of Am.)* (telegram announcing decision to join the pickets); *Prisoners of Freedom, SUFFRAGIST, Oct. 27, 1917; GAMSON, supra note 182, at Ch. 6 (“the success of the unruly”).*

²⁸⁹ KRADITOR, *supra* note 28, at 207, n.32.

²⁹⁰ COTT, *supra* 27, 55. *See also* Paul Interview, at 222 (suggesting that the first arrests “gave it such a good start because the women were of such prestige”), Bland, *supra* note 29, at 128-30 (describing many of the picketers as “women of social prominence”); FLEXNER, *supra* note 27, at 278 (observing that the picketers were not “remotely near the lunatic fringe”).

²⁹¹ Florence Bayard Hilles.

²⁹² Alison Turnbull Hopkins, the wife of J.A.H. Hopkins, who was the Chairman of the Progressive Party in New Jersey.

obstructing traffic, but “because I have offended politically, because I have demanded of this government freedom for women.”²⁹³

Malone left the courtroom and immediately made his way to the White House to demand a meeting with Wilson. He was ready to resign as a member of Wilson’s administration in order to work as an attorney on behalf of the suffrage defendants. Wilson convinced him not to resign, and told him to feel free to work as their counsel.²⁹⁴

The husbands of the jailed picketers also turned to Wilson in outrage. Another Wilson intimate, his former campaign coordinator in New Jersey, John Appleton Haven Hopkins, visited the White House to argue on behalf of his wife, Alison, who was then serving her sentence at the Occoquan Workhouse. He told Wilson to push for the immediate passage of the federal suffrage amendment.²⁹⁵ The noted journalist Gilson Gardner, the husband of Matilda Hall Gardner, wrote to Wilson, suggesting that the president must be unaware of the fact that “women of prominence and refinement” had been sent to the Occoquan and emphasizing that the bad publicity would be politically damaging to the president.²⁹⁶ Wilson was not willing to endorse the federal amendment, but he was enormously angry that he had been put in this position. On July 19, he met with Louis Brownlow, the District Commissioner overseeing the police, and in his

²⁹³ STEVENS, *supra* note 23, at 103-05.

²⁹⁴ LUNARDINI, *supra* note 31, at 118-20. Graham reports that the Secret Service immediately began surveillance of Malone, monitored his activities daily, and sent weekly reports to Wilson’s son-in-law, the Secretary of the Treasury, through the end of August. Sara Hunter Graham, *Woodrow Wilson, Alice Paul and the Woman Suffrage Movement*, 98 POL. SCI. QTLY 665, 670-71 (1984). It is not clear what motivated this investigation, but Graham is mistaken in her claim that Malone immediately ceased participating in a visible manner to support the NWP once this surveillance began. He served as Paul’s lawyer during her imprisonment and later married suffragist Doris Stevens (who was among the group receiving the two months’ sentence on July 17) in 1921.

The government may have continued surveillance of various NWP activities, including the use of infiltrators during the picketing phase. FORD, *supra* note 32, at 172, 185 (describing a “Mrs. Mark Jackson” who was later uncovered as an infiltrator by the NWP). Alice Paul to Iris Calderhead (Oct. 11, 1917) and Elizabeth Stuyvesant to Alice Paul (Oct. 12, 1917), *microformed on NWP Papers*, Reel 51 (Microfilming Corp. of Am.). On the use of surveillance as one of a variety techniques used by the government and others to inhibit social movements, see Gary T. Marx, *External Efforts to Damage or Facilitate Social Movements: Some Patterns, Explanations, Outcomes, Complications*, in *THE DYNAMICS OF SOCIAL MOVEMENTS: RESOURCE MOBILIZATION, SOCIAL CONTROL, AND TACTICS* 94 (Mayer N. Zald & John D. McCarthy eds., 1988).

²⁹⁵ *Militants’ Plight Shocks President*, WASH. POST, July 19, 1917, at 1 (discussing meetings with Hopkins and Malone at the White House and a possible pardon); *Wilson, Shocked at Jailing of Militants*, N.Y. TIMES, July 19, 1917, at 1 (same).

²⁹⁶ A Memorandum by Gilson Gardner (July 17, 1917), in 43 THE PAPERS OF WOODROW WILSON 201-2 (Arthur S. Link ed., 1983). Wilson also received more subtle letters from NAWSA, suggesting to him that if he supported the federal amendment then women would be able “to throw, more fully and whole-heartedly, their entire energy into work for their country . . . instead of for their own liberty and independence.” Letter from Helen Hamilton Gardener (July 19, 1917), *in id.* at 214-15.

memoir Brownlow recalled that Wilson was “highly indignant” and concerned they “had made a fearful blunder” by creating “martyrs” of the picketers.²⁹⁷

As Gardner had predicted to Wilson, the press coverage was enormous. Doris Stevens recalled, “For the first time . . . our form of agitation began to seem a little more respectable than the Administration’s handling of it.”²⁹⁸ The NWP press office sent out telegrams to newspapers across the country, offering detailed accounts of the suffragists’ plight in the Occoquan Workhouse. Journalists in fact surpassed the NWP press releases by writing melodramatic stories detailing the jailed suffragists “ordeal” and the courage they displayed in such a horrid environment.²⁹⁹ It is therefore not surprising that Wilson reacted so angrily and moved quickly to pardon these women on July 19.³⁰⁰ For her part, Paul did not view the pardons as ending the matter. She told the newspapers that the president could issue more pardons, but the pickets would continue until he supported the Susan B. Anthony amendment.³⁰¹

Paul did not focus on developing rational justifications to persuade the broader public to support suffrage. The rhetorical framing during the picketing campaign instead centered on very abstract but emotionally resonant ideals: democratic legitimacy, self-determination, and liberty. Even more important, the suffragists’ defiance in the face of arrests and imprisonment mobilized the public as never before. The *Boston Journal* observed, “The little band representing the NWP has been abused and bruised by government clerks, soldiers and sailors until its efforts to attract the President’s attention has sunk into the conscience of the whole nation.”³⁰²

B. *Two Paths to Suffrage: NAWSA & the Unyielding Picketers*

Persisting with a strategy so critical of Wilson and the government posed considerable risk for the picketers. Political dissent, regardless of method or argument, was considered to be treasonous, as a wartime zeal

²⁹⁷ LOUIS BROWNLOW, *A PASSION FOR ANONYMITY* 78-79 (1958).

²⁹⁸ STEVENS, *supra* note 23, at 111.

²⁹⁹ See, e.g., *Sixteen Militants Sew Shirts for Prisoners*, WASH. POST, July 19, 1917, at 1 (stating that the suffragists were placed in desegregated cell blocks).

³⁰⁰ *Fight of Militants Taken to Congress*, WASH. POST, July 20, 1917, at 1; *Militants Freed at Wilson’s Word*, N.Y. TIMES, July 19, 1917, at 1.

³⁰¹ *Militants Again at the White House*, N.Y. TIMES, July 21, 1917, at 5; *12 Picket White House*, WASH. POST, July 22, 1917, at A18; *Pickets Again at Post*, WASH. POST, July 24, 1917, at 12.

³⁰² *Comments of the Press*, SUFFRAGIST, Sept. 1, 1917, at 11 (quoting *Boston Journal*, Aug. 18, 1917).

was cultivated by the Wilson administration and to some extent by the press.³⁰³ When the picketers introduced a banner referring to “Kaiser Wilson” on August 14, bystanders grew far more hostile.³⁰⁴ Groups of young men taunted and assaulted the women, but the district police refused to intervene on the picketers’ behalf.³⁰⁵ For the next three days, NWP picketers attempted to march out of their headquarters with the Kaiser banners, and each time they were attacked by bystanders. Paul was on one occasion repeatedly pushed to the ground bleeding.³⁰⁶ A number of other NWP leaders were similarly attacked by police, who then arrested any male bystanders trying to assist the women.³⁰⁷ On August 17, six picketers were arrested and later sentenced to thirty days at the Occoquan workhouse.³⁰⁸ More picketers in the coming weeks were arrested, and many received the same sentence.³⁰⁹ On September 4, a group of suffragists including NWP leaders Abby Scott Baker and Lucy Burns were arrested, and the following day Baker and Burns were sentenced to sixty days at Occoquan.³¹⁰ This time there would be no pardon.

³⁰³ During their first month of picketing, Congress passed the Espionage Act, 40 Stat. 219 (1917), which made the issuance of false statements hindering military operations a federal crime, punishable by up to twenty years in prison and fines up to ten thousand dollars. See, e.g., DAVID M. KENNEDY, *OVER HERE: THE FIRST WORLD WAR AND AMERICAN SOCIETY* (1980); MURPHY, *supra* note 275. Interestingly, the picketers were never charged under this Act. They were instead charged with obstructing traffic or blocking sidewalks.

³⁰⁴ The banner stated: “Kaiser Wilson, Have you forgotten your sympathy with the poor Germans because they were not self-governed? 20,000,000 American women are not self-governed. Take the beam out of your own eye.” See Photograph of Virginia Arnold (holding Kaiser Wilson Banner), Records of the National Woman’s Party, Library of Congress, available at <http://hdl.loc.gov/loc.mss/mnwp.160030>.

³⁰⁵ *Rioters Storm Women Pickets’ Headquarters*, CHI. DAILY TRIB., Aug. 15, 1917, at 1 (describing thousands of rioters who destroyed banners and “besieged” NWP headquarters and reporting one soldier fired a bullet through the second-floor window at the NWP headquarters); *Washington Crowd Eggs Suffragettes*, N.Y. TIMES, Aug. 15, 1917, at 3; *All-Day Suffrage Riots*, N.Y. TIMES, Aug. 16, 1917, at 22; *President Onlooker at Mob Attack on Suffragists*, SUFFRAGIST, Aug. 18, 1917, at 7; IRWIN, *supra* note 23, at 230-32.

³⁰⁶ IRWIN, *supra* note 23, at 232; *Anti-Pickers Attack Women and Ex-Envoy*, CHIC. DAILY TRIB., Aug. 17, 1917, at 3 (“Miss Alice Paul of Philadelphia was several times assailed and was dragged for twenty feet along a sidewalk”); *Suffrage Banners Seized by Throng*, WASH. POST, Aug. 17, 1917, at 7.

³⁰⁷ IRWIN, *supra* note 23, at 233.

³⁰⁸ *Pickets at Occoquan*, WASH. POST, Aug. 17, 1917, at 1; *Six Suffragists Arrested*, N.Y. TIMES, Aug. 18, 1917, at 3; *Picketing is at an End*, WASH. POST, Aug. 18, 1917, at 1; *Asks Special Law to Stop Picketing*, N.Y. TIMES, Aug. 19, 1917, at 1; see also Bland, *supra* note 29, at 122-25 (discussing numerous letters of complaint from members of the Advisory Council objecting to the tone of the Kaiser Wilson banner, including a letter of resignation from the NWP leader, Mary Beard); FORD, *supra* note 32, at 157-60 (discussing the Kaiser Wilson riots and aftermath).

³⁰⁹ IRWIN, *supra* note 23, at 236-38.

³¹⁰ *Halt Picket Display*, WASH. POST, Sept. 5, 1917, at 3; *Suffragists Sent to Jail*, CHI. DAILY TRIB., Sept. 6, 1917, at 5.

Throughout the NWP's picketing campaign, Catt and other NAWSA leaders worked painstakingly to distinguish their suffrage campaigning from that of the "radical militants."³¹¹ Catt never issued a public statement objecting to the imprisonment of the NWP picketers.³¹² Instead, she publicly denounced the picketers for damaging the movement.³¹³ In the fall of 1917, during the final suffrage campaign in New York, she sought from Wilson a letter repudiating the picketers³¹⁴ and posted signs in a parade renouncing the picketers.³¹⁵

Paul continued picketing during the war and endured vicious public scorn, which she later recalled gave her the impression that "the general

³¹¹ See e.g., Carrie Chapman Catt, An Open Letter to the Public from the National American Woman Suffrage Association (July 13, 1917), *microformed on* NWP Papers, Reel 45 (Microfilming Corp. of Am.) ("The National American Woman Suffrage Association, composed of at least 98% of the organized suffragists in the United States, is officially on record as disapproving absolutely the picketing tactics of the Woman's Party"); *Pickets Repudiated*, N.Y. TIMES, July 25, 1917, at 10 (statement by Mary Garrett Hay, a close Catt associate leading the New York referendum campaign); see also Letter from Mrs. Norman Whitehouse to Alice Paul (July 9, 1917), *microformed on* NWP Papers, Reel 45 (Microfilming Corp. of Am.) (complaining about the damage the NWP picketing was causing the New York campaign and sending "an urgent appeal" to Paul to abandon her tactics); Letter from Helen M. Hill to Lucy Burns (July 12, 1917), *microformed on* NWP Papers, Reel 45 (Microfilming Corp. of Am.) ("You women do not realize the irreparable harm you are doing to the cause in New York."); Letter from Helen M. Hill to Mabel Vernon (July 12, 1917), *microformed on* NWP Papers, Reel 45 (Microfilming Corp. of Am.) ("If we fail in New York in November, you will have the satisfaction (?) of knowing that you helped beat us.")

In response to a request by members of the New York Campaign Committee, calling on the NWP to end the picketing, Anne Martin argued:

As long as the Government and its representatives prefer to send women to jail on petty and technical charges to giving American women justice, we will go to jail. Persecution has always advanced the cause of liberty.

The right of women to tell the truth about our government, about democracy, and to work for democracy, must be maintained. We stand on the Bill of Rights. We would hinder, not help, the whole cause of freedom for women if we weakly submitted to our oppression now. Our work for the immediate passage of the national suffrage amendment will go on.

Response of Anne Martin, Vice Chairman of the National Woman's Party (July 11, 1917), *microformed on* NWP Papers, Reel 45 (Microfilming Corp. of Am.).

³¹² COTT, *supra* note 30, at 60 (observing that NAWSA's failure to comment publicly in order to protest the arrests cost the organization some support in the suffrage community); LUMSDEN, *supra* note 35, at 128-29 (same).

³¹³ *The Pickets and the Public*, WOMAN CITIZEN, July 7, 1917, at 107; *Pickets are Behind the Times*, WOMAN CITIZEN, Nov. 17, 1917, at 470-71.

³¹⁴ Wilson obliged Catt's request. See *Wilson Writes of Pickets*, N. Y. TIMES, Oct. 17, 1917, at 11; *President Urges Suffrage Cause, Hopes Pickets Will Not Prejudice New York Vote*, WASH. POST, Oct. 18, 1917, at 4; FLEXNER, *supra* note 27, at 278.

³¹⁵ *20,000 Picketers March in Suffrage Line*, N.Y. TIMES, Oct. 28, 1917, at 1 (quoting banners with the words—"We are opposed to the picketing of the White House. We support our country and our President"—and observing that bystanders applauding the anti-picket banners were "more noticeable uptown, than around Fourteenth Street, where the Socialists and radicals were grouped").

feeling over the whole country [was] that you were the scum of the earth . . .³¹⁶ Her decision to endure this hostility and continue protesting proved to be a savvy one. Some recent social science scholarship suggests that the worst position that politicians (or activists) who are put on the defensive can take is that of “supplicant,” asking for fairness or for the other to play nice. That stance merely signals a lack of power; it is not a signal the powerful will have reason to respect.³¹⁷ Paul’s efforts to ensure that the picketers engaged only in nonviolent protest is best viewed as a major tactical innovation in the suffrage campaign.³¹⁸ Unlike the Pankhursts, who attempted to gain bargaining power from their reputation as unpredictable lawbreakers, Paul and the NWP picketers cultivated an image of unrelenting determination, an image tempered by observers’ sympathy and respect for “their willingness to put their bodies and freedom on the line”³¹⁹

Indeed, the picketers still retained some high-profile support. When Dudley Field Malone tendered his resignation in September, he included in his resignation letter a defense of the picketers that was reprinted in newspapers across the country. Malone declared that the suffragists’ “righteous indignation” should be appreciated by any “lover of liberty,” and he ended by asserting that it was “time that the men in our generation, at some cost to themselves, stood up for the battle for the national enfranchisement of American women.”³²⁰

C. Assessing Influence: Wilson’s Switch & the House Vote

Throughout the fall, as the picketers were arrested and sent to jail to serve longer sentences, reports of the conditions they faced in prison did garner sympathy with the press and public.³²¹ The superintendent of the

³¹⁶ Paul Interview, *supra* note 43, at 225. Paul does not mention in her interview that for much of July, 1917, she was hospitalized with what was first thought to be a nearly fatal kidney infection. IRWIN, *supra* note 23, at 225. Reports later suggested her illness was due to fatigue. See Letter from Iris Calderhead to Margaret Whittemore (July 20, 1917), *microformed on NWP Papers*, Reel 45 (Microfilming Corp. of Am.); Letter from Hazel Hunkins to Sarah Grant (July 23, 1917), *microformed on NWP Papers*, Reel 46 (Microfilming Corp. of Am.)

³¹⁷ WESTEN, *supra* note 272, at 339.

³¹⁸ FORD, *supra* note 32, at 146 (suggesting that the pickets allowed the women to demonstrate they were “strong, capable opponents,” while also benefiting from the sympathy invoked by their willingness to risk such harsh punishment).

³¹⁹ LUMDSEN, *supra* note 35, at 126.

³²⁰ From Dudley Field Malone (Sept. 7, 1917), in 44 THE PAPERS OF WOODROW WILSON 167-69 (Arthur S. Link ed., 1984); *Malone Resigns as Collector to Aid Suffrage*, N.Y. TIMES, Sept. 8, 1917, at 1 (including an unedited reprint of Malone’s resignation letter to Wilson); *Malone Resigns Post*, WASH. POST, Sept. 8, 1917, at 2; LUNARDINI, *supra* note 31, at 125-29.

³²¹ See e.g., *Pickets Bring Charges, Accuse Whittaker of Cruelty to Occoquan Prisoners*, WASH. POST, Aug. 30, 1917, at 5; *Asks Occoquan Probe, Board of Charities Acts Upon Charges by the*

workhouse, Raymond Whittaker, gave no special treatment to the suffragist prisoners, who were confronted with poor sanitation, infested food, and dreadful facilities.

The publicity resulting from these longer sentences, reports of dreadful conditions in jail, and Dudley Field Malone's resignation seemed to produce unprecedented demonstrations of support in Congress. On September 15, the day after Senator Jones (NM), the Chair of the Senate Committee on Woman Suffrage, visited Occoquan, the suffrage amendment was reported out of the Committee.³²² The House created a standing committee on suffrage just days later on September 24.³²³

On October 20, Paul herself was arrested while picketing the White House, and she received the most severe sentence of all—seven months at Occoquan.³²⁴ From her own prison cell, Lucy Burns had been quietly organizing within Occoquan for several weeks to circulate a petition among the imprisoned suffragists. The petition was smuggled out and sent to the district commissioners, but only resulted in each of the signers being placed in solitary confinement.³²⁵ In protest, Paul launched a hunger strike on November 5.³²⁶

Woman's Party, WASH. POST, Sept. 27, 1917, at 1; *Is Chief at Occoquan, Tweedale Relieves Whittaker Pending Results of Inquiry*, WASH. POST, Sept. 28, 1917, at 4; *Force Yard of Jail to Cheer Miss Paul*, N.Y. TIMES, Nov. 12, 1917, at 8; FORD, *supra* note 32, at 169 ("In September, the NWP fight was already perceived as a struggle against a repressive government . . ."); IRWIN, *supra* note 23, 242-49 (discussing a series of picketing arrests in September and October); LUMSDEN, *supra* note 35, at 134 ("The NWP press relations machine began to work some effect by the end of November. Protests against the suffrage treatment began piling up at the White House."). While the picketing continued, the NWP sent six of its most experienced organizers on a speaking tour "to every large city in every State in the Union." *The National Woman's Party Goes Before the People*, SUFFRAGIST, Sept. 29, 1917, at 8.

³²² Bland, *supra* note 29, at 137-38; FLEXNER, *supra* note 27, at 279; IRWIN, *supra* note 23, at 305-06.

³²³ 55 CONG. REC. 7369-85 (1917); *House Aids Suffrage*, WASH. POST, Sept. 24, 1917, at 2; *House Moves for Suffrage*, N.Y. TIMES, Sept. 25, 1917, at 11 (making public Wilson's letter to Representative Pou in support of a standing committee on suffrage); IRWIN, *supra* note 23, at 305 (observing that many speakers during the floor debate "harped" on the fact that the picketers would take credit for the creation of the House Suffrage Committee). NAWSA's quiet lobbying of Wilson, asking him to send a letter supporting the proposed committee to members of the House Rules Committee, surely helped. See, e.g., From Helen Hamilton Gardener (May 10, 1917), in 42 THE PAPERS OF WOODROW WILSON 269-70 (Arthur S. Link ed., 1983) (requesting from Wilson a letter to Pou endorsing the committee); From Helen Hamilton Gardener (June 10, 1917) in *id.* at 473-75 (emphasizing that "almost every other civilized country" has awarded, or is in the process of extending, suffrage to women).

³²⁴ *Pickets in 'Solitary'*, WASH. POST, Oct. 23, 1917, at 14; *Alice Paul Sentenced*, N.Y. TIMES, Oct. 23, 1917, at 12; IRWIN, *supra* note 23, at 248-49.

³²⁵ *Pickets to Be Punished*, WASH. POST, Oct. 20, 1917, at 5.

³²⁶ *Miss Alice Paul on Hunger Strike*, N.Y. TIMES, Nov. 7, 1917, at 13; *Miss Paul, Picket, Declines to Feast*, WASH. POST, Nov. 7, 1917, at 7. See also Alice Paul, *The Pankhurst of the Potomac: Her Personality and Characteristics*, PHIL. REC., Nov. 4, 1917 (on file with the Schlesinger Library, Alice Paul Papers, Box 17, Folder 252) ("Her absolute devotion to a principle and her willingness to do

The controversy surrounding the picketing in all likelihood helped to advance the suffrage cause in the fall elections. NAWSA's opposition to the picketing helped establish Catt and her organization as the "reasonable" alternative to the NWP,³²⁷ which may have further solidified her relationship with Wilson's White House.³²⁸ Despite Catt's public expressions of consternation, Paul and the NWP did serve "as a useful foil" for NAWSA.³²⁹ When the suffrage referendum passed with by a large margin in New York,³³⁰ NAWSA leaders were convinced that those results would encourage Wilson to support the federal amendment.³³¹ Yet after a personal meeting with the president, Catt quickly learned that Wilson would not budge. Catt's "dignified" approach had at this point failed.³³²

On the same day Catt met with Wilson, Paul was entering the fourth day of her hunger strike and prison officials were instituting a program of forced feeding.³³³ Reports of the suffrage pickets and their hunger strikes were by then appearing in newspapers across the country. These months of picketing and prison protests also coincided with the most significant advances in women's voting rights in all of the years of campaigning. What explains the sudden advance?

Historians have expressed ambivalence about the role of the NWP's picketing campaign in securing these developments. Flexner, for instance,

whatever she advocates for others will stir the women of this country as nothing else could. They know that imprisonment for Alice Paul may mean death and that she did not hesitate.").

³²⁷ FOWLER, *supra* note 41, at 153 (concluding that "the Woman's Party's tactical radicalism helped enormously to legitimate the N.A.W.S.A.: it turned the N.A.W.S.A. into a respectable vehicle for reform and increased its effectiveness both in attracting women and the public at large").

³²⁸ FOWLER, *supra* note 41, at 149 (describing Catt's conviction that "dignified lobbying was the way to get results"); DAVID MORGAN, *SUFFRAGISTS AND DEMOCRATS: THE POLITICS OF WOMAN SUFFRAGE IN AMERICA* 129-54 (1972); PARK, *supra* note 240.

³²⁹ Bland, *supra* note 29, at 137 ("NAWSA in 1917 ... was in a rather enviable position of getting the benefit of militance for the cause, while disclaiming any responsibility for the militance.").

³³⁰ *Woman Suffrage Wins Probably by 80,000*, N.Y. TIMES, Nov. 7, 1917, at 1; *New York for Suffrage*, WASH. POST, Nov. 8, 1917, at 6. In accordance with Catt's "winning plan," her strategy abandoning state referenda in favor of seeking presidential suffrage paid off in 1917, when the legislatures of North Dakota, Nebraska, Rhode Island, Michigan and Arkansas all passed legislation modifying their rules for presidential elections.

³³¹ *New York Women Thank Wilson*, WASH. POST, Nov. 9, 1917, at 2.

³³² *Wilson Unshaken in Suffrage View. Sees Women Leaders But Still Regards the Issue as One for the States*, N.Y. TIMES, Nov. 10, 1917, at 1; *Mrs. Catt Assails Pickets*, N.Y. TIMES, Nov. 14, 1917, at 4 ("We stand at the threshold of final victory, and the only contribution these women make to it is to confuse the public mind").

³³³ *Hunger Striker is Forcibly Fed*, N.Y. TIMES, Nov. 9, 1917, at 13; *Pickets Fed By Force, Miss Paul and Miss Winslow Given Food By Tubes*, WASH. POST, Nov. 9, 1917, at 1. Paul was also transferred to a psychiatric ward within the District Jail. According to the NWP, the act precipitating her transfer occurred when Paul broke a window in a prison sewing room, in order to improve the poor air circulation endangering some of the more elderly women present. Florence Brewer Boeckel, *Why They Put Alice Paul in Solitary Confinement*, SUFFRAGIST, Nov. 10, 1917, at 7.

acknowledges the increased publicity resulting from the pickets, but she also emphasizes their cost, noting that “while some support was gained by the women’s gallantry, other support, in Congress and outside of it, was alienated.”³³⁴ These supposedly harmful effects, however, were not easily identified by the very capable NWP lobbyists tracking support in Congress.³³⁵ It is certainly true that in mid-summer, when the backlash caused by the Russian envoy and Kaiser Wilson banners was at its height, the NWP suffered a loss of support. But once the arrests began, the tide of opinion changed. It is apparent from the sequence of events that as the conflict with the imprisoned pickets reached its most contentious stage, especially in November when reports of forced feedings and the prospect of continued pickets became apparent, members of Congress, and soon Wilson, began moving forward to support the federal suffrage amendment.

On November 10, in response to reports of Paul’s forced feeding, NWP picketers gathered to form an unusually large picket line and were promptly arrested.³³⁶ When their sentences were suspended, a number of them rejoined the pickets, facing rearrest and a sentence of up to six months in the Occoquan workhouse.³³⁷ Upon their arrival on November 15, they were treated extraordinarily harshly. Suffragists would later call this their “Night of Terror,”³³⁸ during which most suffered physical injuries as a result of the beatings and rough treatment by the Occoquan guards.³³⁹

The Wilson White House was not immune to public criticism. The Malone resignation had made an impact, and reports of forced feeding, harsh conditions, and rough treatment at the prisons forced Wilson to act. He took some public steps to address the picketing controversy, ordering one of the district commissioners, W. Gwynn Gardiner, to prepare an investigative report on the prison conditions. Gardiner did little more than

³³⁴ FLEXNER, *supra* note 27, at 280.

³³⁵ When NAWSA lobbyist Maud Wood Park wrote to NWP lobbyist Anne Martin to complain about the problems caused by the picketing strategy, Martin asked her to provide names. An exchange of letters followed, and Park eventually conceded that she had no names to offer but was instead relying on her own assessment of the dangers of the picketing campaign. Bland, *supra* note 29, at 155.

³³⁶ *Arrest 41 Pickets for Suffrage at the White House*, N.Y. TIMES, Nov. 11, 1917, at 1; *Police Net 40 Pickets*, WASH. POST, Nov. 11, 1917, at 2.

³³⁷ *Suffrage Pickets Get Arrested Again*, N.Y. TIMES, Nov. 13, 1917, at 4; *31 More Pickets Sent to Workhouse*, N.Y. TIMES, Nov. 15, 1917, at 6.

³³⁸ FORD, *supra* note 32, at 178-81; IRWIN, *supra* note 23, at 253, 271-78; STEVENS, *supra* note 23, at 199-206; *The Night of Terror*, SUFFRAGIST, Dec. 1, 1917, at 7; *A Week of the Women’s Revolution*, SUFFRAGIST, Nov. 24, 1917, at 4.

³³⁹ *Accuse Jailors of Suffragists*, N.Y. TIMES, Nov. 17, 1917, at 1 (describing forced stripping, physical violence, shackling with manacles to prison bars, and threatened use of straightjackets and gags); *Mrs. Brannan Tells of Treatment*, N.Y. TIMES, Nov. 29, 1917, at 11 (“It was a night of most extreme terror.”).

interview the prison officials but Wilson accepted the report and circulated it to anyone who attempted to contact him on behalf of the prisoners.³⁴⁰

The changing climate of opinion began working to the NWP's advantage. Despite the legal fees and the added expenses involved in bringing recruits to picket, the NWP ended 1917 with no debt, primarily because of donations totaling \$106,734.36.³⁴¹ This stage of the campaign was very effective, and many Democrats in Congress grew increasingly worried about the political impact of the controversy.³⁴² Indeed, the lesson of Paul's hunger strike campaign may be that "unruliness works."³⁴³

Paul would later attribute Wilson's shift on the suffrage amendment to a conversation she had in prison with David Lawrence, a reporter and close friend of the president. In her telling, he came to ask her if she would stop the picketing if Wilson began encouraging Congress to support the amendment. She told him that the picketing would continue until the suffrage bill went through both the House and Senate. He explained to her that Wilson was most concerned that the hunger strikers were demanding to be treated as political prisoners. If their demand were granted, all the war protesters would issue similar demands and undermine the war program. He allegedly told Paul: "It would be easier to give you the Suffrage Amendment than to treat you as political prisoners."³⁴⁴ Although Lawrence said that Wilson was unlikely to mention suffrage in his upcoming annual message to Congress, he left her with the distinct

³⁴⁰ From William Gwynn Gardiner (Nov. 9, 1917), in 44 THE PAPERS OF WOODROW WILSON 559-61 (Arthur S. Link ed., 1984).

³⁴¹ *Treasurer's Annual Report*, SUFFRAGIST, Apr. 13, 1918, at 12; *National Advisory Council Organizes*, SUFFRAGIST, Dec. 15, 1917, at 5 (comparing monthly totals in 1916 and 1917, and observing the dramatic increase in donations once the arrests began, with the most dramatic rise in November 1917, with the arrest of Alice Paul and the launch of the hunger strikes).

³⁴² FORD, *supra* note 32, at 188 ("After news of forcible feeding and the 'night of terror' was out, many more letters of admiration were received [by the NWP]. The martyrdom of the nonviolent resistance in prison created a good deal of sympathy, especially among other women; it also created front-page publicity. Both of these elements would have their effect on Congress in 1918."); *see also Dr. Shaw Severe in Blaming Pickets*, N.Y. TIMES, Nov. 21, 1917, at 5 (referring to the NWP picketers' "treasonable" banners and their willingness to endanger Wilson's life and suggesting, on account of the great wave of "sentiment" across the country because "it is said" the picketers are receiving harsh treatment in jail, that there be further investigations of these allegations to prove their truth).

³⁴³ Cf. GAMSON, *supra* note 182, at 72 ("the success of the unruly"); William Gamson, *Reflections on 'The Strategy of Protest'*, 4 SOC. FORUM 455, 458-59 (1989) ("[F]eistiness works" by using "disruption as a strategy of influence"). In his book, Gamson's empirical data—suggesting that recipients of violence usually do not "rouse public sympathy" by "rallying to their cause important bystanders"—do not account for the success of the NWP hunger strikes in prison. GAMSON, *supra* note 182, at 76. There may be a gender role dynamic that explains this anomaly. *See* LUMSDEN, *supra* note 35, at 129 (suggesting that "the pickets' gender gave them an advantage in their defiance of the administration").

³⁴⁴ IRWIN, *supra* note 23, at 254-55.

impression that Wilson would begin working in support of suffrage. The NWP press bureau immediately began circulating reports of this visit.³⁴⁵

On November 27 and 28, all the suffrage prisoners were released.³⁴⁶ The picketing continued on a more sporadic basis, but the day-to-day campaign was over.³⁴⁷ Soon after her release on November 27, Paul sent out a press statement praising the picketing campaign: "How is it that people fail to see our fight as part of the great American struggle for democracy, a struggle since the days of the Pilgrims? We are bearing on the American tradition, living up to the American spirit."³⁴⁸

In December, when the new session of the Sixty-fifth Congress opened, the House Rules Committee surprised observers with an announcement that they would bring the amendment to the floor for a vote on January 10, 1918.³⁴⁹ On the eve of the vote, during an unexpected meeting to discuss the matter at the White House, Wilson offered his first endorsement of the federal woman suffrage amendment and attempted to convince southern Democrats who had previously voted against the amendment to now support it.³⁵⁰

January 10 was a dramatic day on the floor of the House. One pro-suffrage member, Representative Barnhardt of Indiana was wheeled in on a stretcher. Representative Mann of Illinois, the Republican House Minority Leader, left his Baltimore hospital room to appear for the vote. Representative Sims of Tennessee refused to have a broken arm and shoulder tended to until after the final floor vote. Representative Hicks of

³⁴⁵ *Id.* at 255. The National Association Opposed to Woman's Suffrage declared that Paul was lying about the Lawrence visit, accusations they later retracted when they learned of Wilson's support for the House resolution. See *Antis Make Apology, Withdraws Statement in View of President's Support of the Suffrage Amendment*, N.Y. TIMES, Jan. 27, 1918, at 15 ("The apology results from a denial of a story by the antis that an emissary of the Administration had visited Miss Paul in prison and assured her that the President was privately for the suffrage amendment.")

³⁴⁶ *Move Militants from Workhouse, Confinement There Illegal, Judge Waddill Holds*, N.Y. TIMES, Nov. 25, 1917, at 6; *Suffrage Pickets Freed from Prison*, N.Y. TIMES, Nov. 28, 1917, at 13; *Jail is Calm and Peaceful Again, as 22 Suffragettes are Released*, WASH. POST, Nov. 28, 1917, at 2; *Judge Releases 8 More Pickets*, WASH. POST, Nov. 29, 1917, at 5. On November 23, Judge Edmund Waddill had ruled that the suffragists had been illegally imprisoned at Occoquan (rather than the District Jail) and that they could be paroled on bail or finish their terms at the District Jail. Twenty-two women chose to finish their terms at the jail, and they were released on November 27 and 28. On March 4, 1918, the D.C. Court of Appeals invalidated all of the picketers' convictions and original arrests. *Hunter v. District of Columbia*, 47 App. D.C. 406, 409 WL 18180 (1918).

³⁴⁷ ADAMS & KEENE, *supra* note 35, at 200-05, 209; LUNARDINI, *supra* note 31, at 134-36.

³⁴⁸ Press Release (Nov. 27, 1917), *microformed on NWP Papers, Reel 91* (Microfilming Corp. of Am.).

³⁴⁹ The British woman suffrage bill passed the House of Lords on this very day, after having been voted through the House of Commons on November 20, 1917.

³⁵⁰ GRAHAM, *supra* note 37, at 114-15; *Give Vote to Women is Advice by Wilson*, WASH. POST, Jan. 10, 1918, at 1.

New York left his wife's death bed, at her request, returning home immediately afterward for her funeral.³⁵¹ The amendment passed with the precise number required to reach the two-thirds majority required under Article V.³⁵² Every member of the group of twelve congressmen invited to the White House voted in favor of the amendment. The *New York Times* and *Washington Post* attributed the victory to Wilson's intervention.³⁵³ Paul's strategy—to focus on the president's influence over the Democratic Party and Congress—seemed vindicated.³⁵⁴

D. On to the Senate: The Insider-Outsider Dynamic Continues

The amendment faced stronger opposition in the Senate, and again Wilson sought to corral the Democrats who remained steadfast in their opposition to the amendment, writing letters, and meeting with senators in person.³⁵⁵ The suffrage organizations again pursued different strategies.³⁵⁶ Although both the NWP and NAWSA continued to lobby the Senate,³⁵⁷ the

³⁵¹ FLEXNER, *supra* note 27, at 283.

³⁵² 56 CONG. REC. 762-810 (1918).

³⁵³ *House for Suffrage*, N.Y. TIMES, Jan. 11, 1918, at 1; *Woman Suffrage Wins in House by One Vote*, WASH. POST, Jan. 11, 1918, at 1.

³⁵⁴ There is also a good deal of evidence showing that the NWP "party accountability" strategy played an important role in influencing Wilson and the House Democrats to support the federal suffrage amendment. Some of the lobbying in the House emphasized the repercussions for the Democratic Party if the amendment failed. For example, Elizabeth Merrill Bass, a NAWSA suffragist and influential appointee to the Women's Division of the Democratic National Committee, wrote to Wilson to tell him that she had told the Chair of the Judiciary Committee and the Floor Leader that "party expediency," especially given the threat of the NWP campaigning again against the Democrats in the next election, warranted postponing the vote until the votes are certain. From Elizabeth Merrill Bass (Dec. 7, 1917), in 45 THE PAPERS OF WOODROW WILSON 242-43 (Arthur S. Link ed., 1984). Bass also asked Wilson to meet with a group of wavering Democratic congressmen on the eve of the final vote. See From Elizabeth Merrill Bass (Jan. 8, 1918), in *id.* at 542. Maud Wood Park and Helen Hamilton Gardener had also earlier requested Joe Tumulty to ask Wilson to meet with Representatives, and they gave him a list of key members to contact. See From Joseph Patrick Tumulty (Dec. 15, 1917), in *id.* at 306-07. Wilson did meet with a group on January 9, but he claimed that these House members had sought out his advice. See also ADAMS & KEENE, *supra* note 35, at 213; LUNARDINI, *supra* note 31, at 140-41.

³⁵⁵ Just as they had done with the House, NAWSA members sent Wilson information about the senators' likely votes, including lists of senators that might be persuaded by Wilson's intervention. See, e.g., From Elizabeth Merrill Bass (Dec. 21, 1917), in 45 THE PAPERS OF WOODROW WILSON 338-39 (Arthur S. Link ed., 1984) (stating that only 54 Republicans and Democrats were likely to support the amendment, ten short of the necessary two-thirds majority, and listing the Democrats supporting and opposing the amendment); From Elizabeth Merrill Bass (Jan. 21, 1918), in 46 THE PAPERS OF WOODROW WILSON 59-60 (Arthur S. Link ed., 1984) (including another Senate poll showing the amendment was five votes short of the necessary two-thirds majority, and listing the five senators "most probable to get").

³⁵⁶ Catt also continued to pursue NAWSA's "winning plan" strategy in the states, which had resulted in so many remarkable gains by the spring of 1918.

³⁵⁷ When NWP lobbyists asked Joe Tumulty to schedule a meeting with Wilson to discuss their Senate polling, he advised Wilson to reject their request:

NWP lobbyists were angered when they confronted obstacles.³⁵⁸ And when Paul discovered that Wilson was supporting anti-suffrage candidates in primary senatorial elections, she shifted once again from lobbying to protests.³⁵⁹

The insider-outsider dynamic remained in full force during this stage of the Senate lobbying. The NWP arranged for a group of women working in munitions factories in Pennsylvania to lobby the Senate and to seek a reception with the president. Their skin yellowed from the chemicals used in the munitions factories, these women embodied the hypocrisy inherent in a war policy that made use of their service, while keeping from them the right to vote.³⁶⁰ Fully aware that the NWP would continue to exploit the stalemate in the Senate, Elizabeth Merrill Bass, a NAWSA suffragist and member of the Women's Division of the Democratic National Committee, warned Wilson that the failure to gain the needed votes in the Senate would be used by the NWP against the Democrats in the 1918 elections:

The fact that we are failing to pick up the necessary two votes, although there were half a dozen possibilities from among which to gather them in, is creating the impression that we are not really trying for them. The so-called Woman's Party are engaged in active propaganda to discredit us, and especially just now among the women of New York, who are going to register for the coming

Mrs. Kent and her colleagues represent the National Woman's Party, the militant branch of the suffrage movement. Mrs. Catt, Mrs. Gardener and the women of the other branch have been cooperating with the Administration in a most loyal way. It strikes me that Mrs. Kent and her friends may be seeking certain notoriety in asking for this appointment, and if it meets with your approval, I will advise them that it is impossible for them to see you owing to the pressure of other business, but that if they send a memorandum I shall lay it before you.

From Joseph Patrick Tumulty (May 7, 1918), in 47 THE PAPERS OF WOODROW WILSON 547 (Arthur S. Link ed., 1984). The NWP lobbyists did send to Wilson a memorandum describing their polling results in the Senate, which he acknowledged with assurances that he was working in favor of the amendment. See From Elizabeth Thatcher Kent (May 8, 1918), in *id.* at 572.

³⁵⁸ *Administration Votes Lacking for Passage of Suffrage Amendment*, SUFFRAGIST, May 18, 1918, at 9.

³⁵⁹ ADAMS & KEENE, *supra* note 35, at 216-19.

³⁶⁰ *Munition Workers Wait for Audience with the President*, SUFFRAGIST, June 1, 1918, at 10-11; *War Workers Will Ask Interview with the President*, SUFFRAGIST, June 8, 1918, at 11-12; *Maryland Munition Workers Appeal to President*, SUFFRAGIST, June 15, 1918, at 7; *The Suffrage Measure*, WASH. POST, July 2, 1918, at 6 (calling on the Senate to pass the amendment, to honor these women's service); IRWIN, *supra* note 23, at 345-46.

Congressional election, and who have to take a party ballot.³⁶¹

Wilson received similar warnings and calls for action from NAWSA leaders. In June, a delegation from NAWSA, led by Catt, met with Wilson at the White House to ask him for a “message to the world upon the subject of woman suffrage.” Wilson had drafted a letter, Catt then asked him to add a final sentence expressing his desire that the Senate pass the amendment before the end of the current session, and Wilson obliged her request. Yet the Senate still failed to act.³⁶²

The NWP responded with more public protests. At an outdoor meeting on August 6 in Lafayette Park, where Paul had recently moved the NWP headquarters, a group of forty-eight suffragists were arrested for “congregating in the park.”³⁶³ On August 12, another thirty-eight suffragists were arrested. Once again, a flurry of publicity—including a “Casualty List” printed in the *Suffragist* describing injuries resulting from the harsh treatment during these arrests—produced enough complaints by politicians and concerned members of the public that Wilson evidently felt compelled to retreat. Soon thereafter Paul received notice from Wilson’s military aide that the NWP would be allowed to hold meetings in Lafayette Park after all.

After learning from NWP lobbyists that the Senate was not likely to bring the amendment up for a vote in the current session, the suffragists

³⁶¹ From Elizabeth Merrill Bass (May 21, 1918), in 48 THE PAPERS OF WOODROW WILSON 110-11 (Arthur S. Link ed., 1985). See also To Elizabeth Merrill Bass (May 22, 1918) in *id.* at 116 (Wilson responded that he has done his “best to draw from that half-dozen and have utterly failed. We have left nothing undone that I can think of which could have been wisely or sufficiently done.”).

³⁶² See To Carrie Clinton Lane Chapman Catt (June 13, 1918), in *id.* at 303-04; From Helen Hamilton Gardener (June 17, 1918), in *id.* at 340-41 (praising Wilson for his public statement supporting woman suffrage and proclaiming that “[t]his last stand you have taken in the fight to establish a real democracy at home, as well as in the world at large, is to be in history about the most far-reaching state document that even you have put forth.”); From Elizabeth Merrill Bass (June 19, 1918), in *id.* at 363-64 (reporting that the Senate Democrats are pushing for a vote in order to take advantage of Wilson’s recent statement on behalf of suffrage, a move that Bass endorsed “because the militant suffragists are taking up a great deal of my time and stirring women all over the country to write and wire me that they are holding the Democratic party and you responsible for the delayed suffrage vote” and because “the Republicans are going into the congressional campaigns and use the Democratic delay as an issue”); From Helen Hamilton Gardener (June 23, 1917), in *id.* at 400-01 (asking Wilson to tell Senators that he viewed the amendment as a “war measure” and to explicitly demand their support); To Helen Hamilton Gardener (June 23, 1918), in *id.* 404 (responding that he had done all that he could do and that further interference in the Senate would be harmful); IRWIN, *supra* note 23, at 348-49.

³⁶³ These protesters were given sentences of ten to fifteen days, which they served in an abandoned jail facility in the District. Many suffragists became ill during their period of incarceration in a building previously deemed unsuitable to hold prisoners. IRWIN, *supra* note 23, at 359-60.

gathered on September 16 to burn copies of Wilson's speeches.³⁶⁴ The very next day, the Senate announced that the amendment vote would be scheduled before the end of the month.³⁶⁵ Five days were scheduled for floor debates. Wilson began contacting senators on September 27.³⁶⁶

On September 29, Wilson was informed that the amendment was still two votes short of the required two-thirds majority. The following afternoon, Wilson announced to the Senate that he would be arriving shortly to address the members.³⁶⁷ Accompanied by his family and most of his cabinet, Wilson left the White House to deliver remarks on the Senate floor. In his speech, Wilson emphasized that he regarded "the extension of suffrage to women as vitally essential to the successful prosecution of the great war of humanity in which we are engaged,"³⁶⁸ as

³⁶⁴ *Id.*, at 363-64 (quoting Julia Emory, who held Wilson's statement and told the assembled crowd that "[t]he torch which I hold symbolizes the burning indignation of women who for a hundred years have been given words without action"). The statement that was burned was a copy of Wilson's presentation to a delegation of women voters from southern and western states earlier that afternoon, during which he assured them that he had "endeavored to assist you in every way in my power" The NWP was evidently unsatisfied with his statement.

³⁶⁵ ADAMS & KEENE, *supra* note 35, at 221-26; IRWIN, *supra* note 23, at 366; LUNARDINI, *supra* note 31, at 141-44.

³⁶⁶ *See, e.g.*, To Josiah Oliver Wolcott (Sept. 27, 1918), in 51 THE PAPERS OF WOODROW WILSON 133 (Arthur S. Link ed., 1985) (invoking "the embarrassing and distressing effects which would follow a defeat of the measure, particularly by the failure to obtain a sufficient number of Democratic votes," in a telegram from Wilson that was also sent to Senators Shields, Benet, Overman, and Martin (KY)); *see also* From Atlee Pomerone (Oct. 1, 1918), in *id.* at 176-77 (explaining his vote against suffrage and referring to a letter from Wilson requesting his vote); From Josiah Olive Wolcott (Oct. 1, 1918), in *id.* at 177 (responding to Wilson's telegram from September 27, and rejecting his plea to vote for the amendment).

³⁶⁷ His son-in-law, Secretary of the Treasury William McAdoo, later claimed that he was responsible for convincing Wilson to travel to the Senate. WILLIAM GIBBS MCADOO, CROWDED YEARS 496-98 (1931). Others had earlier urged Wilson to speak directly to the Senate. *See* From Elizabeth Merrill Bass (June 3, 1918), in 48 THE PAPERS OF WOODROW WILSON 233-34 (Arthur S. Link ed., 1985); From Helen Hamilton Gardener (Aug. 16, 1918), in 49 THE PAPERS OF WOODROW WILSON 268 (Arthur S. Link, ed., 1985) (asking Wilson for an address before the Senate, which would "place [Wilson] and the question before the world in the clear light where none can be misunderstood"); Two Letters from George Creel (Sept. 25, 1918), in 51 THE PAPERS OF WOODROW WILSON 117-18 (Arthur S. Link ed., 1985).

And Wilson was no doubt feeling pressure from Catt. *See, e.g.*, From Carrie Clinton Lane Chapman Catt (Sept. 29, 1918), in *id.* at 155-57 ("If the Amendment fails, it will take the heart out of thousands of women, and it will be no solace to tell them 'is is coming'. It will arouse in them a just suspicion that men and women are not co-workers for world freedom, but that women are regarded as mere servitors with no interest or rightful voice in the outcome. . . . The hope and the fate of the women of the nation rest in your hands."). Catt had asked Wilson to meet with a group of senators, but Wilson instead decided to address the Senate in person. *See* To Carrie Clinton Lane Chapman Catt (Sept. 30, 1918), in *id.* at 161 ("I hope that you think what I did do was better.")

³⁶⁸ An Address to the Senate, in 51 THE PAPERS OF WOODROW WILSON 158-61 (Arthur S. Link, ed., 1985); 56 CONG. REC. 10928-29 (1918). *See also* MORGAN, *supra* note 328, at 125 (describing the speech as "a brilliant condensation of the wartime case for Suffrage and a bold attempt to allow at least two Southerners to swing over under color of the 'Flag'").

other countries looked to him to provide leadership and expected the United States to live up to its democratic ideals. Although he insisted he was not influenced by “intemperate agitators,” it is hard to imagine the circumstances that would have led Wilson to the floor of the Senate if Alice Paul had not continued her campaign after the war began in the spring of 1917.³⁶⁹

Wilson’s speech failed to persuade any senator to vote for suffrage, however, and the amendment still fell two votes shy of success.³⁷⁰ This led both Catt and Paul to realize that the fall elections could make the necessary difference in the next term.³⁷¹ Both NAWSA and the NWP campaigned to defeat senators opposed to suffrage—an effort that resulted in one more pro-suffrage senator, and several new uncommitted freshman senators to lobby.³⁷²

The 1918 election was calamitous to the Democratic Party. The Republican Party took control of both the House and the Senate, and Wilson now was eager for Congress to pass the amendment during its lame-duck session so the Democrats could take credit for its passage in the 1920 presidential campaign.³⁷³ Wilson had been warned to expect another

³⁶⁹ Historian Jean Baker offers a similar assessment of Paul’s role vis-à-vis Catt’s. See BAKER, *supra* note 4, at 187 (suggesting Paul was not “solely responsible” but concluding that her tactics were nevertheless “necessary”); *id.* at 209 (concluding that “it is a certainty that without Paul’s constant pressure on Wilson and his eventual support, the passage of the amendment would have been delayed for decades”). See also BACON, *supra* note 59, at 197-98 (suggesting that “it is clear from the record that the tactics of the Woman’s Party [NWP] goaded Wilson to action, despite his explicit disclaimers,” and crediting Paul’s use of nonviolent protest methods, including “the acceptance of prison terms and suffering,” for this success); FOWLER, *supra* note 41, at 154 (“When Catt looked at the Woman’s Party she saw individuals . . . [who] operated by churning up dark forces of emotion and conflict, not at all the kind of politics she wanted anything to do with. . . . [T]he Woman’s Party gloried in confrontation and seemed to operate under the illusion that conflictual emotionalism was somehow laudatory.”); Vivian Gornick, *Alice Paul*, ESSAYS ON FEMINISM 176 (1978) (“Carrie Chapman Catt could not see that Alice Paul’s activism . . . brought to an entire nation the urgency of woman’s suffrage as probably no other kind of action could have.”).

³⁷⁰ The recorded vote is 53-31, because the chairman of the Senate Committee on Woman Suffrage, Senator Andrieus A. Jones, changed his vote to no in order to allow him to move for reconsideration of the measure. 56 CONG. REC. 10976-88 (1918); *Suffrage Beaten By the Senate*, N.Y. TIMES, Oct. 2, 1918, at 1.

³⁷¹ IRWIN, *supra* note 23, at 380-83 (describing the NWP’s work in the 1918 campaign, focusing only on senatorial elections). In pursuit of Catt’s “winning plan,” NAWSA successfully campaigned to pass three out of four suffrage referenda on state ballots. South Dakota, Michigan, and Oklahoma passed full suffrage, while Louisiana’s referendum lost by a very narrow margin. The Texas legislature also passed a law extending presidential suffrage to women.

³⁷² CATT & SHULER, *supra* note 26, at 237-38; FOWLER, *supra* note 41, at 150 (observing that Catt’s choice to target anti-suffrage senators—one Democrat and four Republicans—“reflected the adoption of a part of Paul’s [electoral accountability] strategy, . . . [but] within Catt’s nonpartisan strategic constraints”).

³⁷³ A Memorandum from Joseph Patrick Tumulty (Nov. 9, 1918), in 53 THE PAPERS OF WOODROW WILSON 23-25 (Arthur S. Link ed., 1986) (including in a list of “things to be attended to at once” to

anti-Democratic Party campaign from the NWP in the 1920 election, and the NWP showed no signs of leniency when they resumed picketing in front of the Capitol throughout the fall until Congress recessed on November 21.³⁷⁴

On December 2, in a speech that again emphasized the contributions women had made to the war effort, Wilson offered his endorsement of the federal amendment in his annual message to Congress—the first time he had done so.³⁷⁵ But Wilson soon departed for the Peace Conference, so the NWP resumed its protests in Lafayette Park and burned Wilson's speeches.³⁷⁶ Paul introduced another dramatic tactic—the burning of “watchfires of freedom.” A large urn was placed in front of the White House, where a fire was to be kept burning until the suffrage amendment passed Congress. As news from Europe arrived with copies of Wilson's speeches, they were placed in the urn and burned as a bell tolled at the NWP headquarters across the street.³⁷⁷

On February 9, 1919, a group of suffragists, led by Louisine Havemeyer carrying an American flag, marched from the NWP headquarters to the White House and burned President Wilson's effigy.³⁷⁸ On February 10,

prepare for the 1920 elections a section entitled, “1st suffrage,” which recommended that “the policy of the Democratic Party should be to put it over now and thus obtain the credit for it . . . [otherwise] the Republicans will surely put it over in March and we will have the name of defeating it”).

³⁷⁴ IRWIN, *supra* note 23, at 372-79 (describing their confrontations with the Capitol police throughout October and on November 21).

³⁷⁵ NAWSA had pressed him to call for the amendment in his message. See To Joseph Patrick Tumulty, with Enclosure [a letter from Helen Hamilton Gardener] (Nov. 17, 1918), in 53 THE PAPERS OF WOODROW WILSON 216-17 (Arthur S. Link ed., 1986) (“Millions of women await your next message, Mr. President, to see how deeply your heart feels what your head knows—what you as an historian realize—that civilization can no longer hope to travel forward one half at a time, demanding service to all and denying justice to half.”) Wilson's public statements on behalf of woman suffrage were framed in terms of a *quid pro quo*. Women deserved suffrage *because of* their service and loyalty during the war, not as a matter of justice or democratic principle:

And what shall we say of the women—of their instant intelligence, quickening every task that they touched; their capacity for organization and co-operation, which gave their action discipline and enhanced the effectiveness of everything they attempted; their aptitude at tasks to which they had, never before set their hands; their utter self-sacrifice alike in what they did and in what they gave? Their contribution to the great result is beyond appraisal. They have added a new lustre to the annals of American womanhood.

Woodrow Wilson, *Sixth Annual Message*, in 3 THE STATE OF THE UNION MESSAGES OF THE PRESIDENTS 2589-90 (Fred Israel ed., 1967) (“The least tribute we can pay them is to make them the equal of men in political rights as they have proved themselves their equals in every field of practical work they have entered, whether for themselves or for their country.”)

³⁷⁶ IRWIN, *supra* note 23, at 386 (describing the protest on December 16).

³⁷⁷ *Id.* at 391-07 (describing numerous arrests and resumed hunger strikes).

³⁷⁸ *Suffragists Burn Wilson in Effigy*, N.Y. TIMES, Feb. 10, 1919, at 1; *Save Wilson's Effigy*, WASH.

during a final suffrage vote in the lame-duck session of the Senate, the amendment lost by *one* vote.³⁷⁹ The Sixty-fifth Session of Congress ended without the passage of the federal amendment.

In response, the NWP sent out former imprisoned picketers on a train, dubbed the “Prison Special,” to tour the country and publicize the poor conditions and mistreatment suffered by the suffragists.³⁸⁰ When Wilson arrived back in America on February 24, Paul and a group of NWP protestors awaiting his landing in Boston were arrested,³⁸¹ producing more publicity in newspapers across the country. When Wilson left again for Europe a few days later, Paul arranged for another demonstration in New York.³⁸² The sense of urgency was not lost on Wilson. While in Europe, Wilson sent numerous cables in an effort to convince the newly elected Senator Harris of Georgia to support the amendment and allow the Democratic Party to take credit for its passage.³⁸³ He convened a special session of the new Sixty-sixth Congress in May and sent a cabled address to the House and Senate reiterating his support for a woman suffrage amendment. Almost immediately, the House repassed the suffrage amendment, this time with the much larger margin of 304-89.³⁸⁴

POST, Feb. 10, 1919, at 3; ADAMS & KEENE, *supra* note 35, at 233-37; Bland, *supra* note 29, at 165, 167-68, 173 (criticizing the NWP for its “hostile posturing” at this stage of the campaign and accusing Paul of taking “action for the sake of expression rather than for the sake of influencing,” concluding this “phase” of Paul’s strategy was “pathological” and “scurrilous”). NWP members wrote to Paul to complain about this particular action. It is worth noting that she arranged for some of the most socially prominent members of the NWP to participate in this action. Havemeyer, for example, was a prominent figure in New York society. See also Louisine Waldron Havemeyer, *The Prison Special: Memories of a Militant*, 71 SCRIBNER’S 661-64, 672-73 (June 1922) (describing Paul’s request and her immediate acceptance, the publicity following her arrest, and her family’s wrath).

³⁷⁹ FLEXNER, *supra* note 27, at 306-07.

³⁸⁰ *Suffragists Off in ‘Prison Special’*, N.Y. TIMES, Feb. 16, 1919, at 16; IRWIN, *supra* note 23, at 407.

³⁸¹ IRWIN, *supra* note 23, at 408-09.

³⁸² *Id.* at 412-13.

³⁸³ See, e.g., Two Telegrams from Joseph Patrick Tumulty (Apr. 30, 1919), in 58 THE PAPERS OF WOODROW WILSON 273-74 (Arthur S. Link ed., 1988) (urging Wilson to meet with Harris); From the Diary of Dr. Grayson (May 8, 1919), in *id.* at 535-36 (mentioning Senator Harris had been persuaded to change his vote); Joseph Patrick Tumulty to Cary Travers Grayson (May 9, 1919), in *id.* at 606 (urging Harris to make a public statement immediately).

³⁸⁴ This was a margin of 42 greater than the two-thirds needed under Article V. 58 CONG. REC. 78-94 (1919); CATT & SHULER, *supra* note 26, at 340-41.

The dramatic increase in support in the House has been explained in terms of “state-level constituency influences,” as the number of states granting suffrage (full voting rights or presidential suffrage) increased dramatically in 1917 and 1918. Eileen L. McDonagh, *Representative Democracy and State Building in the Progressive Era*, 86 AM. POL. SCI. REV. 938, 942-45 (1992) (attributing the increasing support in the House to changes in “constituency support”); Eileen L. McDonagh, *Issues and Constituencies in the Progressive Era: House Roll Call Voting on the Nineteenth Amendment, 1913-1919*, 51 J. of POL. 119, 128-32 (1989) (emphasizing the importance of additional states’ passage of woman suffrage reforms).

Another vote on the amendment was scheduled in the Senate, and on June 3 and 4 suffrage opponents delivered lengthy speeches, while supporters remained silent, wishing not to contribute to any further delay.³⁸⁵ Throughout this process, Wilson had continued to stay involved, sending cable messages to Congress from Europe and personally contacting uncommitted senators. When the vote was tallied on June 4, the Senate had passed the amendment by a vote of 56-25.³⁸⁶ The *New York Times* reported that the suffragists from NAWSA and the NWP filling the visitors' gallery "broke into deafening applause."³⁸⁷ The Speaker of the House signed the joint resolution the same day.

Assessing the relative importance of the advocacy of NAWSA and the NWP in ultimately persuading Wilson to offer his active support of the federal suffrage amendment is admittedly difficult. This is made more so by Wilson's public denials that Paul's tactics had any influence over him and his praise of the more obsequious Catt.³⁸⁸ However, given the pressure he was facing as a result of the picketing and the prison controversies, it seems likely that Wilson shifted his position in response to the pressure exerted by Paul and the NWP, and perhaps would have done so without Catt's involvement. Catt, however, attempted to claim the entire credit for congressional passage of the federal amendment, writing a 3,111-word essay in the Sunday *New York Times* defending her strategy and omitting any mention of the NWP.³⁸⁹

E. Ratification & Victory

Although Catt's leadership and the NAWSA's state-level affiliates did play an important role in the ratification process that followed, the contribution of the NWP was crucial. The NWP had spent years organizing in the western suffrage states after NAWSA had abandoned its work there. In addition, after the Congressional Union began organizing at the state level in 1915, the NWP continued to do so throughout the picketing campaign—and in every region of the country, including the southern states.³⁹⁰

³⁸⁵ IRWIN, *supra* note 23, at 417.

³⁸⁶ 58 CONG. REC. 556-58, 615-35 (1919).

³⁸⁷ *Suffrage Wins in Senate*, N.Y. TIMES, June 5, 1919, at 1.

³⁸⁸ See, e.g., *Congratulations by Wilson, President Sends a Message to Mrs. Catt*, N.Y. TIMES, June 7, 1919, at 13 (publicly congratulating Catt after passage of the suffrage amendment in Congress).

³⁸⁹ See *Why Suffrage Fight Took 50 Years*, N.Y. TIMES, June 15, 1919, at 82.

³⁹⁰ Zimmerman, *supra* note 29, at 189-93 (despite the challenges confronting NWP organizers in the South throughout 1917, the NWP established new branches in North Carolina, Florida, Alabama, West Virginia, Louisiana and Mississippi and made significant gains in other southern states, like

The ratification process took fifteen months to accomplish. At this stage, the NWP and NAWSA organizations worked alongside one another to activate their state-level organizations and membership.³⁹¹ They lobbied state legislators, pressed governors to call for special state legislative sessions, and achieved victory after victory.³⁹² By the summer of 1920, however, it appeared that ratification would fall one state short of success. Tennessee was considered the one remaining state likely to support suffrage, so Wilson asked the governor there to call a special session. After a lengthy and contentious debate, Tennessee—by one vote, prompted by a mother’s plea to her son to vote for suffrage—ratified the amendment on August 18.³⁹³ On August 26, 1920, Secretary of State Bainbridge Colby signed the official proclamation certifying the ratification of the Nineteenth Amendment.

Once the fight for suffrage ended, so did the common purpose holding together the various constituents of the NWP. As Harriot Stanton Blatch explained, although “all sorts and conditions of women were united for suffrage, that political end has been gained, and they are not at one in their attitude towards other questions in life.”³⁹⁴ While Paul hoped that a fight for equality of legal rights might form the basis for unified action going forward, it was clear from the in-fighting at the 1921 NWP Convention that the era of single-issue campaigns for women’s rights was over. In a telling remark, a former NWP organizer observed, “The old crowd has scattered never to gather in the old way again.”³⁹⁵

CONCLUSION

Any effort to explain the success of the campaign for the Nineteenth Amendment must give a featured role to the rivalry between Catt and Paul.

Georgia).

³⁹¹ In Connecticut, the state NAWSA affiliate and the state branch of the NWP attempted in January 1918 to form a joint committee for the ratification campaign, but the group disbanded in March 1919 because of disagreements over strategy. NAWSA and the NWP would not again attempt to coordinate their ratification work; instead they worked in tandem in states across the country. GRAHAM, *supra* note 37, at 139-40.

³⁹² The most thorough account of the NWP’s ratification work is Zimmerman, *supra* note 29, at 305-22. See also IRWIN, *supra* note 23, at Ch. 16. For analyses of NAWSA’s ratification strategy, see FLEXNER, *supra* note 27, at 308-17; GRAHAM, *supra* note 37, at 128-46.

³⁹³ On the dramatic Tennessee campaign, see CATT & SHULER, *supra* note 26, at 444-49; FLEXNER, *supra* note 27, at 335-37; GRAHAM, *supra* note 37, at 141-44; IRWIN, *supra* note 23, at 456-62.

³⁹⁴ COTT, *supra* note 30, at 66 (quoting letter from Harriot Stanton Blatch to Anne Martin, May 14, 1918).

³⁹⁵ *Id.* at 67-71 (quoting letter from Mabel Putnam to Anita L. Pollitzer, Apr. 14, 1921). See also Freda Kirchwey, *Alice Paul Pulls the Strings*, THE NATION, Mar. 2, 1921, at 332-33.

The existence of both moderate and militant groups in the suffrage movement resulted in what I have called an “insider-outsider” dynamic. Catt’s efforts to build NAWSA’s organizational strength in 1916 produced significant achievements, transforming state-level victories into more pro-amendment votes in Congress. When Wilson and the Democratic members of Congress eventually decided to offer their public support for the federal amendment, Catt’s role provided political cover, allowing them to praise her and publicly disclaim the influence of the NWP’s political campaigning and acts of civil disobedience.

Yet without the relentless pressure that Paul and the NWP placed upon Wilson and the Democrats—through their political campaigns, picketing, and prison protests—it seems doubtful that Wilson would have worked so strenuously in the end to obtain the final, key votes from the southern members of the House and Senate. In pursuing this strategy, Paul exemplified the virtues of unruly constitutional citizenship.³⁹⁶ While Catt may be viewed as the ultimate “deliberative democrat,”³⁹⁷ Paul instead considered emotional appeals an important persuasive tool. In contrast to Catt, who remained convinced that devoted wartime service and a generally conciliatory approach would ultimately be rewarded, Paul was always defiant, preferring to be viewed as an adversary with considerable political clout of her own.³⁹⁸

Even if she never received public acclaim from the politicians she battled, Paul developed and wielded significant political power. She was a gifted political strategist who could quickly identify and exploit any part of the “political opportunity structure” that might aid passage of the federal amendment.³⁹⁹ Her decision to target Wilson as the key political leader

³⁹⁶ As Gary Wills has observed, this model of citizenship is often a feature of campaigns for social justice and transformative constitutional change:

Creative change does not come about by the calm and open discussion of an issue on its merits, leading to a ‘verdict’ by the judicious public. What happens is quite different: an intransigent minority makes a nuisance of itself until most of the public says, ‘All right, give them what they want, shut them up’.

Gary Wills, *Feminists and Other Useful Fanatics*, HARPER’S MONTHLY 35, 38 (June 1976) (discussing the tactics of Blatch and the NWP).

³⁹⁷ For recent political theory scholarship describing the deliberative model of citizenship, see, e.g., Simone Chambers, *Deliberative Democratic Theory*, 6 ANN. REV. POL. SCI. 307 (2003); AMY GUTMANN & DENNIS THOMPSON, WHY DELIBERATIVE DEMOCRACY (2004).

³⁹⁸ For two especially powerful critiques of deliberative models of citizenship, see BONNIE HONIG, POLITICAL THEORY AND THE DISPLACEMENT OF POLITICS (1993); Ian Shapiro, *Enough of Deliberation: Politics is about Interests and Power*, in DELIBERATIVE POLITICS: ESSAYS ON DEMOCRACY AND DISAGREEMENT 28 (Stephen Macedo ed., 1999).

³⁹⁹ On the role of political opportunity structures in social movements, see *supra* note 198. See

who could ultimately prove able to push the suffrage amendment through Congress may have seemed quixotic to those who accepted at face value the president's claim that he preferred to defer to Congress. Yet her strategy would later be vindicated when the president's support was needed in the final months to pressure the recalcitrant members of his party, both in the House in 1918 and in the Senate in 1919.

Historians have likewise tended to dismiss Paul's efforts in 1914 and 1916 to campaign against the Democratic Party in the western states. It is true that these campaigns failed to oust very many Democratic candidates, but the suffragists were able to make a credible threat and succeeded in placing the Democratic Party on notice. Indeed, as the evidence from the Woodrow Wilson Papers in Part V attests, throughout 1918 the president was often reminded of the threat the NWP would pose to his party in fall midterm elections and the upcoming presidential election in 1920. For this reason, Paul's party accountability strategy—a tactic Catt always vehemently opposed—does deserve more respect for its role in efforts to pressure the president to act.

The picketing and the prison protests were a riskier strategy. The decision to employ an "injustice frame" during wartime, to accuse Wilson and the government of hypocrisy for defending democracy abroad while failing to secure suffrage for women at home, produced a great deal of wrath, at least initially.⁴⁰⁰ It also kept the suffrage campaign on the front pages of the newspapers. Paul and the NWP picketers endured months of intense public opposition, but when the government overplayed its hand and made public martyrs of the picketers, the standoff helped to shift

also Peter K. Eisenger, *The Conditions of Protest Behavior in American Cities*, 67 AM. POL. SCI. REV. 11 (1973); DOUG MCADAM, *POLITICAL PROCESS AND THE DEVELOPMENT OF BLACK INSURGENCY* (1982). For recent scholarship calling for greater emphasis on "agency" over structure, and to explore the role of social movement entrepreneurs in exploiting these political opportunity structures, see Jack A. Goldstone, *Toward a Fourth Generation of Revolutionary Theory*, 4 ANN. REV. POL. SCI. 139 (2001); Jeff Goodwin & James M. Jasper, *Caught in a Winding, Snarling Vine: The Structural Bias of Political Process Theory*, 14 SOC. FORUM 27 (1999); STEPHEN SKOWRONEK & MATTHEW GLASSMAN, EDS., *FORMATIVE ACTS: AMERICAN POLITICS IN THE MAKING* (2007).

⁴⁰⁰ On the role of framing effects in social movement mobilizations and efforts to shift public opinion, see *supra* note 275. See also Robert Benford & David A. Snow, *Framing Processes and Social Movements: An Overview and Assessment*, 26 ANN. REV. SOC. 611 (2000); Dennis Chong & James N. Druckman, *Framing Theory*, 10 ANN. REV. POL. SCI. 103 (2007); ERVING GOFFMAN, *FRAME ANALYSIS: AN ESSAY ON THE ORGANIZATION OF EXPERIENCE* (1974); Francesca Polletta & M. Kai Ho, *Frames and Their Consequences*, in *THE OXFORD HANDBOOK OF CONTEXTUAL POLITICAL STUDIES* (Robert E. Goodin & Charles Tilly eds., 2006); David A. Snow, E. Burke Rochford, Jr., Steven K. Worden, & Robert D. Benford, *Frame Alignment Processes, Micromobilization, and Movement Participation*, 51 AM. POL. SCI. REV. 464 (1986); David A. Snow & Robert D. Benford, *Master Frames and Cycles of Protest*, in *FRONTIERS OF SOCIAL MOVEMENT THEORY* 133 (Aldon D. Morris & Carol M. Mueller eds., 1992).

public opinion in support of the NWP. Paul and the NWP deftly exploited this opportunity to gain more supporters and to burnish their image as unrelenting foes of the Democratic Party.⁴⁰¹

The picketing and watchfires by themselves, however, could never have succeeded in pressuring Wilson and the Congress, yet they have unfortunately often been depicted as the key tactics at work during the final stage of the suffrage campaign. For this reason, this case study has devoted equal attention to Paul's organizational talents and party accountability strategy, to show how they were essential components of the NWP's success.

The portrait of Alice Paul that emerges from this case study is one full of paradoxes. She was a somewhat stoic and formal person, yet she inspired the ardent devotion of her fellow suffragists. Although she was an intellectual who relished academic debate, almost all of her strategies for the suffrage campaign involved devising inventive methods of incorporating emotional appeals as tools of public persuasion.⁴⁰² And, while Paul was a masterful, disciplined organizer and an inspired leader,⁴⁰³ when it came to dealing with public officials she understood the power of contentious politics, especially when deployed with unrelenting

⁴⁰¹ On the role of tactical innovation in social movements, see Doug McAdam, *Tactical Innovation and the Pace of Insurgency*, 48 AM. SOC. REV. 735 (1983) (analyzing the "process of tactical interaction in which insurgents and opponents seek, in chess-like fashion, to offset the moves of the other" and observing that "[h]ow well each succeeds at this task crucially affects the pace and outcome of insurgency.").

⁴⁰² For research examining the role of emotions in social movements and politics, see *supra* note 56.

⁴⁰³ On the importance of leadership in proving strategic capacity to social movements, see *supra* note 44. See also John L. Coleman, *Where Do We Stand? Common Mechanisms in Organizations and Social Movements Research*, in SOCIAL MOVEMENTS AND ORGANIZATION THEORY Ch. 2 (Gerald E. Davis et al eds., 2005) (observing that "leadership is perhaps the most important mechanism linking political opportunities, mobilizing structures, framing process, and outcomes").

Paul's leadership style, with its emphasis on centralized decision-making authority, can be criticized for being the opposite of unruly and rather undemocratic. Yet, as the discussion in Part Three emphasized, a predictor of social movement success is the development of an organizational capacity allowing for quick responses to changing events and the ability to issue credible threats. As William Gamson has argued, one counterintuitive finding of empirical research on social movements is that unruly politics often requires hierarchical and centralized organizational structure. See GAMSON, *supra* note 182, at Ch. 7. It is also important to note that Paul's leadership style inspired and motivated her "lieutenants." Because Paul delegated to her paid staff enormously important and challenging jobs – including all of the organizing and campaigning nationwide, most of the publicity work, and nearly all of the congressional lobbying – the CU and NWP provided an unmatched opportunity to learn the skills associated with civic leadership for social change. Cf. *supra* notes 36, 180; see also Elisabeth S. Clemens & Debra C. Minkoff, *Beyond the Iron Law: Rethinking the Place of Organizations in Social Movement Research*, THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS Ch. 7, 155 (David A. Snow, Sarah A. Soule, & Hanspeter Kriesi eds., 2007).

determination.⁴⁰⁴ Paul's approach may have been unruly, but it was also calculating, resolute, and—remarkably—successful.

⁴⁰⁴ On the repertoires of contentious politics, see *supra* notes 55, 91, 276, 343. *See also* DOUG MCADAM, SIDNEY TARROW, & CHARLES TILLY, *DYNAMICS OF CONTENTION* (2001).

APPENDIX A

Woman Suffrage Won by State Constitutional Amendments and Legislative Acts Before the Proclamation of the 19th Amendment⁴⁰⁵

Year	State and Comments	Electoral Votes
1890	WYOMING was admitted to statehood with woman suffrage, having had it as a territory since 1869.	3
1893	COLORADO adopted a constitutional amendment after defeat in 1877.	6
1896	IDAHO adopted a constitutional amendment on its first submission.	4
1896	UTAH after having woman suffrage as a territory since 1870 was deprived of it by the Congress in 1887, but by referendum put it back in the constitution when admitted to statehood.	4
1910	WASHINGTON adopted a constitutional amendment after defeats in 1889 and 1898. It had twice had woman suffrage by enactment of the territorial legislature and lost it by court decisions.	7
1911	CALIFORNIA adopted a constitutional amendment after defeat in 1896.	13
1912	OREGON adopted a constitutional amendment after defeats in 1884, 1900, 1906, 1908, 1910.	5
1912	KANSAS adopted a constitutional amendment after defeats in 1867 and 1893.	10
1912	ARIZONA adopted a constitutional amendment submitted as a result of referendum petitions.	3
1913	ILLINOIS was the first state to get presidential suffrage by legislative enactment.	29
1914	MONTANA adopted a constitutional amendment on its first submission.	4
1914	NEVADA adopted a constitutional amendment on its first submission.	3

⁴⁰⁵ NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION, *VICTORY: HOW WOMEN WON IT* 161-64 (1940).

APPENDIX A (CONT.)

Woman Suffrage Won by State Constitutional Amendments and Legislative Acts Before the Proclamation of the 19th Amendment

Year	State and Comments	Electoral Votes
1917	NORTH DAKOTA secured presidential suffrage by legislative enactment, after defeat of a constitutional amendment in 1914.	5
1917	NEBRASKA secured presidential suffrage by legislative enactment after defeats of a constitutional amendment in 1882 and 1914.	8
1917	RHODE ISLAND secured presidential suffrage by legislative enactment after defeat of a constitutional amendment in 1887.	5
1917	NEW YORK adopted a constitutional amendment after defeat in 1915.	45
1917	ARKANSAS secured primary suffrage by legislative enactment.	9
1918	MICHIGAN adopted a constitutional amendment after defeats in 1874, 1912, and 1913. Secured presidential suffrage by legislative enactment in 1917.	15
1918	TEXAS secured presidential suffrage by legislative enactment.	20
1918	SOUTH DAKOTA adopted a constitutional amendment after six prior campaigns for suffrage had been defeated, each time by a mobilization of the alien vote by American-born political manipulators. In that state, as in nine others in 1918, the foreign-born could vote on their "first papers" and citizenship was not a qualification for the vote. The last defeat, in 1916, had been so definitely proved to have been caused by the vote of German-Russians in nine counties that public sentiment, in addition to the war spirit, aroused a desire to make a change in the law that resulted in victory.	5
1918	OKLAHOMA adopted a constitutional amendment after defeat in 1910.	10

APPENDIX A (CONT.)

Woman Suffrage Won by State Constitutional Amendments and Legislative Acts Before the Proclamation of the 19th Amendment

Year	State and Comments	Electoral Votes
1919	INDIANA secured presidential suffrage by legislative enactment in 1917. Rendered doubtful by a court decision, the law was re-enacted with but six dissenting votes.	15
1919	MAINE secured presidential suffrage by legislative enactment after defeat of a constitutional amendment in 1917.	6
1919	MISSOURI secured presidential suffrage by legislative enactment after defeat of a constitutional amendment in 1914.	18
1919	IOWA secured presidential suffrage by legislative enactment after defeat of a constitutional amendment in 1916.	13
1919	MINNESOTA secured presidential suffrage by legislative enactment.	12
1919	OHIO secured presidential suffrage by legislative enactment after defeat of referendum on the law in 1917 and of a constitutional amendment in 1912 and 1914.	24
1919	WISCONSIN secured presidential suffrage by legislative enactment after defeat of a constitutional amendment in 1912.	13
1919	TENNESSEE secured presidential suffrage by legislative enactment.	12
1920	KENTUCKY secured presidential suffrage by legislative enactment.	13

APPENDIX B

Chronology of Congressional Action⁴⁰⁶

Year	Event
1868	Passage of the 14th Amendment which introduced the word male into the Constitution
1869	First woman suffrage bill introduced into the House.
1869	Hearing on woman suffrage
1878	Introduction by Senator Sargent of the Woman Suffrage Amendment in its final form
1887	January 25, first vote in the Senate, yeas 16, nays 34, 50 voting
1914	March 19, second vote in the Senate, yeas 35, nays 34, 69 voting
1915	January 12, first vote in the House, yeas 174, nays 204, 378 voting
1917	Sept. 24, Creation of Woman Suffrage Committee in the House
1918	January 10, second vote in the House, yeas 274, nays 136, 410 voting
1918	October 1, third vote in the Senate, yeas, including pairs, 62, nays, 34
1919	February 10, fourth vote in the Senate, yeas, including pairs, 63, nays, 33
1919	May 21, third vote in the House, yeas 304, nays 89
1919	June 4, fifth vote in the Senate, yeas, including pairs, 66, nays 30
1920	August 26, proclamation by the Secretary of State of the 19 th Amendment

⁴⁰⁶ *Id.*, at 172.



Alice Paul (1885-1977)

Cautious, careful people always casting about to preserve their reputation or social standards never can bring about reform. Those who are really in earnest are willing to be anything or nothing in the world's estimation, and publicly and privately, in season and out, avow their sympathies with despised ideas and their advocates, and bear the consequences. - Susan B. Anthony, *On the Campaign for Divorce Law Reform* (1860)