

PARADES, PICKETS, AND PRISON:
ALICE PAUL AND THE VIRTUES OF UNRULY
CONSTITUTIONAL CITIZENSHIP

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INTRODUCTION: MODELS OF CONSTITUTIONAL CITIZENSHIP

For all the recent interest in “popular constitutionalism,” constitutional theorists have devoted surprisingly little attention to the habits and virtues of citizenship that constitutional democracies must cultivate, if they are to flourish.¹ In my previous work, I have urged scholars of constitutional politics to look beyond judicial review and other more traditional checks and balances intended to prevent governmental misconduct, in order to examine the role of “citizen plaintiffs”² – individuals who, typically at great personal cost in a legal culture where the odds are stacked against them, attempt to enforce their rights in

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¹ For some exceptions, see Walter F. Murphy, *CONSTITUTIONAL DEMOCRACY: CREATING AND MAINTAINING A JUST POLITICAL ORDER* (2007); James E. Fleming, *SECURING CONSTITUTIONAL DEMOCRACY: THE CASE FOR AUTONOMY* (2006); Wayne D. Moore, *Constitutional Citizenship* in *CONSTITUTIONAL POLITICS: ESSAYS ON CONSTITUTIONAL MAKING, MAINTENANCE, AND CHANGE* (Sotirios A. Barber and Robert P. George, eds. 2001); Paul Brest, *Constitutional Citizenship*, 34 *CLEV. ST. L. REV.* 175 (1986).

² Under this model of citizenship, the citizen plaintiff is 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 them.

The phrase “private attorneys general” is the traditional term used to describe citizen plaintiffs. See, e.g., David Luban, *Taking Out the Adversary: The Assault on Progressive Public Interest Lawyers*, 91 *CAL. L. REV.* 209 (2003); Pamela Karlan, *Disarming the Private Attorney General*, 2003 *U. ILL. L. REV.* 183; 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 torts cases, Robert Tsai suggests that the best analogy is that of political dissidents. 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).

constitutional torts litigation.³ This model of constitutional citizenship – one 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.⁴

In this essay, I want to focus on another model of constitutional citizenship, one exemplified by the “forgotten Framers”⁵ who fought for the *transformation* of the Constitution, whether through the Article V amendment process or by contributing to other fundamental shifts in – what might be called “re-framings” of – constitutional understandings.⁶ This model of constitutional citizenship is transformative in the sense that it does result 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 is typically presented in ways that resort to preexisting constitutional values.⁷ In other words, the call for change is usually presented “in terms of changes that are necessary to make the Constitution true to its nature, or faithful to the great traditions and principles of the country’s past . . .”⁸

³ See, e.g., Eugene Gressman, *The Unhappy History of Civil Rights Legislation*, 50 MICH. L. J. 1323 (1952); Jack Beermann, *The Unhappy History of Civil Rights Litigation, Fifty Years Later*, 34 CONN. L. REV. 981 (2002). For a comprehensive review of this history, see Lynda G. Dodd, *Securing the Blessings of Liberty: The History and Politics of Constitutional Torts Litigation* (2004) (unpublished Ph.D. dissertation, Princeton University).

⁴ PETER H. IRONS, *THE COURAGE OF THEIR CONVICTIONS* (1988).

⁵ At least two 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., GARRET EPPS, *DEMOCRACY REBORN: THE FOURTEENTH AMENDMENT AND THE FIGHT FOR EQUAL RIGHTS IN POST-CIVIL WAR AMERICAN* (2006); ELEANOR CLIFT, *FOUNDING SISTERS AND THE NINETEENTH AMENDMENT* (2003).

⁶ 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) (“While the authority of the Constitution is sustained in part through processes 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.”)

⁷ 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).

⁸ Balkin, 50; Siegel, 2001, 326 (effective constitutional challenges are “articulated. in ways that invoke competing understandings of the nation’s identity, memories, obligations,

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.” 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’ eventually incorporation of the social movement’s agenda,⁹ or (2) achieve the level of consensus required by the Article V amendment process.¹⁰

By virtue of their lifetime appointments, federal judges are relatively insulated from the vicissitudes of public opinion.¹¹ In Federalist No. 78,

commitments, and ends”). With respect to the history of the suffrage movement, Siegel argues that “core understandings and practices of our constitutional culture helped create the political consensus that was ultimately memorialized in the Constitution through an act of Article V lawmaking.” *Id.* at 333.

⁹ On partisan entrenchment as a method of constitutional change, see Jack M. Balkin & Sanford Levinson, *Understanding the Constitutional Revolution* 87 VA. L. REV. 1045 (2001); Howard Gillman, *How Political Parties Can Use Courts to Advance Their Constitutional Agenda: Federal Courts in the United States, 1775-1891*, 96 AM. POL. SCI. REV. 511 (2002); Thomas M. Keck, *Party Politics or Judicial Independence? The Regime Politics Literature Hits the Law Schools*, 32 L. & SOC. INQ. 511 (2007); Lynda G. Dodd, *Reconsidering the Theory of Partisan Entrenchment: Reconstruction and the Politics of Supreme Court Appointments* (2008) (draft).

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” (Founding, Reconstruction and New Deal eras) reaches somewhat similar conclusions. After examining the impact of social movements in the 1960s and 1970s, he argues that the principal pathway for social movements to effect constitutional change is through 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 In my description of the two pathways of transformative constitutional citizenship – the partisan entrenchment route and the Article V process – I deliberately left out one option: the reliance of social movement leaders on “impact litigation campaigns” to push directly for wins in the federal courts that they are unable to achieve in the political process. I leave out this approach because there is much evidence to suggest that such a

Hamilton defended the judiciary's independence by emphasizing its ability to "guard the Constitution and the rights of individuals from those ill humors, which . . . sometimes disseminate among the people themselves."¹² Federal judges are motivated by a "role morality" to maintain their independence, and rarely feel compelled to respond directly and immediately to public pressure. Their concern for their reputation is more often directed at their profession and elites, not popular opinion.¹³ But 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.

Although most constitutional scholars 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

strategy is vulnerable to producing significant backlashes with unpredictable effects, unless the social movement is first able to generate support for its agenda in the democratic branches. *See, e.g.*, GERALD ROSENBERG, *THE HOLLOW HOPE* (1993); Michael J. Klarman, *How Brown Changed Race Relations: The Backlash Thesis*, 81 J. AM. HIST. 81 (1994).

None of the above is meant to suggest that I reject judicial review altogether. Instead, I believe the empirical scholarship on the effectiveness of these impact litigation campaigns, and especially evidence presented in Rosenberg's book, suggests that federal judges – to use Bruce Ackerman's metaphor – are better likened to brakemen than conductors. They can stop a train (by declaring a law unconstitutional), but they cannot make it go (by generating broad social change before the other political branches are ready).

For recent normative and historical scholarship on the role of judicial review, see MARK TUSHNET, *TAKING THE CONSTITUTION AWAY FROM THE COURTS* (1999) (rejecting judicial review); LARRY KRAMER, *THE PEOPLE THEMSELVES: POPULAR CONSTITUTIONALISM AND JUDICIAL REVIEW* (2004) (rejecting judicial supremacy and attempting to offer historical evidence of the promise of departmentalist approaches); Keith E. Whittington, *Give 'The People' What They Want?*, 81 Chi-Kent L. Rev. 911 (2006) (review of Kramer) (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* Mark A. Graber, *The Nonmajoritarian Difficulty: Legislative Deference to the Judiciary*, 7 STUD. IN 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); KEITH E. WHITTINGTON, *POLITICAL FOUNDATIONS OF JUDICIAL SUPREMACY: THE PRESIDENCY, THE SUPREME COURT, AND CONSTITUTIONAL LEADERSHIP IN U.S. HISTORY* (2007).

¹² THE FEDERALIST NO. 78 (Alexander Hamilton).

¹³ LAWRENCE BAUM, *JUDGES AND THEIR AUDIENCES: A PERSPECTIVE ON JUDICIAL BEHAVIOR* (2006); TERRI JENNINGS PERETTI, *IN DEFENSE OF A POLITICAL Court* (1999).

great vehicle of constitutional development,”¹⁴ that does not warrant concluding that constitutional amendments are “irrelevant,”¹⁵ or that the study of amendment campaigns will reveal few valuable insights concerning the relationship between social movements and changes in constitutional politics. It is worth examining successful amendment campaigns because, even if the Article V process is unlikely to succeed today,¹⁶ these amendment campaigns can offer many insights into the character and techniques of successful social movements – lessons which may influence activists seeking to shape broader constitutional norms as part of their efforts to secure the long-term electoral success of a particular political regime.¹⁷

The woman suffrage movement is an especially interesting topic for a case study because its leaders did not always agree about the necessity of a suffrage amendment for women. After the Fourteenth Amendment was ratified, Elizabeth Cady Stanton and Susan B. Anthony sought to use the Privileges or Immunities Clause as the basis to challenge restrictions on

¹⁴ 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 (2005-6).

¹⁵ See, e.g., David A. Strauss, *The Irrelevance of Constitutional Amendments*, 114 HARV. L. REV. 1457 (2001).

¹⁶ On the history of amendment proposals in the decades following the ERA ratification debate, see Kyvig, 426-70.

¹⁷ See Siegel, 2006, 1329. (“[C]onflict is an engine of constitutional change, but the social movements literature in constitutional law is only now beginning to analyze how movement conflict guides change.”) In stating that Paul’s story offers “lessons” for today’s movement leaders, I certainly do not mean to suggest that the transformative model of constitutional citizenship is a commonly occurring or typically successful approach to constitutional change. But that does not mean the story is without value. 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.” Id. at 1330. The goal is to identify possible reasons why the suffrage campaign was a success, by incorporating some of the insights of scholarship on social movements, and to consider whether such conditions might exist for contemporary constitutional reform efforts. For a skeptical response to the popular constitutionalism literature’s reliance on historical case studies, drawing on contemporary political science literature 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.”) Cf. Edward L. Rubin, *Social Movements and Law Reform*, 150 U. PA. L. REV. 1, 2 (2001) (“[L]egal scholars seem largely oblivious to the extensive social science literature on social movements.”)

women's right to vote.¹⁸ A number of suffragists, included Susan B. Anthony, went to the polls and voted, violating the law as part of 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 of Immunities Clause, any more than they were to interpret the Fourteenth Amendment to guarantee any other rights that would interfere significantly with states' rights.¹⁹ Jack Balkin has explained this failure in terms of the suffragists' failure to shape public opinion – either popular or elite opinion – in a manner that would have induced the judges to consider women's rights to vote to be both so uncontroversial and so fundamental that it warranted enforcement against state laws limiting their franchise.²⁰

Leaders of the suffrage movement eventually resorted to an Article V strategy. In their efforts to shape public opinion, they took to "the streets" in order to generate the broad support required for constitutional change under Article V. The rhetoric and tactics used in the suffrage campaign for the Nineteenth Amendment are today rarely recalled by constitutional scholars. Reva Siegel has done more than any legal scholar to argue for the integration of suffrage history into constitutional law, in order to offer a historically grounded "synthetic" reading of the Fourteenth Amendment sex discrimination doctrine.²¹ Such a reading, she suggests, demonstrates the inadequacies of the race analogies for women's equality jurisprudence. Instead, as she convincingly argues, there is much in our constitutional history, especially in arguments prominent in the suffrage campaigns, to support an alternative anti-subordination approach to the Fourteenth Amendment sex equality cases. Remarkably, however, 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

¹⁸ On the legal strategy pursued by Virginia and Francis Minor, see Adam Winkler, *A Revolution Too Soon: Woman Suffragists and the 'Living Constitution'*, 76 N.Y.U. L. REV. 1456 (2001); JULES LOBEL, *SUCCESS WITHOUT VICTORY: LOST LEGAL BATTLES AND THE LONG ROAD TO JUSTICE IN AMERICA* 74-99 (2003).

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

²⁰ Balkin, 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 so."). See also *id.*, 56-7.

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).

final decade of the suffrage campaign.²²

In this essay, I examine the federal campaign led by Alice Paul's Congressional Union and National Women's Party, to offer an instructive example of "constitutionalism in the streets," one that should offer lessons – inspiring and cautionary – to other social movement leaders attempting to affect constitutional culture. Before she assumed the leadership of the Congressional Union and the National Women's Party, the women's suffrage movement was "wallowing in outdated methods."²³ Paul's innovative campaign for suffrage, through its "lobby, pickets, parades and harassment of a President and his political party," forced the entire nation to pay attention to the cause of women's suffrage.²⁴ Alice Paul's group of suffragists demonstrated courage, taking great political and personal risks in acts of civil disobedience. The punishment they endured for those acts riveted the nation, and eventually forced President Wilson and the Democratic Policy to support the Susan B. Anthony amendment. This success suggests to me that Alice Paul deserves more recognition as one of the leading exemplars of the transformative model of constitutional citizenship.

I. ALICE PAUL'S CIVIC EDUCATION²⁵

Born on January 11, 1885 in Moorestown, New Jersey, a small Quaker community adjacent to Philadelphia, Paul was the oldest child of William M. and Tacie Parry Paul, and the sister to William, Jr., Helen, and Parry Paul. She grew up in a modest but prosperous community, where her father eventually served as president of a bank he had found, the Burlington County Trust Company. Her father died of pneumonia when Paul was just

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 Sidney R. Bland, *Techniques of Persuasion: The National Woman's Party and Woman Suffrage, 1913-1919*, iii (1971) (unpublished Ph.D. dissertation, George Washington University) (on file with the author).

²⁴ Bland, iii

²⁵ Amelia R. Fry, *Conversations with Alice Paul: Woman Suffrage and the Equal Rights Amendment*. November 1972 and May 1973. Suffragists Oral History Project, Bancroft Library, University of California at Berkeley. Online Archive of California. <http://content.cdlib.org/view?docId=kt6f59n89c&query=> (hereinafter "Paul Interview").

sixteen years old, and her mother, who as a Quaker had always endorsed equality between the sexes, continued to support Alice's education and her later suffrage activities.²⁶

Paul's maternal grandfather was one of the founders of Swarthmore College, and her mother was one of the first women to attend the school. After attending a Quaker school in Moorestown, Alice Paul enrolled at Swarthmore. During her senior year, after she turned to the study of economics and politics, she became truly engaged in her studies for the first time in her college years. She decided to accept a fellowship to attend a graduate program in social work at the New York School of Philanthropy.²⁷ 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.

In the fall of 1907, Paul took some time off from her graduate studies to accept a social work fellowship in England. Despite taking the fellowship, by this time, 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."²⁸ Paul did find inspiration when she heard Christabel Pankhurst speak at the University of Birmingham, where Paul was completing her fellowship.²⁹ The founders of the Women's Social and Political Union (WSPU), Emmeline Pankhurst and her daughters Christabel and Sylvia, had begun employing more militant tactics in 1905.³⁰ Their tactics created a national controversy in England, especially when two younger suffragists, including Christabel Pankhurst, were sent to prison following a street demonstration.³¹

When Paul arrived in London in the summer of 1908, to serve as a case worker, she saw her first suffrage parade, and she soon involved herself in the work of the WSPU, where she would continue to work for the following two years. It was this association with the WSPU that constituted

²⁶ Lunardini, 11-12.

²⁷ Now the Columbia University School of Social Work. Lunardini, 13.

²⁸ Paul Interview, 20; Lunardini, 13.

²⁹ Lunardini, 13-14.

³⁰ Bland, 10-15 (describing the WSPU's initial shift from "words" to "deeds," by ending a program of petitions and lobbying and instituting a campaign of "outdoor work," including processions, speeches, heckling, and mass demonstrations).

³¹ Lunardini, 5-6; Bland, 8.

Paul's education as an activist and an advocate for social change.³² She joined demonstrations; she was arrested seven times, imprisoned on three different occasions, and she protested the treatment of her fellow suffrage prisoners by participating in hunger strikes.³³

The drama of the British suffrage campaign inspired a number of women from the U.S. who were in their midst³⁴ – including Paul's future colleague, Lucy Burns. Burns first became acquainted with the Pankhursts while in England during a holiday from graduate program in Germany. She met the Pankhursts and she eventually left her graduate program to work as an organizer for the WSPU, where she also spent time in British prison after participating in some of the campaigns more militant protest activities. Burns and Paul first became acquainted at a London police station, after they had been arrested during a suffrage demonstration. They discussed their experience in England, compared the situation in America, and discussed their hopes for the future of the movement in the United States.³⁵

Paul left England in 1910 to return to her doctoral research at the University of Pennsylvania. The protests, and her time in prison, had left her physically weakened and frail. Burns remained in England, continuing as an organizer for the WSPU for two more years. Soon after her return, Paul spoke on "The English Situation" at the delegate's meeting of the 1910 convention of the National American Woman Suffrage Association (NAWSA) in Washington, D.C. She described the "new and innovative tactics" used by the British suffragettes, concluding that England was now "the storm center" of the movement for woman suffrage.³⁶

³² In one interview, Paul later suggested that, if not for her involvement in the WSPU, she "might have become a college professor." Bland, 35.

³³ Lunardini, 13-14; Bland, 34. It should be noted that Paul did ultimately reject some of the WSPU's more militant tactics. *See, e.g.,* Bland, 16 (describing the WSPU's adoption, starting in 1910, of actions harming private property, such as throwing rocks, breaking windows, and setting fire to buildings).

³⁴ The daughter of Elizabeth Cady Stanton, Harriot Stanton Blatch, married an Englishman and resided in a small town outside of London, and 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 U.S., she made use of her many radical English ties and later helped bring Emmeline Pankhurst to the U.S. for speaking tours. Lunardini, 8; Bland, 26-30 (describing Blatch's efforts to import the WSPU's public campaigning in her New York suffrage organizations – first the Equality League and later the Women's Political Union – which included among its members such leaders as Charlotte Perkins Gilman and Inez Milholland). *See also*, ELLEN CAROL DUBOIS, HARRIOT STANTON BLATCH AND THE WINNING OF WOMAN SUFFRAGE (1997).

³⁵ Paul Interview, 48; Lunardini, at 15; Bland, 44.

³⁶ Lunardini, 15-18.

Burns and Paul would not reunite until 1912, when Burns returned to the United States. They joined forces as soon as Burns returned home, and discussed proposals to shift NAWSA's strategy to emphasize a federal campaign for a constitutional amendment. They were convinced that a constitutional amendment promised to offer the quickest route to national suffrage. Their strategy was centered on holding the national political parties responsible for the failure to pass an amendment. By 1912, with six full-suffrage states, and more than two million voting women, they believed there was a substantial voting bloc that could be mobilized to 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, then they should be held accountable at the next election. It was of no consequence that some pro-suffrage members might be punished with this strategy. Their responsibility was to bring their fellow Democrats into line. Without the threatened loss of support, they would never have sufficient incentive to push the entire Party to support woman suffrage.³⁷ Holding the party in power electorally accountable for failing to promote woman suffrage was the key to change. A national suffrage campaign was the only solution.

II. A NEW GENERATION OF SUFFRAGISTS

NAWSA, however, was fully committed to a decentralized, state-by-state campaign for women's suffrage, either by state constitutional amendment or state legislative enactment. The process required a huge expenditure of resources. The organization conducted over 400 state campaigns for proposed state amendments, and over 300 additional campaigns to persuade state party leaders to include women's suffrage on their party platforms. Despite these efforts, success remained elusive. During these campaigns, from 1890-1896, after Wyoming entered the Union as a suffrage state in 1890, only Colorado (1893), Idaho (1896) and Utah (1896) gave women the vote. For fourteen long years, from 1896 to 1910, no other states responded to NAWSA's extensive campaign work. Finally, in 1910, the state of Washington endorsed woman suffrage, and California followed in 1911.³⁸

These results led some suffrage leaders to question the state lobbying strategy. The daughter of Elizabeth Cady Stanton, New York suffragist, Harriot Stanton Blatch, organized the first suffrage parade in the

³⁷ Lunardini, 20.

³⁸ Lunardini, 2-3.

United States, arguing that new “less genteel” methods were required.³⁹ In addition to the push for more dramatic interventions, some suffragists voice doubts about the merits of a state-by-state approach. NAWSA’s decentralized organization gave each state campaign near complete autonomy; as a result, some offices were less well organized. NAWSA’s national office offered little strategic direction beyond general encouragement, fundraising support, and a speakers’ bureau.⁴⁰

NAWSA’s efforts in support of federal action – including an amendment to the Constitution – were purely symbolic during this period. NAWSA leader Carrie Chapman Catt testified before the Senate Committee on Woman Suffrage in 1910, and NAWSA established in the same year a Congressional Committee to serve as a liaison with Congress. Elizabeth Kent, the wife of a member of Congress from California, led the Committee. NAWSA allocated an annual budget of ten dollars, some of which went unused.⁴¹

When Oregon, Arizona, and Kansas became suffrage states in 1912, the debate over future strategy became more intense. There were also significant losses, especially after significant campaigns were lost in Ohio, Michigan, and Wisconsin.⁴² During 1912, Burns and Paul met several times to discuss their ideas, and they decided to present a proposal at the upcoming NAWSA 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 the leadership committee of NAWSA. The intervention worked. Paul was appointed to chair the Congressional Committee of NAWSA, and Burns was named vice-chair. The NAWSA leaders emphasized that Burns and Paul would be responsible for raising their own operating revenue, and should expect no funding from NAWSA.⁴³ Despite these constraints, NAWSA agreed to allow Paul to organize a large suffrage parade in Washington D.C., scheduled for the following March, on the eve of Wilson’s inauguration.⁴⁴

³⁹ Bland, 29-30.

⁴⁰ Lunardini, 3.

⁴¹ Lunardini 4-5; Bland, 45, n. 5.

⁴² Bland, 8.

⁴³ Paul Interview, 64-6; Lunardini, 21-2 (citing Harper, *History of Woman Suffrage*, V, 377-381); Bland, 45.

⁴⁴ Lunardini, 21; Bland, 45.

III. THE CAMPAIGN FOR A FEDERAL SUFFRAGE AMENDMENT

A. “A Genius for Organization”:⁴⁵ *Organizational Repertoires*⁴⁶ in the Campaign for Woman Suffrage

1913 was an extraordinary year in the history of the woman suffrage movement. Once Paul assumed the leadership of the Congressional Committee, she and Burns quickly assembled the members of their Committee.⁴⁷ By the time they met on January 2, 1913, at their new headquarters in Washington D.C., new volunteers had joined the Committee,⁴⁸ 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 3rd, the eve of the presidential inauguration, would ensure a large amount of publicity. In addition, 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

⁴⁵ Maud Younger, a leading suffrage organizer, wrote of Paul: “She is a genius for organization, both in the mass and in the detail.” Lunardini, 10 (citing Irwin, *Up Hill with Banners Flying*, 15-16).

⁴⁶ 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, 757-8 (1993); see also Elisabeth S. Clemens, *Two Kinds of Stuff: The Current Encounter of Social Movements and Organizations*, in SOCIAL MOVEMENTS AND ORGANIZATION THEORY Ch. 13 (Gerald E. Davis, Doug McAdam, W. Richard Scott, Mayer N. Zald, eds. 2005).

⁴⁷ The Congressional Committee included Crystal Eastman, a lawyer and feminist; Mary Ritter Beard, a labor leader and suffragist; and Dora Kelley Lewis, a Philadelphia society leader and a friend of Paul’s from their days as members of Philadelphia’s Equal Franchise Society.

⁴⁸ Elsie M. Hill, whose father was a member of Congress from Connecticut; Elizabeth Kent, the former chair of the Congressional Committee; Helen Gardener, a Washington D.C. journalist; Emma Gillette, a lawyer and one of the founders of the National College of Law, now 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.

he would have to contend with, whether he initially was receptive or not.⁴⁹ Paul's choice of timing distinguished her use of the parade device from others, like the California suffrage campaigners and Harriot Stanton Blatch, who had organized parades to "sell suffrage" to the public.⁵⁰ Paul's primary goal, by contrast, was to send a message to the politicians in Washington, especially Wilson – the parade served to offer a demonstration of power.⁵¹ Yet Paul's attention to aesthetic detail and her efforts to organize a parade of unprecedented scope suggests that she already had a keen awareness of the ability of emotional appeals to develop support for her campaign – by inspiring suffragists, impressing bystanders, and generating admiring press coverage.⁵²

⁴⁹ Lunardini, 25-6; Bland, 47; Christine A. Lunardini and Thomas J. Knock, *Woodrow Wilson and Woman Suffrage: A New Look*, 95 POL. SCI. Q. 655 (1980-1).

⁵⁰ Dubois, 126-7, 148-56 (describing Blatch's adoption of a style of suffrage campaigning that relied on the advertising philosophy of mass consumer culture); LINDA J. LUMSDEN, *RAMPANT WOMEN: SUFFRAGISTS AND THE RIGHT OF ASSEMBLY* 77 (1997) ("Parades were a great vehicle for showing the influential press that suffragists were womanly, serious in purpose, and existed in large numbers."); MARGARET FINNEGAN, *SELLING SUFFRAGE: CONSUMER CULTURE & VOTES FOR WOMEN* 11-13, 45-75 (1999).

⁵¹ Michael McGerr, *Political Style and Women's Power, 1839-1930*, 77 J. Am. Hist. 864, 878 (1990) (observing that one purpose of suffrage parades in the 1910s was to signal the "developing strength" of the suffrage movement).

⁵² In recent years, scholars have devoted much more attention to the role of emotion in social movements. See, e.g., James N. Jasper, *The Emotions of Protest: Affective and Reactive Emotions In and Around Social Movements*, 13 SOC. FORUM 397 (1998); Aldon Morris and Naomi Braine, *Social Movements and Oppositional Consciousness*, in *OPPOSITIONAL CONSCIOUSNESS: THE SUBJECTIVE ROOTS OF SOCIAL PROTEST* Ch. 2 (2001); Jeff Goodwin, James N. Jasper, and Francesca Polletta, *Why Emotions Matter*, in *PASSIONATE POLITICS: EMOTIONS AND SOCIAL MOVEMENTS* Ch. 1 (Jeff Goodwin, James M. Jasper, and Francesca Polletta, eds. 2001).

This research addresses many issues that are relevant to understanding Paul's strategy, and perhaps her success. However, much of this work focuses on the impact of emotion on motivation and goals, rather than on a movement's *persuasive tactics*. Based on my research thus far, it does appear that most of Paul's tactics for persuasion involved planning impressive and inspiring "spectacles" (parades, auto tours, train tours, etc.) and engaging in protest activities. She generally did not focus much of her effort on extensive attempts at rational persuasion of the broader public to support suffrage. (The resources devoted to *The Suffragist* may be an important exception, however.) During the 1914 and 1915 campaigns, organizers were sent to the western states to deliver a series of speeches, but even then the central tactic for persuasion was an emotional appeal – to convince women voters to show solidarity with their disenfranchised eastern "sisters" by "punishing" Wilson and the Democrats for failing to support suffrage. The rhetorical framing during the picketing campaign centered on very abstract but emotionally resonant ideals – democratic legitimacy, self-determination and liberty. The suffragists' courage and defiance in the face of arrests and imprisonment in the end mobilized the public as never before.

Although I would like to think much more systematically about these issues, Paul's methods and her success suggest to me that her approach to the "transformative model of

Given the short amount of time the Committee allowed for the parade's planning, their achievements were extraordinary. 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.⁵³ To help contain costs, the Committee asked groups who wished to participate⁵⁴ to finance their own participation in the parade – the costs of their trip to the Capitol, their own lodging, their costumes or other equipment like banners and floats. Financial contributions to the Committee were devoted to publicity and developing its national network.

The Committee also concerned itself with arranging for sufficient security. Paul met with the Superintendent of Police of the District of Columbia, Richard Sylvester, a month before the parade, and became concerned when Sylvester attempted to dissuade her from holding the parade in March as scheduled. He warned her that the large crowds, arriving for the inauguration, would likely become restive and uncooperative. After this meeting, Paul repeatedly requested more information about threats, and became increasingly concerned about the

constitutional citizenship” might be a particularly admirable one for political theorists who are critical of liberal conceptions of civic virtue and deliberative democracy. For just a few examples of work in this vein that has influenced my thinking here, see BENJAMIN BARBER, *STRONG DEMOCRACY: PARTICIPATORY POLITICS FOR A NEW AGE* (1984); BONNIE HONIG, *POLITICAL THEORY AND THE DISPLACEMENT OF POLITICS* (1993); RICHARD E. FLATHMAN, *REFLECTIONS OF A WOULD-BE ANARCHIST: IDEALS AND INSTITUTIONS OF LIBERALISM* (1998); ROGERS M. SMITH, *STORIES OF PEOPLEHOOD: THE POLITICS AND MORALS OF POLITICAL MEMBERSHIP* (2003). For recent work on the role of the emotions in democratic thought, see COREY ROBIN, *FEAR: THE HISTORY OF A POLITICAL IDEA* (2004); Jason A. Scorza, *STRONG LIBERALISM: HABITS OF MIND FOR DEMOCRATIC CITIZENSHIP* (2007) (on political courage).

⁵³ Lunardini, 26.

⁵⁴ 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, who had a reputation for “prejudicial tendencies,” sought a compromise, and asked the Howard marchers to march within the section of the parade including prosuffrage male marchers, who had agreed to act as a “protective wedge” for the Howard students, by surrounding them and protecting them from bystanders. Lunardini, 26-7; Bland, 53-4 (describing Paul’s defense of her policy in *NAWSA’s Women’s Journal*, which focused on the argument that an integrated march might cause white suffragists to avoid participating, and, after referring to her northern Quaker roots, attempted to assure readers that she herself was not motivated by any race prejudice); DuBois, 186-9 (noting that the journalist Ida B. Wells-Barnett also refused to march in a segregated section, and joined the Illinois suffragists’ section).

safety of the marchers. The day before the parade, Paul asked Elizabeth Seldin White Rogers, the sister-in-law of President Taft's soon departing Secretary of War, Henry L. Stimson, to order military officers to provide protection. Stimson responded with sympathy, but told them that the law forbade that option. Even so, Stimson was concerned enough to ignore the strict legal requirements, and he ordered troops from the Fifteenth Calvary from Fort Myer, Maryland to stand ready just outside D.C. in case they were needed.⁵⁵

As it turned out, these concerns were prescient. 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 arrived to greet his arrival. They were told all of Washington was on Pennsylvania Avenue watching the suffrage parade.⁵⁶ 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, and a staging of "an allegorical tableau" set up in front of the Treasury Building, along the parade route.⁵⁷

There had not been a crowd of this size assembled in D.C. in over sixteen years. The D.C. 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.⁵⁸ 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.⁵⁹

Newspapers and members of Congress reacted with dismay and anger. Both the *New York Times* and the *Washington Post* described the

⁵⁵ Paul Interview, 74-6; Lunardini, 29; Washington Post, March 9, 1913

⁵⁶ Lunardini, 29; New York Times, March 4, 1913

⁵⁷ Paul asked Hazel MacKaye to arrange the massive display including over one hundred women performers. 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 consisted 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, 96. See also Lunardini, 28; Bland, 49; New York Times, March 3, 1913.

⁵⁸ Lunardini, 29-30; Bland, 58; Lumsden, 79 ("Men spat upon women, slapped them in the face, tripped them, pelted them with cigar stubs, pulled them off floats, tore off their skirts, and cursed them.").

⁵⁹ Lunardini, 30.

impressive spectacle, as well as the utter failure of the D.C. police to maintain order.⁶⁰ The negative publicity prompted action at the highest levels of government. On March 6, just three days after the parade, a special investigative committee in the Senate scheduled hearings to determine responsibility for the havoc. Although the Senate report exonerated him of intentional harm, Sylvester lost his job as Superintendent of Police as a result of the controversy.⁶¹

These developments produced an enormous amount of publicity and raised the profile of the Congressional Committee.⁶² Contributions to the Committee increased. Alva Belmont, who would become a leading financial contributor to the suffrage movement, contacted Alice Paul to see what she could offer the Committee.⁶³ If one goal was to raise the profile of the Congressional Committee and its work on behalf of a federal amendment, then the suffrage parade, despite its chaotic end, was a tremendous success.

Within two weeks of the parade, the Committee turned to work more directly advancing its political agenda. On March 17, Paul arranged for a delegation of the Committee⁶⁴ to meet with President Wilson. Wilson attempted to deflect their entreaties, and Paul left the meeting realizing that the suffrage issue was far from a priority for the new President.⁶⁵

During that same March, Paul and Dora Lewis met again with the leadership 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, and operated along with the

⁶⁰ New York Times, March 4-5, 1913; Washington Post, March 5, 1913.

⁶¹ Lunardini, 30; Bland, 66-7; New York Times, March 4-10, 1913; Washington Post, March 3-9, 1913; Senate Suffrage Report; DORIS STEVENS, JAILED FOR FREEDOM 21-22 (1920), <http://www.gutenberg.org/etext/3604>. (The in-print 1995 edition of Stevens' book was extensively edited by Carol O'Hare in order to remove what O'Hare unfortunately considered to be "a sea of minute detail of legislative politics, author bias, and verbiage.")

⁶² Bland, 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. Bland, 60 (*citing* Sylvan S. Tomkins, *The Psychology of Commitment* in THE ANTI-SLAVERY VANGUARD: NEW ESSAYS ON ABOLITIONISTS 270 (Martin Duberman, ed. 1965)).

⁶³ Lunardini, 31 (describing a variety of offers of support, including a \$1,000 contribution from the editor of the Washington Post).

⁶⁴ 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. Lunardini, 32.

⁶⁵ Paul Interview, 89-90; Lunardini, 33; Stevens, 22-23.

Congressional Committee.⁶⁶ The Union set out to recruit members who wanted not only to contribute to the cause, but also to volunteer their time in support of a federal suffrage amendment.⁶⁷

The Union realized they needed to communicate their own sense of the proper political priorities to the broader public, as well as to Wilson and members of Congress. One of the outstanding achievements of the Union in 1913 was the creation and promotion of a new publication, *The Suffragist*, which was managed and edited by Rheta Childe Dorr, a leading journalist, a former columnist for the *New York Evening Post*, and a suffragist. Dorr launched and began regular production of the weekly magazine, while also managing to put the publication on a sound financial footing through paid subscribers and advertising. Through a new press office, Dorr also organized press conferences in order to ask federal officials the kinds of provocative questions that would produce “good copy” for her publication as well as the daily newspapers.⁶⁸

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 comprised of one woman from each congressional district. Each of the women brought petitions and resolutions from constituents in their district, and they arranged appointments with the congressmen and senators to lobby on behalf of the woman suffrage cause. 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, which voted unanimously on June 13 to send the resolution to the Senate floor for a vote. The Union had stepped up its lobbying efforts as soon as the July 31st date for floor debate was announced. They arranged “pilgrimages,” from across the country, to come to Washington D.C., with as many signatures as they could gather during the journey. On July 31, the pilgrims arrived in D.C., and Union leaders escorted them to the Capitol, where the Senate devoted the entire day to a discussion of the resolution. Twenty-three Senators spoke on its behalf, and

⁶⁶ Paul Interview, 95-6; Lunardini, 34, Bland, 68. 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 Congressional Committee to be coordinated, until the final break with NAWSA in early 1914.

⁶⁷ Lunardini, 34; Bland, 69.

⁶⁸ Lunardini, 39 (citing Dorr, *A Woman of Fifty*).

a mere three Senators voiced opposition.⁶⁹

On September 18, the matter was addressed again, and Senator Henry Fountain Ashurst of Arizona stated that he would push for a vote. In the House, where there was no woman suffrage committee, the House Judiciary Committee failed to send the matter out, but there were three separate House resolutions proposing the creation of a separate House Woman Suffrage Committee to take over the handling of the issue. Although no votes had been taken, these achievements in having the issue addressed by Congress should not be underestimated. The last floor debate in Congress on the woman suffrage issue had taken place in the Senate in 1878.⁷⁰

Paul's fundraising operation was also impressive. By the end of 1913, there were over 1,000 dues paying members of the Union. In addition, the Union sought monthly pledges from wealthier suffrage advocates. Elizabeth Kent gathered a committee of permanent donors, called the Committee of Two Hundred, who took over the responsibility of financial the headquarters of the Union and assisting Kent in fundraising activities. Wealthier donors like Alva Belmont and Louise Havemeyer pledged more substantial amounts.⁷¹ By the end of 1913, the Congressional Union fundraising produced \$25, 343.88.⁷² 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.

In December, NAWSA's annual convention was held in Washington, D.C., and was sponsored and hosted by the Congressional Union. Paul delivered a speech describing the achievements of the past year, and, in recognition of her work, the delegates offered her a standing ovation.⁷³ NAWSA official Carrie Chapman Catt then rose to deliver a rebuke to Paul and her colleagues. She questioned the role of the Congressional Union in NAWSA, and asked why there was any need to

⁶⁹ Lunardini, 37.

⁷⁰ Lunardini, 36-7.

⁷¹ Paul Interview, 308-312; NANCY COTT, *THE GROUNDING OF MODERN FEMINISM* 55-6 (1987); Lunardini, 40-1. Havemeyer was the widow of the former head of the American Sugar Refinery Company, and in addition to being a suffrage benefactor 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.

⁷² Lunardini, 41.

⁷³ Lunardini, 41 (citing Harper, *History of Woman Suffrage*, V, 380.)

depart from the framework of the Congressional Committee. She further charged Paul and the Union with deceiving donors across the country, who 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.⁷⁴ The treasurer of NAWSA, Katharine Dexter McCormick, immediately seconded Catt's remarks.

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 between Paul, Anna Howard Shaw and Mary Ware Dennet, and that it was NAWSA that demanded Paul to raise her own funds for her activities. Addams testified that there was no evidence that the Congressional Union/Committee had been misleading in their fundraising appeals, or in their use of the funds collected.⁷⁵ 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 Congressional Committee, and the NAWSA Board announced that the Congressional Committee may continue – under the guidance of NAWSA and with funding provided by NAWSA.⁷⁶ In another motion, also endorsed by the delegates, all "auxiliary" organizations of NAWSA, including the Congressional Union, were asked to submit applications for readmission.

Although the delegates were reassured that the applications for auxiliary groups' readmission would be merely a procedural requirement, it was clear that NAWSA leaders had arrived at some sort of impasse with the Congressional Union. Perhaps Catt was envious of Paul's accomplishments, and perhaps the rest of the NAWSA leadership was threatened by the prospect of a federal amendment campaign's ability to

⁷⁴ Paul Interview, 98; Lunardini, 42.

⁷⁵ Lunardini, 43.

⁷⁶ Lunardini, 42. Catt may have been envious of Paul's success in implementing these new ideas. In her early years with NAWSA, Catt herself was forced to abandon a reform initiative. She may have felt some resentment that Paul was not being held in check, as she had been. Paul Interview, 115; Lunardini, 44; Flexner, 281-303.

Like Catt, McCormick apparently developed some real animosity towards Paul. McCormick would later even question Paul's mental health, declaring in a private letter, that Paul was an "aneamic fanatic, well-intentioned and conscientious . . . but almost unbalanced because of her physical condition." Apparently referring to Paul's refusal to spend more than thirty cents per day on meals, McCormick insisted that Paul will be a *martyr* whether there is the slightest excuse for it in this country or not . . ." Lunardini, 9-10 (citing Letter from Mrs. Medill McCormick to Harriet Vittam, July 31, 1914, Papers of the National American Woman Suffrage Association, Library of Congress (NAWSA Papers)).

overshadow their state-level work. NAWSA leaders were also likely concerned that the tactic of electoral accountability for the Democratic Party would soon become the official policy of the Congressional Union.⁷⁷ Another unresolved issue was the possibility that Paul might introduce other militant tactics into her federal campaign.⁷⁸

In any case, despite Paul's efforts to remedy the situation,⁷⁹ NAWSA began issuing demands that led Paul and Burns to admit that they could no longer pursue their federal amendment campaign under NAWSA auspices.⁸⁰ Once 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.⁸¹ She announced that the Congressional Union could not agree to "surrender its right to decide how lobbyists, the organization, its press bureau ... should operate."⁸² Members of the Congressional 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 Congressional 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."⁸³

As the Congressional Union moved forward as an independent organization, and as it 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 of the Union wrote letters to Paul, protesting the hierarchical structure of the organization, and requesting more decision-making authority. Paul

⁷⁷ Lunardini, 45. These concerns were warranted. By the end of 1913, the Committee/Union was issuing its call for political accountability, to Wilson as well as all of Congress: "Until women vote, every piece of legislation undertaken by the Administration is an act of injustice to them. All laws affect the interest of women and should not be enacted and put into execution without the cooperation and consent of women." Lunardini, 33 (quoting *The Suffragist* Nov.15, 1913, p.2).

⁷⁸ Lunardini, 45.

⁷⁹ She, for example, applied again to NAWSA for the Congressional Union to receive auxiliary status. Her application was immediately denied. Lunardini, 45, 48-9.

⁸⁰ 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, 46-7.

⁸¹ Lunardini, 47; *New York Times*, January 5, 1914.

⁸² Lunardini, 48 (citing Alice Paul to Dora Lewis, January 5, 1914, NWP Papers).

⁸³ Lunardini, 48; *New York Times*, January 12, 1914; AILEEN S. KRADITOR, *THE IDEAS OF THE WOMAN SUFFRAGE MOVEMENT, 1890-1920, 192-3* (1971).

responded with a confident defense in 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.⁸⁴ 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 relying upon a very hierarchical leadership model.⁸⁵

Paul’s insistence on this point is noteworthy. There is a rich literature in the social sciences addressing the various organizational models of social reform movements. Sociologist Elizabeth Clemens’ study of woman suffrage organizations focuses on the state-level organizations during this era, and emphasizes their willingness to experiment with innovative organizational structures.⁸⁶ Paul, however, was not willing to experiment. Her personal experience with the hierarchical structure of the WSPU led her to believe that this traditional organizational model was best suited to the kind of suffrage campaign she wanted to wage.⁸⁷ 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.⁸⁸ 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, responding with alacrity and a keen sense of advantage to the allegations of government 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 gathering together a network of donors to support the federal campaign. As long as Paul’s leadership of in this top-down hierarchy was appreciated by most of the Union’s volunteers, then the choice to employ the

⁸⁴ Lunardini, 51; Krador, 5 (“[T]he CU ...saw itself ... as a small disciplined army able to maneuver quickly according to tactics worked out by its leaders.”).

⁸⁵ Cott, 56; Lunardini, 51 (citing three letters of complaint in January and February, 1914); Bland, 78.

⁸⁶ Clemens, 762 (examining California, Wisconsin, and Washington).

⁸⁷ Clemens, 759 (discussing “migrations of organizational models” and the call for a theory of organization choice in the new institutionalist literature).

⁸⁸ WILLIAM GAMSON, *THE STRATEGY OF SOCIAL PROTEST* Ch. 7 (2d ed. 1990).

hierarchical model was surely best, especially given the successes it produced.

Much depended on the quality of leadership, of course.⁸⁹ Paul clearly inspired enormous loyalty from members of the Congressional Committee, the Congressional Union, and later the National Woman Party. 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.”⁹⁰ 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.”⁹¹ Perhaps what endeared Paul to her colleagues was her tendency to focus on the cause, rather than credit claiming or self-promotion. One can well imagine other leaders with more personal ambition. For Paul, however, even as her fame grew, she remained an enigmatic figure. One contemporary journalist, evidently frustrated in her attempts to profile Paul, concluded: “There is no Alice Paul. There is suffrage. She leads by being . . . her cause.”⁹²

Despite her faith in the benefits of the Union’s organizational structure, Paul did attempt to offer some response to its critics, and the Union soon proposed the adoption of a new constitution incorporating minor reforms. Although decision-making authority still centered on the Executive Committee, the new constitution provided for a new body, the

⁸⁹ 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 LEADERSHIP: NEW APPROACHES Ch. 10 (David M. Messick and Roderick M. Kramer, eds., 2005). 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 and W. Richard Scott, *Organizations and Movements*, in SOCIAL MOVEMENTS AND ORGANIZATION THEORY Ch. 1 (Gerald E. Davis, Doug McAdam, W. Richard Scott, Mayer N. Zald, eds. 2005); see also J. Craig Jenkins, *Resource Mobilization Theory and the Study of Social Movements*, 9 ANN. REV. OF SOC. 527 (1983).

⁹⁰ Lunardini, 10; Stevens, 17.

⁹¹ Lunardini, 10 (citing Irwin, *Up Hill with Banners Flying*, 16).

⁹² Lunardini, 9 (citing Anne Herendeen, “What the Hometown Thinks of Alice Paul,” *Everybody’s XLI* (Oct. 1919), p. 145).

National Advisory Council, chosen by the Executive Committee, which would allow 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.⁹³ In an effort to disperse some decision-making authority, the new constitution granted 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).⁹⁴ With these reforms, Paul was able to placate her critics, while maintaining what she considered to be an effective organizational structure.

Paul's talent for organizing 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, now serving as chair of NAWSA's Congressional Committee, took unilateral action in endorsing a new federal suffrage amendment, known as the Shafroth amendment, without seeking the approval of NAWSA's board. The purpose of the amendment was to make suffrage a states' rights issue.⁹⁵ Paul realized that having two competing 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 were questioning why McCormick had acted on her own initiative, but they were unwilling to back down.⁹⁶

Despite these distractions, Paul never lost sight of her political agenda – to force the Democratic Party to take a stand on the suffrage issue, and to hold the party accountable if it failed to advance the federal amendment. In February, 1914, the House finally began to address the issue. When Representative Baker opened a Democratic House Caucus meeting on February 3rd with a motion in supporting the establishment of a

⁹³ By the end of 1914, the Advisory Council included Helen Keller, Phoebe Hearst, Charlotte Perkins Gilman, Florence Kelley, Harriot Stanton Blatch, among others. Lunardini, 52-3; Bland, 78-80.

⁹⁴ Lunardini, 52.

⁹⁵ It provided that when 8 percent of the state's voters (who had voted in a previous election) endorsed a pro-suffrage petition, then the suffrage question would be a referendum item on the next state election ballot. Lunardini, 55; Kraditor, 163-5 (observing that the Southern legislators' arguments for states' rights were invoked selectively for issues like suffrage and child labor, but not with respect to prohibition or convict labor).

⁹⁶ Lunardini, 55-56.

House Committee on Woman Suffrage, Representative J. Thomas Heflin of Alabama countered with a substitute resolution that stated suffrage was a states' rights issue. The caucus voted 123-57 in support of Heflin.⁹⁷

Paul preferred that the Senate vote on the suffrage amendment would not take place for another few weeks. For the month of May, the Union had planned a series of demonstrations in towns and cities across the country, and they hoped that they would help influence senators who had not yet taken a position on the issue. NAWSA, however, pushed for an early Senate vote in March, perhaps in order to strengthen the position of the Shafroth Amendment. 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.⁹⁸

The House and Senate votes, in Paul's view, provided an opportunity to move on to the next phase of her plan. By forcing the House Democrats to register their opposition, and with the Senate's vote rejecting the amendment, the Union was now in a position to hold the Democratic Party accountable for its failure to endorse woman suffrage.⁹⁹ 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 Vanderbilt Belmont's estate, Marble House, in Newport, Rhode Island. In a closed-door session, Paul explained to the delegates that the only leverage the suffragists could use against unsupportive politicians was the ability to organize enfranchised women in the western states to vote against them in the upcoming fall elections. As Paul saw it, "the question is whether we are good enough politicians to take four million votes and organize them and use them."¹⁰⁰ The Advisory Council approved Paul's plan and in doing so launched the second phase of organizing for the Congressional Union.

The 1914 campaign introduced an innovative variant on the model of political participation by single-issue interest groups.¹⁰¹ By this stage, however Paul's strategy was not simply to *gather* support through lobbying;

⁹⁷ Lunardini, 58.

⁹⁸ Lunardini, 58-9.

⁹⁹ Lunardini, 58-9; Bland, 80-1.

¹⁰⁰ Lunardini, 61 (citing Report of the Congressional Union, 1914, NWP Papers); Bland, 82-3.

¹⁰¹ Clemens, 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 period of experimentation with political organization.").

it was to punish the party in power – the Democratic Party – for its failure to respond thus to the Union’s call for a federal amendment. This “party accountability” strategy was first employed by the WSPU, and seems best suited to the parliamentary system in Great Britain. But Paul’s choice to employ it in this era was made plausible by the extremely competitive standing of the Republican and Democratic parties.¹⁰²

Paul’s plan 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. She chose her most talented and energetic organizers, 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. The other organizer set off on a tour of speaking engagements throughout the state, to organize and mobilize women voters. Paul chose her organizers carefully; she seemed to have a talent for delegating these important roles to the right women, and many leaders in the Congressional Union, including Executive Committee members like Lucy Burns and Doris Stevens, were selected.¹⁰³ 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. By Election Day, November 3, 1914, it was clear the results had been worth it. Suffrage had become a key topic of debate in all the states where the Congressional Union organized campaign against the Democrats. The national press covered these developments in great detail, and now the entire country could appreciate the success. In the ten states where the Congressional Union had campaigned against forty-three Democrats running for the office of governor, or the House and

¹⁰² 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 in Article V, it would have been difficult if not impossible to use the western women’s votes as leverage. One the role of “political opportunity structures” in the construction of social movement strategies, see Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics* Ch. 5 (2d. ed. 1998).

¹⁰³ Lunardini, 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.”).

Senate, only twenty were elected. Although all of the credit for this success could not be given to the Congressional Union – 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 still appeared that the Congressional Union had played a significant role in a number of contests. Newspapers across the country attributed much of these losses to the Congressional Union, and so the press coverage helped construct the storyline the Congressional Union sought: The Democratic Party was now on notice for the election of 1916.¹⁰⁴

Paul continued the organizing efforts throughout 1915. At the next meeting of the Advisory Council in March, Paul proposed a new effort to set up organizations in every state where the Congressional Union did not yet have a branch office. The goal was to organize in every state for a federal amendment.¹⁰⁵ She hoped to have the state offices in place before September, when she planned to hold the first national convention of suffragists at the Panama-Pacific Exposition in San Francisco.¹⁰⁶

The state organizing proceeded rapidly, along with preparations for the Panama-Pacific convention. Paul sought to maximize the national publicity by creating a number of visually inventive events. One young suffragist agreed to serve the cause as a passenger in an airplane circling above the Bay, in order to release suffrage leaflets to the amazed crowd below. Exposition visitors were asked to sign a petition that the Congressional Union planned to send back to Congress before its spring session. Beginning on September 4, the voters' convention included three days of meetings concerning the political strategy supporting the federal amendment. On the final day, September, 6, a number of nationally renowned speakers, including Helen Keller and former President Theodore Roosevelt, spoke on behalf of the suffrage cause.¹⁰⁷

A leading suffragist, Sara Barton 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. The car she would travel in was called the "Suffrage Flier." The Congressional 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. She

¹⁰⁴ Lunardini, 64-69; Bland, 87-8

¹⁰⁵ NAWSA, not surprisingly, opposed this new CU initiative, worried that it would interfere with their state campaigns. Lunardini, 72-8.

¹⁰⁶ Lunardini, 71.

¹⁰⁷ Lunardini, 78-9.

arrived in Washington in December, where the Congressional Union had arranged a delegation to escort Field 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.¹⁰⁸

Earlier in the fall, Wilson had announced that he was voting for woman suffrage in the New Jersey referendum. Influenced perhaps by his suffragist daughters Margaret and Jessie, Wilson 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.”¹⁰⁹ His support for the states’ rights position must have given suffrage leaders hope that he could eventually be persuaded to support the federal amendment.

Changes in the NAWSA leadership also augured well for the federal amendment campaign. When Carrie Chapman Catt took over as President of NAWSA, she quietly tabled the Shafroth Amendment and soon introduced her “Winning Plan,” which included a federal campaign on behalf of the Susan B. Anthony federal amendment, as well as a number of state referendum campaigns.¹¹⁰ There were some discussions in December between the new NAWSA leadership and Paul’s Congressional Union, but despite their convergence on a federal amendment campaign, the two organizations still parted ways on the issue of the proper methods and tactics. NAWSA strongly opposed the anti-Democratic campaigns, and wanted the Congressional Union to become an affiliate in order to prevent competition at the state level. The talks ended on a sour note, and there were no further efforts to coordinate again.¹¹¹

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 shift the balance of power in the 1916 presidential election.¹¹²

¹⁰⁸ Lunardini, 80; Bland, 89-91.

¹⁰⁹ Lunardini, 81 (citing the New York Times, October 12, 1915).

¹¹⁰ Lunardini, 82.

¹¹¹ Lunardini, 84.

¹¹² Lunardini, 84-5.

The Democrats did little to placate the Congressional Union. Paul's leading lobbyists, Anne Martin and Maud Younger, worked for months to convince the House Judiciary Committee to take action on the suffrage amendment. But the Democrats insisted on waiting until December, after the fall election. The Democrats did lead the Union lobbyists to believe that if they could convince a majority of the Committee to meet, they might take action. Martin and Younger did just that, yet when the Committee met, a motion to delay all constitutional amendments resulted in no action being taken on the suffrage amendment. These development angered Congressional Union supporters, who were now more inclined to support the anti-Democratic campaign when the proposal was pitched to them at the convention of women voters in early June 1916, in Chicago.¹¹³

At the convention, Paul planned to introduce her proposal to create a National Woman's Party (NWP), which would be comprised of enfranchised women who supported a federal amendment.¹¹⁴ To publicize the meeting, on April 9, Paul sent a group of organizers to the western states, on a train called the "Suffrage Special," with great fanfare and plentiful news coverage. 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 NWP organization, and proceeded to establish the rules. It was to be independent of each of the other political parties, and it was to endorse only one issue – that of a federal suffrage amendment. There would be ties to the Congressional Union, as each of the state chairwomen of the NWP would become members of the Executive Committee of the Congressional Union.¹¹⁵

¹¹³ Lunardini, 86-7.

¹¹⁴ Clemens' study of organizational repertoires in the suffrage movement fails to acknowledge properly this reliance - by one of the most prominent national suffrage leaders - upon the model of the electoral party. She suggests that women's 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." Clemens, 761 (examining the debates in state organizations and describing innovative approaches such as California suffragists' reliance on consumer culture 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 wasn't so much 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.

¹¹⁵ Lunardini, 87-8; Bland, 93-5; DuBois, 193-4 (noting Blatch served as the "National Political Chairman" of the Union's "Suffrage Special" train tour of the western states).

The creation of the new party received a great deal of attention from the press, and its session closed with a Suffrage First luncheon, with speakers including Crystal Eastman and Helen Keller. Members of the NWP approached the other party's resolutions committees in order to persuade them to include the federal suffrage amendment in their party platforms. The Republican and Progressive Party conventions opened on the day that the NWP's convention ended. The Republicans were eager to endorse suffrage as a general matter, but it did not endorse a federal amendment. When the Democratic Convention opened in St. Louis in mid-June, the NWP advised them that they would relaunch the western campaigns against them if they did not include the Susan B. Anthony amendment in their party platform. The Democrats also included a suffrage plank, but it too was limited to a states' rights approach, and they failed to endorse a federal amendment.¹¹⁶ The Progressive, Socialist, and Prohibitionist parties, on the other hand, all chose to endorse a federal suffrage amendment.¹¹⁷

Following the conventions, the NWP began soliciting the Republican presidential candidate, Charles Evans Hughes to endorse the federal suffrage amendment. They launched a campaign of letters, telegrams and personal appeals. By August 1, Hughes was convinced to oppose his party's platform and endorse a federal amendment. In his announcement, he clearly 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."¹¹⁸ Hughes' endorsement presented a challenge to the NWP, and Paul debated with others whether it not the NWP should offer him their endorsement. Initially, Paul may have hoped that Wilson would fall into line shortly, but there was little evidence that Wilson was inclined to do so.

Just one week earlier, during a July 24 meeting with Harriot Stanton Blatch, President Wilson explained the harsh 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

¹¹⁶ Kraditor, 194 (noting that the debate was extensive and that the New York Times reported 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.")

¹¹⁷ Lunardini, 89-90; Bland, 96-7.

¹¹⁸ Lunardini, 91-2; New York Times, August 1, 1916).

black electorate. When Blatch responded, reasonably, that the white vote would also increase proportionately, Wilson responded that, according to his estimates, the Democratic Party would suffer defeat in two additional states, because of the disproportionate size of the black vote in those states, if women were granted suffrage.¹¹⁹

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 slogan, “He kept us out of the war,” the NWP campaigners would respond, “He kept us out of suffrage.” In hindsight, Paul underestimated how important the peace issue would become for the women voters in the western states. Paul’s single-issue party accountability approach was unlikely to succeed when women’s pacifism clashed with the intent to punish the Democratic Party for its failure to endorse suffrage.¹²⁰ Indeed, Crystal Eastman resigned from the NWP once the implications of the 1916 election strategy were made clear. Nevertheless, Paul sent her best organizers into the western states for the fall campaign.¹²¹

The organizers encountered more resistance, perhaps because 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 on occasion arrested the NWP members; on other occasions, the women were heckled and even assaulted by onlookers. Letters from the organizers to the NWP headquarters relayed their severe discouragement.¹²² Their campaign schedule was exhausting, and it was taking its toll. In October, one of the most famous NWP organizers, the renowned suffragist Inez Milholland Boisevain, collapsed onstage in California after attempting to complete a punishing schedule. She died from complications resulting from pernicious anemia, and the resulting publicity produced a national outpouring of concern.¹²³

Meanwhile, Wilson had agreed to deliver the keynote address at the NAWSA convention in September. Hinting that he would not stand in the way of a federal amendment, he gave some hope to women voters

¹¹⁹ DuBois, 197; *see also* Kyvig, 231-6; Siegel, 2002, 1002-3.

¹²⁰ Kraditor, 195.

¹²¹ Lunardini, 92-3, 97-8; DuBois, 198.

¹²² Lunardini, 95-98.

¹²³ Paul Interview, 170-3, 339-40, 496; Lunardini, 94, 99; Stevens, 48-60; LINDA J. LUMSDEN, INEZ: THE LIFE AND TIMES OF INEZ MILHOLLAND (2004).

ambivalent about the NWP's strategy, which was surely his intent.¹²⁴ Despite Wilson's overtures, by Election Day on November 7, it was clear that the election was closely contested. The race between Wilson and Hughes in the end was one of the closest in U.S. history, ending with Wilson receiving 277 electoral votes, to Hughes' 254. Despite the NWP's efforts, Wilson swept all of the suffrage states, except for Oregon and Illinois. Many political observers credited women voters with *saving* Wilson's candidacy, because of the war issue.¹²⁵ The *New Republic* warned President Wilson that he owed women voters his victory, and suggested that the power of their votes should be taken into account. Similarly, in a post election analysis, the Chairman of the Democratic National Committee 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."¹²⁶ 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.

B. "Mr. President, How Long Must Women Wait for Liberty?":¹²⁷
Rhetorical Framing in the Suffrage Campaign

For Paul, the challenge now was to find new tactics that could maintain the pressure on the White House.¹²⁸ She discussed the possibility of a picket campaign with Harriot Stanton Blatch, who had used this approach previously in New York, where she set up pickets in front of the State House during suffrage referenda campaigns. Paul asked Blatch to present a proposal at the January 5 meeting of the NWP's Executive

¹²⁴ Lunardini, 100.

¹²⁵ Lunardini, 101-2. Bland is more critical of the NWP's strategy in 1916, but he fails to acknowledge the complicating factor of the war issue. Bland, 100-3.

¹²⁶ Lunardini, 103 (citing *The New Republic*, November 25, 1916, and Irwin, *Up Hill with Banners Flying*, 183).

¹²⁷ These were the reputed last words of Inez Milholland. In her memory, they were often placed on NWP suffrage banners. For a photo of such a banner, see *The Suffragist*, Feb. 7, 1917.

¹²⁸ In her empirical study of the conditions for innovative tactics in the state suffrage organizations, Holly McCammon observes that recent political defeats did lead the organizations to use new tactics. See Holly 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, 807-8 (2003). McCammon also finds that less centralized organizations were more likely to do so. *Id.* at 806. Paul's hierarchical organization does not fit these findings, but it is not surprising to learn that Paul's willingness to experiment was in all likelihood quite exceptional.

Committee. Although Committee members were initially hesitant, their concerns soon 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.”¹²⁹

Paul’s first task involved determining whether there were enough volunteers and resources to support a picket 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 came in from women all over the country.¹³⁰



Alice Paul, Lucy Burns, and other NWP members, picketing the White House. (Library of Congress)

In the early days of the campaign, Paul thought of creative ways to keep the picketers in the press, arranging for “theme days” including days for specific professions, individual states, colleges and universities, and holidays. This tactic helped to keep the picketers’ efforts in the newspapers, and to keep 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 reception by the general public was generally supportive.¹³¹

¹²⁹ Lunardini, 105-6 (quoting Blatch and Lutz, *Challenging Years*, 275-6).

¹³⁰ Paul Interview; 179; Lunardini, 106.

¹³¹ Lunardini, 108-9.

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 Congressional Union immediately, calling for a convention of the state chairs of the organizations. In her speech before the convention, 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.”¹³² The convention voted in favor a resolution adopting Paul’s 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.”¹³³ The convention 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 stormy weather, they surrounded the White House and waiting for a guard to agree to deliver their message, but it was to no avail.¹³⁴ When Wilson declared war on April 6, 1917, the Democratic Party announced that Congress would only take action on measures related to the war. In other words, suffrage was off the agenda.¹³⁵

Following the declaration of war, the picketing continued with few disturbances. But as the banners began to incorporate quotations from Wilson’s speeches, the public’s reaction cooled immediately. 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

¹³² Lunardini, 111 (quoting Alice Paul to State Chairman, February 8, 1917, NWP Papers).

¹³³ Lunardini, 111 (quoting the Resolution of the Convention of the NWP and CU, March 17, 1917, NWP Papers). During this convention, the delegates also voted to end the separate Congressional Union, and integrate its members and resources into the National Women’s Party.

¹³⁴ Cott, 59; Lunardini, 112.

¹³⁵ Because NAWSA had just announced its decision to support the administration’s war policies, it was now unclear whether they would postpone their suffrage campaign for the duration of the war. Indeed, both Catt and Shaw would soon accept appointments to serve on Wilson’s Women’s Committee of the Council on National Defense. Lunardini, 113.

the hypocrisy of doing so, while ignoring the failure to live up to democratic ideals in the United States.¹³⁶ 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 the idea was to highlight the contradictions in order to cause discomfort to Wilson and force more attention on the suffrage issue, these tactics surely worked.¹³⁷

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, sometimes causing physical injuries to the women serving on the picket line.

In June, the picketing campaign took on a much more confrontational tone. During a series of diplomatic exchanges with Russia, as part of the Wilson Administration's attempt to persuade the Russians to stay in the war, diplomat Elihu Root delivered a speech asserting that the United States protected equal suffrage rights. 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, that America was not a democracy, and it ended 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."¹³⁸

A crowd gathered around the picketers immediately, and destroyed the banner. One woman leapt upon a picketer, screaming: "You dirty yellow traitor."¹³⁹ These events were covered on the front pages of newspapers across the country. 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."¹⁴⁰

¹³⁶ Sally Hunter Graham, *Woodrow Wilson, Alice Paul, and the Woman Suffrage Movement*, 98 POL. SCI. Q. 665, 667 (1984).

¹³⁷ Lunardini, 114.

¹³⁸ Lunardini, 115.

¹³⁹ Graham, 668.

¹⁴⁰ *Id.* (citing Press Release, June 22, 1917, NWP Papers).

From my research thus far, it is not clear that Paul at this point appreciated how controversial this framing device would become. The fight for suffrage became much more contentious after the United States entered the war. It may be that the war provided a necessary “destabilizing event” that sharpened opposition and accelerated the pace of the conflict.¹⁴¹ Paul’s choice to rely on such controversial rhetorical techniques – 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.¹⁴² William Gamson calls attention to “the success of the unruly” in his work on social protest.¹⁴³ In her recent book, *Challenging Authority*, France Fox Piven refers to these methods as exercises of “disruptive power.” By defying convention and settled expectations, the group’s protest activities open up the possibility for shifts in public opinion and significant political change.¹⁴⁴

After the “Russian Banner incident,” the situation became far more adversarial.¹⁴⁵ The District of Columbia Chief of Police, Raymond Pullman, notified Paul that further picketing would lead to arrests. Paul had already obtained legal advice, and informed Pullman that the picketers would be protected under the Clayton Act. He disagreed, and informed her that he would not hesitate to order arrests.¹⁴⁶ Paul immediately informed the NWP picketers of these developments, so they could decide whether they wished to go on and risk arrest. The volunteers agreed, and on June 22 Paul received a call informing her that Lucy Burns and Katherine Morey had been arrested by the district police.

¹⁴¹ See McAdam and Scott, 2005, 18, 30-1. For recent scholarship concerning the impact of the Cold War on the civil rights movement, see, e.g., MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* (2000).

¹⁴² SIDNEY TARROW, *POWER IN MOVEMENT: SOCIAL MOVEMENTS, COLLECTIVE ACTION, AND POLITICS* (1998). See also politics of creedal passion, SAMUEL HUNTINGTON, *AMERICAN POLITICS: THE PROMISE OF DISHARMONY* (1981)

¹⁴³ Gamson, 2d ed. 1990, Ch. 6; William Gamson, *Reflections on ‘The Strategy of Protest’*, 4 SOC. FORUM 455, 458-9 (1989) (“[F]eistiness works” by using “disruption as a strategy of influence”); see also Doug McAdam, *Tactical Innovation and the Pace of Insurgency*, 48 Am. Soc. Rev. 735 (1983) (successful protestors create “a situation that disrupts the normal functioning of society and is antithetical to the interests of the group’s opponents”).

¹⁴⁴ FRANCES FOX PIVEN, *CHALLENGING AUTHORITY* (2006).

¹⁴⁵ Graham reports that Wilson and his Committee on Public Information worked behind the scenes to negotiate with the press, including the *Washington Times* and the Associated Press and other wire services, in an effort to persuade them from giving the NWP protests any significant coverage. Graham, 672-3.

¹⁴⁶ Paul Interview, 213-6; Lunardini, 116-7; Stevens, 93-4.

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. 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.¹⁴⁷

More arrests followed a similar pattern. Then, on July 14, sixteen picketers were sentenced to *sixty days* at the Occoquan Workhouse in Virginia. The suffrage fight had reached its most critical and contentious stage.

C. *“Prisoners of Freedom”*: *Leading a Movement for Social Change*

The sixteen NWP picketers who received the two month sentence were comprised of leading suffragists and very well-connected women. The effect of the arrests and the publicity that followed should not be underestimated. The entire nation was shocked.¹⁴⁸ As Nancy Cott explains, “the useful 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.”¹⁴⁹ One was a daughter of a former ambassador. Another was the wife of a Progressive Party leader. Others were noted society figures, 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, was in attendance in the courtroom, 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 obstructing traffic, but “because I have offended politically, because I have demanded of this government freedom for women.”¹⁵⁰

Malone left the courtroom and immediately made his way to the White House to demand a meeting with Wilson. As a leading Democratic

¹⁴⁷ Lunardini, 117

¹⁴⁸ Kraditor, 207, n.32; Cott, 60 (observing that NAWSA’s failure to comment publicly in order to protest the arrests cost the organization some support in the suffrage community).

¹⁴⁹ Cott, 27, 55.

¹⁵⁰ Lunardini, 118-9; Stevens, 103-5

Party campaigner during the previous election, he believed that his efforts to persuade western women voters that Wilson would work for suffrage might provide the grounds to influence Wilson to do something. He was also 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.¹⁵¹

The following day, 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. Wilson did not take that step, but he did sign a pardon for all the prisoners at Occoquan.¹⁵²

Paul did not consider the pardon to end the matter. She told the *Baltimore Sun* that the pickets would go on. Wilson could issue more pardons, but the pickets would continue until Wilson supported the Susan B. Anthony amendment.¹⁵³ Persisting with this strategy posed considerable risk for the picketers. Political dissent, regardless of method or argument, was considered to be treasonous, as a kind of wartime zeal was cultivated by the Wilson Administration and to some extent by the press. Throughout the summer of 1917, NWP picketers were taunted and harassed by the public. Groups of young men regularly assaulted the women, but the district police refused to intervene on their behalf. Despite this obvious hostility, the reports of the prison conditions did garner sympathy with the press and public. When David Field Malone tendered his resignation in September, after waiting over a month for Wilson to take action, the defense of the picketers included in his letter of resignation was reprinted in

¹⁵¹ Lunardini, 119-120. Graham reports that the Secret Service immediately began surveillance of Malone, and monitored his activities daily, and sent weekly reports to Wilson's son-in-law, the Secretary of the Treasury, through the end of August. Graham, 670-1. 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 married suffragist Doris Stevens in 1921. I would not be surprised to learn of other attempts by the Wilson Administration to conduct surveillance of Paul and her colleagues, but I have found no mention of it yet. On the use of surveillance as one of a variety of 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 and John D. McCarthy, eds., 1988).

¹⁵² Lunardini, 121.

¹⁵³ *Baltimore Sun*, July 20, 1917.

newspapers across the country. Malone declared that the suffragists' "righteous resignation" should be appreciated by any "love 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."¹⁵⁴

As the pickets continued, the sentences handed down became increasingly harsh. Reports of the conditions at Occoquan continued to shock the public. The Superintendent of the workhouse, Raymond Whittaker, gave no special treatment to the prisoners, who were confronted with poor sanitation, infested food, and dreadful facilities. On October 20, Alice Paul herself was arrested while picketing the White House, and she received the most severe sentence of all – seven months at Occoquan. On October 30, Paul and another NWP prisoner, Rose Winslow, initiated a hunger strike on behalf of their fellow inmates in order to secure political prisoner status. 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 D.C. Commissioners, but all of this effort only resulted in each of the signers being placed in solitary confinement. Paul launched the hunger strike in protest.¹⁵⁵

Prison official began a program of force feeding within a week, and later transferred Paul to a psychiatric ward within the District jail. By November 9, the wave of public criticism led Wilson to order an investigation. He requested that one of the D.C. Commissioners, W. Gwynn Gardiner, prepare an investigative report on the prison conditions, but Gardiner did little more than interview the prison officials. Wilson accepted the report and circulated it to anyone who attempted to contact him on behalf of the prisoners.¹⁵⁶

For their part, the NWP sent out former imprisoned picketers on a train, the "Prison Special," to tour the country and publicize the poor conditions and mistreatment suffered by the suffragists. This stage of the campaign was very effective, and Democrats in Congress worried about the impact of this most controversial stage of the suffrage fight. On November 20, Malone was able to obtain a writ of habeas corpus for Paul, who was transferred from the prison ward to a hospital for treatment. One of her first visitors was a close friend of Wilson, journalist David Lawrence. He asked

¹⁵⁴ Lunardini, 125-9.

¹⁵⁵ Lunardini, 132.

¹⁵⁶ Lunardini, 134.

Paul about her plans, and she responded that the NWP would not stop picketing until Congress passed the amendment. One week later, all the suffrage prisoners were released, without any notice, pardon, or explanation. The picketing continued on a more sporadic basis, but the day-to-day campaign was over.¹⁵⁷

In December, 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. On the eve of the vote, Wilson attempted to convince southern Democrats who previously voted against the amendment to support it now. The following day, the amendment passed 274-138, the precise number required to reach the two-thirds majority required under Article V. 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. Paul's strategy – to focus on the President's influence over the Party and Congress – seemed vindicated.¹⁵⁸

The amendment faced stronger opposition in the Senate, and again Wilson sought to corral the Democrats who remain steadfast in their opposition to the amendment. His arguments linked the suffrage issue to the war effort. He wrote letters, and met with Senators in person. Paul and the NWP also lobbied the Senate. When they were told by the chair of the Senate Woman Suffrage Committee that the amendment would not be scheduled for a vote during the current session, Paul shifted from lobbying to more protests.

At an outdoor meeting in Lafayette Park, a group of forty-eight suffragists were arrested. Several of the women were sentenced to fifteen days in a previously abandoned facility that was not in any condition to hold prisoners. Again, a flurry of publicity, resulting in protests by politicians and concerned members of the public, produced results. Paul received notice from Wilson's military aide that the NWP would be allowed to hold meetings in Lafayette Park. At the next gathering, on September 16, the suffragists gathered together to burn copies of Wilson's speeches, in special containers they called "Watchfires of Freedom." The very next day, the Senate committee announced that the amendment vote would be scheduled before the end of the month.¹⁵⁹

¹⁵⁷ Lunardini, 136.

¹⁵⁸ Lunardini, 140-1.

¹⁵⁹ Lunardini, 141-4.

On September 29, Wilson was alerted that the amendment would likely fall two votes short of the required two-thirds majority. The next day, Wilson, accompanied by his family, announced to the Senate that he would be arriving shortly to address the members. 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.” He stressed that other countries were looking to the United States to provide leadership, and that they expected the United States to live up to its democratic ideals. At the same time, he insisted he was not influenced by “intemperate agitators” – but 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 1917.¹⁶⁰

Although Wilson’s speech failed to persuade any senator to vote for suffrage, and the amendment still fell two votes shy of success, the fall elections resulted in one more pro-suffrage senator, and several new uncommitted freshman senators to lobby. Wilson included his endorsement of the federal amendment in his Annual Message to Congress, on December 2, 1918 – the first time he had done so. The NWP continued to lobby Congress throughout the spring, and a vote in the Senate was scheduled for June 4. Wilson also continued to stay involved, sending messages to Congress and personally contacting uncommitted senators. When the vote was tallied on June 4, the Senate passed the amendment by a vote of 56-24. The Speaker of the House signed the join resolution the same day.

The ratification process took fifteen months to accomplish. At this point, the NWP and NAWSA organizations now worked together to activate their state-level organizations and membership. They lobbied state legislators, and achieved victory after victory. However, in the summer of 1920, it appeared that ratification would fall one state short of success. Tennessee was considered to be 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. On August 26, 1920, the Secretary of State signed the official proclamation for 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

¹⁶⁰ Lunardini, 144-5.

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.”¹⁶¹ 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.”¹⁶²

CONCLUSION

TBD

¹⁶¹ Cott, 66 (quoting letter from Blatch to Anne Martin, May 14, 1918).

¹⁶² Cott, 67-71 (quoting letter from Mabel Raef Putnam to Anita L. Pollitzer, April 14, 1921).

