Greetings from the Kansas Bar Association (KBA).
Welcome to this third edition of Law Wise for the 2019-2020 school year.

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Mock Trial 2020
Materials to be posted in December at:
www.ksbar.org/mocktrial

Regional Competitions: Saturday, Feb. 29th
State Competition: Saturday, March 28

Questions?
Email: kansasmocktrial@gmail.com

Women’s Suffrage Overview

2019 marks the 100th anniversary of the passage of the
19th Amendment in the United States. This historic
amendment marked the culmination of a struggle dating
back to the end of the 18th century. In this issue, Law Wise will
explore the historical and intellectual origins of the movement
for Women’s Suffrage. It will look at the specific strug-
gles within the United States to achieve suffrage. The is-
se will explore some of the surprising tension between
African-Americans and female abolitionists who would
later advocate for women’s suffrage. The fact the United
States passed the 15th Amendment granting freed slaves
the right to vote nearly 50 years prior to women created
a rift between two groups who shared similar goals and
concerns. Finally, the issue will explore the benefits of
women’s suffrage and future challenges women face in
their ongoing struggle for equality in all aspects of their
lives.

November 2019

Nov. 5 Election Day
Nov. 11 Veterans Day
December Mock Trial materials available at:
www.ksbar.org/mocktrial
Feb. 29 Mock Trial Regional Competition
Mar. 28 Mock Trial State Competition
Before the election of Barack Obama as President in 2008, it was always interesting and provocative to ask who would first be elected President of the United States: an African-American or a woman. Though both groups possessed the ability to vote, neither had produced a viable candidate for our nation’s highest office until Jesse Jackson ran for president in the 1980s, and Geraldine Ferraro made history by being the first female candidate to serve as a Vice-Presidential nominee on the 1984 Democratic Party ticket. Jackson’s 1988 campaign proved more successful than his 1984 campaign in the fact that he won a number of primaries; but it did not result in his securing the nomination. In similar respects, Ferraro’s ascension to the national stage did not result in her election. In fact, it would be nearly two decades before Elizabeth Dole briefly ran for President as a Republican candidate in 2000. Hilary Clinton’s presidential bids in 2008 and 2016 brought women closer to the Oval Office, especially in 2016, when she did win the national popular vote for presidency. These results in the last thirty years mirror some earlier conflict between freed slaves and female suffragists in the 19th century.

Louise Newman’s 1999 book white Women’s Rights: The Racial Origins of Feminism in the United States explores the tension between female abolitionists and the freed slaves which culminated in the passage of the 13th through 15th Amendments to the Constitution known as the “Civil Rights Amendments.”

In 1866 at a meeting of the National Woman’s Rights Convention, the African-American poet and activist Frances Ellen Watkins Harper sat on a panel with Elizabeth Cady Stanton and Susan B. Anthony. In her address, Harper pointed out that while the cause of suffrage for White Woman had merit, her female panelists seemed indifferent to the struggle of Harper and other African-Americans who had only recently secured their freedom from slavery. Both Stanton and Anthony opposed the 15th Amendment giving African-American men the right to vote.

An exhibit at the National Archives titled “Rightfully Hers: American Women and the Vote” highlights the diversity of the fight for women’s suffrage that is often painted as a struggle led by woman like Stanton, Anthony and others. In fact, women of color worked for the cause as well. Included in this exhibit are women like Mabel Ping-Hua Lee, a Chinese immigrant who led a suffrage parade in New York in 1912. Marie Louise Bottineau Baldwin, a Chippewa native, took part in the 1913 Women’s Suffrage Parade while attending law school. Ida B. Wells who earned fame as both a civil rights and women’s suffrage activist participated in the 1913 parade though she refused to march in the back of the parade as requested by the parade organizers.

The irony of such attitudes regarding people of color results from the important work of female abolitionists in battle to end slavery within the United States. Events like the Seneca Falls Convention of 1848 had set the stage for women’s suffrage. Advocates like Elizabeth Cady Stanton, Susan B. Anthony and others would likely have been disappointed and surprised to learn it would take an additional seventy years after that Convention for women’s suffrage to be realized.

Despite the passage of the 15th Amendment in 1869, before the end of the century, the rights of African-Americans would be restricted by the 1896 Plessy v. Ferguson Supreme Court decision validating the “Separate but Equal” doctrine. This decision and the end of Reconstruction in the South led to the implementation of Jim Crow Laws that would necessitate the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act.

While one can no longer ask the question regarding the election of an African-American or female president, in 2019, both groups continue to gain influence and power on the national stage. The crowd of candidates for the Democratic Party primary include several African-American candidates as well as Latinx, Asian and LBGTQ candidates, not to mention several prominent female politicians. As women in the United States commemorate the centennial of their right to vote, they will continue to play an critical role in the governance of our nation.
Sisterhood is Powerful

With societal movements such as #MeToo and concern about political issues like reproductive rights and equal pay, women continue to advocate for the full realization of equality in all aspects of political and social life.

One approach is to participate in elections and exercise the suffrage women fought long and hard to achieve. Data from the Pew Research Center indicates that in the 2018 midterm election, 55 percent of eligible female voters participated in this election as compared to 51.8 percent of male voters. In fact, women voted at a higher percentage than men in every demographic group except for voters over 65 years of age. In that group, women accounted for 53 percent of all voters in the 2018 midterm elections.

The website Vox declared 2018 the year of the women and noted the essential role played by women in the Democratic Party regaining control of the House of Representatives. 529 women ran for Congress in 2018 up from 312 in 2014. According to Emily’s List, 42,000 women expressed interest in pursuing public office after the 2016 Presidential election which was up from 920 during the 2016 campaign itself. NBC News reported that in both parties, non-incumbent candidates have won more primaries than their male counterparts. For Democrats, it was 44-21 percent for female candidates and for Republican women it was 34-29 percent.

Vox reported that women have been active in public protests as well as electoral politics. It reported that approximately 4.2 million people participated in women’s marches across the country.

Women are putting their money where their mouths are too. In 2018, 34 percent of women donated to political campaigns up from 28 percent in 2014. Younger women are exercising their electoral rights in record numbers as well. 56 percent of women from 18-34 planned to vote in the 2018 midterms according to polling data.

African-American women voters flexed their muscles by supporting Doug Jones over Roy Moore 98- percent in the special election in Alabama. Political pundits felt this support helped to ensure Jones’ victory. These same women have caught the political bug as well with over 70 women running for various political offices in Alabama.

In terms of policy outcomes, having female members of Congress makes a decided impact on bills addressing public health issues. The Legislative Studies Quarterly notes how among Democratic legislators, female legislators propose twice as many bills supporting women’s health as their male counterparts. A study by political scientists studying the impact of female members of Congress reached the following conclusions:

“We find that congresswomen secure roughly nine percent more spending from federal discretionary programs than congressmen. This amounts to a premium of about $49 million per year for districts that send a woman to Capitol Hill. Finally, we find that women’s superiority in securing particularistic benefits does not hurt their performance in policy making: women also sponsor and cosponsor more bills per congress than their male colleagues.”

With Elizabeth Warren and other female candidates for the Democratic Presidential nomination and with the enthusiasm generated by newly elected representatives dubbed “The Gang of Four”, the power and influence of women in politics is stronger than ever. Though there is much still to be done, one hundred years after receiving the right to vote, women seem to be making the most of their opportunities.
The Road to the 19th Amendment

The Women’s Suffrage Movement in the United States began with the Seneca Falls Convention in 1848. Lucretia Mott and Elizabeth Cady Stanton were the main organizers. A few years later, Stanton met Susan B. Anthony, who became a significant member of this struggle.

Mott and Stanton had met while attempting to attend the World Anti-Slavery Convention in England in 1840. Together with Susan B. Anthony, Stanton formed the Woman’s National Loyal League in 1863 to support the 13th Amendment to abolish slavery. They hoped that this amendment would lead to the ability of both women and freed male slaves to vote.

The Seneca Falls Convention delegates produced the Declaration of Sentiments which stated, “We hold these truths to be self-evident, that all men and women are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.”

A year later, Worcester, Mass., served as the site for the first National Women’s Rights Convention. Frederick Douglass, Paulina Wright Davis, Abby Kelley Foster, William Lloyd Garrison, Lucy Stone and Sojourner Truth, among others, attended. Initially, suffragists and abolitionists like Susan B. Anthony and Elizabeth Cady Stanton formed the American Equal Rights Association to advocate for universal suffrage regardless of gender or race.

Senator S.C. Pomeroy of Kansas submitted the first federal suffrage legislation for women in Congress. In 1869, with slavery abolished, suffragists diverged on the most effective strategy for achieving suffrage. Lucy Stone, Julia Ward Howe, and Josephine Ruffin formed the American Woman Suffrage
Association (AWSA). The AWSA choose to focus on gaining suffrage for African-American men with the passage of the 14th and 15th Amendments. As far as women’s suffrage, they sought to gain the vote for women state-by-state.

By contrast, Anthony and Stanton formed the National Woman Suffrage Association (NWSA) to advocate for universal suffrage for women as well as additional rights including changes to the divorce laws and ending discrimination in employment and pay. In 1872, Anthony was arrested for trying to vote for Ulysses S. Grant. Sojourner Truth tried to vote in Battle Creek, Mich., but was turned away.

Within a decade of being founded, the two organizations realized working together would be more effective. They merged to form the National American Woman Suffrage Association (NAWSA). Stanton served as president and Anthony as vice-president. With this new national organization, the NAWSA worked exclusively on women’s suffrage. In 1878, a Woman Suffrage Movement was proposed in Congress. When the 19th Amendment was passed, it contained the exact same language as the initial proposal.

This singular focus alienated some of the more radical suffragists, so under the leadership of Alice Paul and Lucy Burns, the Congressional Union was formed in 1914. Having spent time in England among radical suffragists, these women felt the organization needed to be more radical and confrontational. The English suffragists engaged in protests, went to jail, organized hunger strikes and used other tactics to gain attention and sympathy for their cause.

The Congressional Union decided to focus on influencing the Democratic Party which controlled both houses of Congress and the White House. They renamed themselves the National Woman’s Party (NWP) and began picketing in front of the White House among other actions.

When she stepped down from the NAWSA, Susan B. Anthony named Carrie Chapman Catt to succeed her. Catt pushed hard for a Constitutional Amendment by setting up a publicity bureau in Washington, D.C., to directly pressure members of Congress.

During World War I, the NWP criticized the United States for fighting for democracy abroad, while denying women freedom at home. Carrie Chapman Catt publicly distanced herself from the NWP. However, this did not deter the NWP from their political activism.

After passage of the 19th Amendment, the struggle shifted to ratification. Given the long public association of many prominent suffragists with the abolition movement, Southern states resisted ratification of the 19th Amendment. Other Southern states resisted on the grounds of state rights. They supported women’s suffrage, but wanted the states to control the process. Tennessee became the battleground state for ratification. Tennessee passed the Amendment in August of 1920, then rescinded the vote. However, the U.S. Secretary of State declared the amendment ratified on August 26, 1920.

In addition to the political efforts of the NAWSA, NWP and other suffragists, the reality of labor shortages in World War I put women into positions normally occupied by men. This provided further evidence of the capability of women and bolstered their argument for allowing women the right to vote. After the passage of this historic amendment, Carrie Chapman Catt transitioned the NAWSA into the League of Women’s Voters (still well known today for its political activism.) On November 2, 1920, more than eight million women in the United States voted for the first time, a fitting culmination to this decades long struggle for women’s suffrage.
Lesson Plan 1:
Suffrage Strategies: Voices for Votes
Gail Petri and Doris Waud • www.loc.gov
Grades 3-8

Lesson Overview
Students examine a variety of primary source documents related to the women’s suffrage movement. They identify different methods people used to influence and change attitudes and beliefs about suffrage for women. Students then create original documents encouraging citizens to vote in current elections.

Objectives
While completing this project, students will:
• Examine a variety of primary source documents to learn about the history of suffrage for women.
• Learn that there are many ways to influence and effect change.
• Understand that it took the efforts of many people over time for women to gain the right to vote.
• Use their knowledge from studying the suffrage movement to create modern day election ephemera.

Time Required
• One week

Materials
• Use this Primary Source Analysis Tool as a guide. https://www.loc.gov/teachers/usingprimarysources/guides.html
• Before beginning the unit, collect and print out primary source documents from the Library of Congress Website that relate to strategies used to achieve women's suffrage.
• Create motivational displays in the classroom, See these examples of possible displays.

Resources
• Prepare a selection of primary sources that relate to this sample list of strategies used to achieve women’s suffrage. Potential resources are found here: http://www.loc.gov/teachers/classroommaterials/lessons/suffrage/preparation.html
• Some potential projects could include:
  o Create a political banner
  o Create a political button or pin
  o Draw a political cartoon
  o Design a postcard
  o Design a poster
  o Form a campaign committee
  o Give a speech
  o Hold a convention
  o Form a political party
  o Perform a pageant or skit
  o Write a declaration
  o Write a news article or pamphlet
  o Write a persuasive letter
  o Write a resolution
  o Write a song

Lesson Procedure
• Lesson 1: Motivational, Brainstorming, and Vocabulary Activities
  Motivational Student Activity (10-15 minutes)
  1. Conduct a class vote for a current political candidate with only boys voting.
  2. Tally votes, but do not reveal results.
  3. Conduct a girls’ vote.
  4. Reveal the winner, based on the boys’ vote.
  5. Add the girls’ vote to the boys’ vote.
  6. Discuss results. Did the vote change by adding the female vote?
  7. Chart or graph results.
Student Brainstorming Activity (10-15 minutes)
1. Discuss these questions with students. How would you persuade someone to vote for you? How could you effect change individually or as a member of a group?
2. Brainstorm and compile a list of strategies that people use to influence others’ opinions and, thus, effect change.

Vocabulary Activity (25 minutes)
Review suffrage, campaign and election-related vocabulary:
address, association, banner, broadside, convention, declaration, delegate, editorial, endorse, ephemera, issues, pageant, pamphlet, persuade, petition, picket line, platform, political party, proclamation, resolution, strategy, suffrage

• Lesson 2: Review Activity
1. Review how to analyze photographs, documents and ephemera.
2. Give each student a copy of a photograph.
3. Help students analyze the photograph and record their thoughts on the Primary Source Analysis Tool. Before the students begin, select questions from the teacher’s guide Analyzing Photographs and Prints to focus and prompt analysis and discussion.
4. Next, direct students to a piece of text.
5. Help students analyze the text and record their thoughts on the Primary Source Analysis Tool. Before the students begin, select questions from the teacher’s guide Analyzing Books and Other Printed Texts to focus and prompt analysis and discussion.

• Lesson 3: Student Small Group and Class Discussion Activities
Student Small Group Activity (30-35 minutes)
1. Before beginning, display suffrage vocabulary list prominently in the classroom. Some students might need individual copies of the list.
2. Divide students into small groups.
3. Distribute several primary source documents to each group.
4. Instruct students to examine the documents and to identify strategies that were used by suffragists to influence and change attitudes about suffrage for women.
5. Have each group generate a list of these suffrage strategies.
6. Have a reporter from each group share identified strategies.
7. Compile a class list.

Student Class Discussion Activity (10-15 minutes)
1. Before beginning, appoint a class recorder to take notes on chart paper.
2. Discuss the importance of women having the right to vote.
3. Discuss the struggle and strategies they used to earn suffrage.
4. Discussion questions might include: Why is women’s vote important today? Do more men than women vote today? Why or why not? Is it important to vote? Why do you think people vote? Why do you think people don’t vote?

• Lesson Four: Student Individual Activity/Project/Product
Each student will:
1. Identify a voter related issue which causes people at the local, state or national level to voice their opinion (examples: political candidates, environment, education)
2. Decide which candidate or election issue to support.
3. Select a suffrage/campaign/election strategy from the class generated list which would be effective in influencing people’s opinions about a current candidate or election issue.
4. Explain why this strategy was selected and why it would be effective.
5. Design a document or ephemera to influence public opinion. (Examples: button, poster, speech).

Lesson Evaluation
1. Students complete a teacher-created rubric to assess their understanding of the ways to influence and effect change, the importance of voting, and their contributions to the group.
2. As part of the rubric, students summarize their learning in a “learning statement.”
3. After students complete the rubric, comment on their participation and progress for this unit.
Lesson Plan 2
The Equal Rights Amendment: An Ongoing Cause
Lesson prepared by Leah Jerome • Womenshistory.org
Grades 9-12

DESCRIPTION:
The first official meeting of women to discuss the issue of gender equality was at Seneca Falls in 1848. Over 170 years later, women have sought gender equality through various waves in American history. The Progressive Era saw the passage of the 19th Amendment and the Women’s Liberation Movement of the 1960s and 1970s saw major advances for women in such areas like Title IX. The ERA, to many Americans, would be the necessary step in making a legal statement about gender equality and gender protection in the Constitution. That dream fell short after the anti-ERA movement fought against its passage. The #MeToo movement in recent years has reignited the feminist movement and brought the ERA back to Capitol Hill.

TIME:
• One class period

OBJECTIVES:
• Students will learn about the battle over the ERA by reading primary sources from one of the great advocates of the amendment, Gloria Steinem, and one of the great opponents of the amendment, Phyllis Schlafly.
• Consider the following questions:
  o What challenges has the Equal Rights Amendment faced over time?
  o Why is the ERA necessary in America?

PREREQUISITES:
• Before class, as a homework assignment, students should read the following:
Why We Need the Equal Rights Amendment: https://www.equalrightsamendment.org/why

MATERIALS:
• Structured Controversy Handout.

PROCEDURES
Do Now: 12 minutes
• Begin class with the question: Why do we need an Equal Rights Amendment in America?
• Students can view the 5-minute video to begin class: https://youtu.be/SAlUsMae2ag
• In a think-pair-share, students can discuss the video and the reading from the previous night’s homework. This can segue into a brief class discussion about the proposed question.

Activity: Structured Academic Controversy 25-minutes
• Students must be paired up. Their desks should be facing each other to promote a setting that will allow for a back-and-forth dialogue.
• Each student will receive the Structured Academic Controversy handout.
• Teachers can assign one partner reading #1 and the other partner reading #2.
• The handout will take students through the activity. It should take approximately 25 minutes.

Closure:
• After the Structured Academic Controversy is completed students will join a class discussion.
  o What challenges has the Equal Rights Amendment faced over time?
  o Why is the ERA necessary in America?
• Complete class by viewing Ruth Bader Ginsberg’s statement on the ERA: https://youtu.be/h-y4nzjxgwA

Assessment/Homework
• Read the following article from the BBC:
• Online blog: Write a response to the following question:
Why has the ERA resurfaced and what role do you think it will play in the 2020 election?
Women’s Suffrage

5 Facts About Women’s Suffrage and the 19th Amendment
https://blog.acton.org/archives/88620-5-facts-about-womens-suffrage-and-the-19th-amendment.html?gclid=CjwKCAjwldHsBRAeIwAd0Jyb71PFYfjBacLMVHHhlI--2Yd0Pk36WOvWHd4Yfr3jqlUk0eaf5Mzcb-wxoCKy4QAvD_BwE

From the Acton Institute blog, this article has several interesting and surprising facts about the passage of the 19th Amendment.

The Complex History of the Women’s Suffrage Movement

A New York Times article which reviews three current exhibits celebrating the 100th anniversary of Woman’s Suffrage at the Library of Congress, National Archives, and the National Portrait Gallery.

History of Women’s Suffrage
http://teacher.scholastic.com/activities/suffrage/history.htm

A resource from Scholastic.com that is a Teacher’s Activity Guide created in conjunction with Grolier Online. It contains information on suffrage in the United States, Great Britain, and other nations.

Woman Suffrage and the 19th Amendment
https://www.archives.gov/education/lessons/woman-suffrage

From the National Archives, this site is designed for educators with a multitude of information including primary source documents, and teaching activities.

The Woman Suffrage Movement
https://www.womenshistory.org/resources/general/woman-suffrage-movement

A website from the National Women’s History Museum that contextualizes the Suffrage Movement within the Progressive Era of American History. It includes a timeline of Woman’s Suffrage from 1840-1920.

Women’s Suffrage
https://www.history.com/topics/womens-history/the-fight-for-womens-suffrage

An informative and comprehensive look at the Woman’s Suffrage Movement. The website traces the origins of the movement nearly 100 years before the passage of the 19th Amendment.

Women’s Suffrage at Last
http://www.ushistory.org/us/42c.asp

From UShistory.org, this site on the passage of the 19th Amendment highlights some of the important organization who played a role in the passage of this historic Constitutional amendment.

Women’s Suffrage in the Progressive Era
https://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/timeline/progress/suffrage/

A teacher’s resource from the Library of Congress regarding the Progressive Era and Women’s Suffrage.

Women’s Suffrage Movement
https://www.historynet.com/womens-suffrage-movement

From history.net and American History magazine, this site looks primarily at Women’s Suffrage in Europe and the United States.

Women’s Vote Centennial 1920-2020
https://www.womensvote100.org/learn

This is the official site commemorating the right of women in the United States to vote. It is a clearinghouse of information regarding the 19th Amendment as well as information on how to commemorate this anniversary within your own community.
About the Law Wise Editor:

Nicolas Shump teaches courses in Creative Writing, Film, and Advanced Placement (AP) courses in Comparative Government and Politics, European History, Psychology, and U.S. Government and Politics for the Hybrid Learning Consortium (HLC) at The Barstow School in Kansas City, MO. He also teaches Discourse 100 and 200 at the University of Missouri-Kansas City (UMKC) where he is an MFA Student in the Creative Nonfiction Program. He is a columnist for the Topeka Capital-Journal, Gatehouse Kansas publications and a Talk About Literature in Kansas (TALK) discussion leader for Humanities Kansas.

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Visit www.ksbar.org/lawwise to see archived issues, frequently asked questions, and to receive six issues a year via email.

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www.ksbar.org/lawwise

iCivics celebrates 10 YEARS!!!

www.icivics.com

A decade ago, Justice Sandra Day O’Connor founded iCivics. She reimagined civic education for future generations. Her goal was to provide quality, non-partisan, and truly engaging civic educational resources for students and teachers. Today, 200,000 teachers have registered on iCivics.org to access free games and curriculum units. Over 6 million students have experienced the interactive digital platform to learn about things like branches of power, how counties work, and how to run a campaign.

If you have not registered yet, visit www.icivics.org to establish your My iCivics account.

With a presidential election soon, this month we are highlighting the Win the White House game. Students and teachers can select the appropriate grade level and begin a journey into running for the presidency. There is a new Win the Whitehouse Extension Pack that is designed to give context and purpose to the game. It is used with PowerPoint and a whiteboard. https://www.icivics.org/games/win-white-house

The KBA also has resources for teachers. Visit: https://www.ksbar.org/page/educator_resources

Is Law Wise Helpful to You?

We are always open to receiving comments, ideas and suggestions. Please reply to awoods@ksbar.org.

Please let us know:
• Topics you would like to explore;
• Projects and lessons you have developed that you would like us to feature;
• Questions you would like to ask an attorney or judge.

We look forward to hearing from you.

Law Wise FAQs

We have a list of FAQs available at http://www.ksbar.org/LWFAQ.