

100 YEARS OF WOMEN’S SUFFRAGE: CELEBRATING PILGRIMS ON THE JOURNEY FOR EQUALITY-ONE STEP AT A TIME

KATIE CARPENTER* & LISA FAIR MCEVERS*

ABSTRACT

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex. Congress shall have power to enforce this article by appropriate legislation.”¹

This year marks the one-hundredth anniversary of the ratification of the Nineteenth Amendment to the United States Constitution. Before North Dakota was even a state, women’s suffrage efforts were forming in Dakota Territory. North Dakota has a dynamic history of fits and starts regarding women’s suffrage: at times, advanced compared to other areas of the country, and at other times, falling short. This article will provide a detailed history of the fight for women’s suffrage in Dakota Territory and later in the state of North Dakota.

*†Katie Carpenter is a law clerk to the Hon. Daniel Traynor, United States District Court, District of North Dakota. From 2019 to 2020 she was a law clerk to the Hon. Justice Lisa Fair McEvers. Katie is a 2019 graduate of the University of North Dakota School of Law. A special thank you to the tenacious women in my life, especially my mother, Vicki. Thank you to my parents, I am constantly inspired by your example. Thank you to my siblings for your unending support. Thank you to Justice McEvers for your guidance and encouragement. Your mentorship has meant the world to me.

*†Lisa Fair McEvers is a justice on the North Dakota Supreme Court and a 1997 graduate of the University of North Dakota School of Law. Lisa served as a law clerk to the Hon. William A. Neumann after law school, followed by a career in private practice, as a prosecutor, as Commissioner of Labor, and as a district judge. I am grateful for the many women who made a path for me to follow, and for the men and women who encouraged me along the way. I am particularly grateful for the support from my husband Jim who has walked along side me every step of my journey. Many thanks to Katie Carpenter for allowing me to work with her on this topic—it would not have been completed if not for her wonderful research and editing skills.

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I. INTRODUCTION

This year, 2020, marks the one-hundredth anniversary of the ratification of the Nineteenth Amendment to the United States Constitution, granting American women the right to vote. North Dakota was the twentieth state to ratify the amendment and did so in late 1919.² On August 18, 1920, Tennessee became the “Perfect 36th” state to ratify the Nineteenth Amendment.³

The fight for women’s suffrage was hard fought, beginning long before the Nineteenth Amendment was ratified. On the national level, women first organized to fight for suffrage in 1848 at a meeting of over 300 women and men in Seneca Falls, New York.⁴ In North Dakota, like other states of the American West, the fight for women’s suffrage predates statehood. North Dakota was ahead of its time and occasionally at the forefront of the fight for women’s suffrage. At certain points in North Dakota history, women received partial suffrage, the ability to vote for some offices and hold some offices. Suffragists in North Dakota fought for decades to achieve full suffrage, which is the ability to vote for, and hold all offices, the same as men.

2. Amy R. Sisk, *A Century of Suffrage: ND Ratified 19th Amendment 100 Years Ago, Granting Women Full Voting Rights*, BISMARCK TRIB., (Nov. 30, 2019), https://bismarcktribune.com/news/local/bismarck/a-century-of-suffrage-nd-ratified-19th-amendment-100-years-ago-granting-women-full-voting/article_b41b0d96-cfcd-59df-9d9b-8f7f336d1fbc.html.

3. Katie Mettler, *A Mother’s Letter, a Son’s Choice and the Incredible Moment Women Won the Vote*, WASH. POST, (Aug. 10, 2020), <https://www.washingtonpost.com/graphics/2020/local/history/tennessee-19-amendment-letter-harry-burn-mother-febb/>. When the all-male Tennessee House voted to ratify the nineteenth amendment, the House was evenly split and twice that day had tried to table the vote, ending in a tie, 48-48. *Id.* The stalemate left the representatives with no other choice than to vote on the amendment. *Id.* Supporters of women’s suffrage wore yellow roses, while anti-suffragists wore red roses. *Id.* A roll call vote took place and the roll call landed on Harry Burn, a representative with a red-rose on his lapel. *Id.* Under that rose, in his jacket pocket, was a letter from his mother, Febb, stating “Hurrah and vote for suffrage and don’t keep them in doubt.” *Id.* As the roll-call turned to Burn, he voted “Aye” while reportedly pulling off his red rose. This broke the tie and Tennessee ratified the nineteenth amendment. *Id.*; see also Melissa Block, *The Nudge and Tie Breaker that Took Women’s Suffrage from Nay to Yea*, NPR, (Aug. 17, 2020), <https://www.npr.org/2020/08/17/902345079/the-nudge-and-tie-breaker-that-took-womens-suffrage-from-nay-to-yea>.

4. *North Dakota and the 19th Amendment*, NAT’L PARK SERV. (August 1, 2019), <https://www.nps.gov/articles/north-dakota-and-the-19th-amendment.htm>. See also Judith Stark, *A Century of Struggle: The Women’s Suffrage Movement in the U.S. as Told Through the Stories of 12 Courageous Women*, PHILANTHROPIC EDUC. ORG. REC. 13 (July/Aug. 2020), <http://www.peointernational.org/sites/www.peointernational.org/files/peorecord/132/4/peorecord-132-4.pdf?current=1600107758>. In acknowledging the contributions of Elizabeth Cady Stanton and Lucretia Mott it is noted that at the convention a document entitled “Declaration of Sentiments” calling for a range of women’s rights was adopted and signed by 68 women and 32 men. Other states and territories recognizing some type of women’s suffrage rights before 1920 include: Wyoming, Utah, Colorado, Idaho, Washington, California, Oregon, Montana, Arizona, Kansas, Alaska, Illinois, Indiana, Nebraska, Michigan, Arkansas, New York, South Dakota, and Oklahoma. *19th Amendment by State*, NAT’L PARK SERV. (July 22, 2020), www.nps.gov/subjects/womenshistory/19th-amendment-by-state.htm.

II. DAKOTA TERRITORY'S ATTEMPTS AT FULL SUFFRAGE

The fight for suffrage in North Dakota truly began in Dakota Territory, and women's suffrage took different forms before becoming "full suffrage." Dakota Territory was one of the first sovereigns in the United States to attempt to pass legislation to grant women's suffrage.⁵ Dakota Territory made its first attempt at women's suffrage in 1868, one year prior to Wyoming enacting women's suffrage.⁶

A. THE EIGHTH TERRITORIAL LEGISLATURE

The Territorial Legislative Assembly was bicameral and consisted of a Council and a House of Representatives.⁷ The 1868-1869 Legislative Assembly was the eighth Territorial Legislative Assembly.⁸ The Assembly, consisting entirely of men, convened on December 7, 1868.⁹

B. THE FIRST ATTEMPT

The first attempt to bring about women's suffrage in Dakota Territory was in 1868. At that time, the ability to vote was also commonly referred to as "the franchise."¹⁰ On December 19, 1868, Representative Enos Stutsman introduced house file No. 28 entitled "A Bill for an act to confer upon women the elective franchise and the eligibility to office."¹¹ After the bill was introduced, it was then referred to the committee on elections.¹² This bill was particularly advanced for the time period, as it was one of the first bills in the

5. *North Dakota and the 19th Amendment*, *supra* note 4.

6. *Woman Suffrage 1870 to 1893*, N.D. STUD., <https://www.ndstudies.gov/gr8/content/unit-iii-waves-development-1861-1920/lesson-4-alliances-and-conflicts/topic-8-suffrage/section-2-woman-suffrage-1870-1893> (last visited Nov. 15, 2020).

7. *1868-1869 Legislative Assembly of the Territory of Dakota*, N.D. LEGIS. BRANCH, <https://www.legis.nd.gov/assembly/1007-1868> (last visited Oct. 9, 2020).

8. *Id.*

9. *Id.*

10. See H. JOURNAL, 8th Territorial Legis. Assemb. at 74, 78 (Territory of Dakota); *Franchise*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/franchise> (last visited Nov. 14, 2020).

11. H. JOURNAL, 8th Territorial Legis. Assemb. at 74, 78 (Territory of Dakota 1868). Enos Stutsman, who modern-day Stutsman County is named after, is a fascinating historical figure in his own right. Stutsman was born with only one arm and a severe deformity of his legs. Curt Eriksmoen, *Stutsman Played Key Role in Dakota*, BISMARCK TRIB. (April 25, 2009), https://bismarcktribune.com/news/local/stutsman-played-key-role-in-dakota/article_8af16e94-af0e-51f6-8281-204e086fa672.html. Newspapers at the time noted he walked with crutches and referred to him as having "very short legs" or "baby-like feet directly on his body." DAILY PRESS & DAKOTAIAN, Sept. 4, 1879, at 4; *Down to Date*, BISMARCK WKLY. TRIB., Dec. 30, 1887, at 2. Despite this, Stutsman was very accomplished, becoming a lawyer and holding several political offices, including at one point being the president of the Territorial Council. *Id.* Later in his life he unsuccessfully tried to convince part of Canada to rebel and join the United States. *Virginia News*, DAILEY DISPATCH, Jan. 28, 1870, at 3.

12. H. JOURNAL, 8th Territorial Legis. Assemb. at 74, 78 (Territory of Dakota 1868).

United States that called for full suffrage for women.¹³ It came on the heels of a territorial suffrage bill that had passed less than a year prior, in December 1867, providing for general suffrage for men and striking “white” from the election laws of the territory.¹⁴

On the fifteenth day of the assembly, December 21, 1868, Representative Stutsman reported the bill back from committee, and reported the committee was in favor of the bill.¹⁵ Representative Stutsman announced that while the committee favored the bill, they believed the bill was “so far in advance of ‘old fogy’ notions” that it merited a discussion by the entire House.¹⁶

On December 23, 1868, Representative Jolley moved the report of the committee be adopted, with a recommendation of a “do pass.”¹⁷ The report was adopted and moved for a vote by the entire House.¹⁸ The bill passed the House 14-9.¹⁹

The day after the bill passed the House, the Council was informed of the bill passage and moved the bill to a special order for December 29, 1868.²⁰ Councilmember Rossteuscher submitted a powerful preamble and resolution to the bill, noting the importance of the vote and listing prominent suffragists:

Whereas, A deep interest is manifested by the members of this council in the womens right question; and

Whereas, The eminent advocates of these rights, viz: Susan B. Anthony, Lucy Stone and others, are too far distant from Dakota Territory, to personally defend their cause before this honorable body; and

Whereas, There are women in our midst equally sincere advocates of these rights. Therefore, be it

Resolved, That these women be granted the privilege of this floor; that they may be heard on a question of so great importance for the welfare of this nation.²¹

On December 30, 1868, Councilmembers Roussteuscher and Kellogg moved for the preamble and resolution to be adopted, but their motion

13. Kansas was the first state to hold a referendum on the question of women's suffrage in 1867. *Which State Had Women's Suffrage First?* HIST. COLO. (July 25, 2019), <https://www.historycolorado.org/story/womens-history/2019/07/25/which-state-had-womens-suffrage-first>.

14. Act of Dec. 30, 1867, ch. 33, 1867 Territory of Dakota Public Laws 255.

15. H. JOURNAL, 8th Territorial Legis. Assemb. at 83 (Territory of Dakota 1868).

16. *Id.* at 83-84.

17. *Id.* at 95.

18. *Id.*

19. *Id.*

20. COUNCIL JOURNAL, 8th Territorial Legis. Assemb. at 73-75 (Territory of Dakota 1868).

21. *Id.* at 87.

failed.²² Councilmember Benedict moved the bill to be indefinitely postponed, which carried.²³ Rossteuscher later moved to reconsider the bill, but this vote failed.²⁴ Kellogg moved to table the vote to reconsider, but this too failed in a 6-7 vote.²⁵

On January 12, 1869, Councilmember Kellogg attempted to introduce a “substitute,” or amended, bill.²⁶ The substitute bill passed 8-4.²⁷ That same day, the substitute bill was returned to the House.²⁸ The following day, the House declined to accept the amendments of the Council in a 8-16 vote.²⁹

On January 14, 1869, Councilmember Kellogg, who had been spearheading much of the charge in the chamber for women’s suffrage, was absent.³⁰ He was called to the chamber and once there, Councilmember Brookings moved to insist on the Council amendment.³¹ Meanwhile, Councilmember Austin moved that the Council secede from the amendment.³² Both motions passed.³³ On the same day, the House was informed “the council insist[ed] upon their amendment,” essentially stating they would not debate the bill further, effectively killing the bill and ending the first attempt in Dakota Territory for women’s suffrage.³⁴

In two short months, the first attempt at women’s suffrage in Dakota Territory was dead. In the meantime, Wyoming became the first sovereign in the United States to pass women’s suffrage.³⁵ However, suffragists in Dakota Territory would soon have their second chance in 1870.

C. SECOND ATTEMPT FALLS SHORT

The second attempt in Dakota Territory for full women’s suffrage occurred in 1870. By comparison, the 1868 attempt was much more spirited and robust. During the 1870-1871 session of the Territorial Legislative Assembly, a bill was introduced to strike the word “male” from the election laws

22. *Id.* at 93.

23. *Id.*

24. *Id.* at 110.

25. *Id.* at 110-11.

26. *Id.* at 158, 160.

27. *Id.* at 161.

28. H. JOURNAL, 8th Territorial Legis. Assemb. at 195 (Territory of Dakota 1868).

29. *Id.* at 205.

30. COUNCIL JOURNAL, 8th Territorial Legis. Assemb. at 218 (Territory of Dakota 1868).

31. *Id.*

32. *Id.*

33. *Id.*

34. H. JOURNAL, 8th Territorial Legis. Assemb. at 212 (Territory of Dakota 1868).

35. *Wyoming and the 19th Amendment*, NAT’L PARK SERV. (Aug. 22, 2019), <https://www.nps.gov/articles/wyoming-women-s-history.htm> (“While Wyoming was still a territory, legislators passed the Wyoming Suffrage Act of 1869, giving women in the territory the right to vote.”).

of Dakota Territory, just like the previous 1867 bill had struck the word "white."³⁶ The bill was introduced as House Bill No. 10 on December 13, 1870.³⁷ The next day, a motion was made to refer the bill to a committee, which failed.³⁸ A motion was then made to table the bill, which also failed.³⁹ Because the House did not want to make a decision on the bill, the House passed a motion to put the bill on a special order at a later date.⁴⁰ The bill was reported to the House without recommendation and referred to the committee on Elections.⁴¹ Once the bill was reported back from committee, the bill failed in the House 7-16, killing Dakota Territory's second attempt at full women's suffrage.⁴²

D. TRY, TRY, AGAIN.

Despite two failed attempts to pass legislation to grant women's suffrage, suffragists continued to fight for the vote, inching closer to their goal each time. In 1874, women's suffrage was part of a large debate in another bill in Dakota Territory. A bill was introduced to create another territory, Pembina, within Dakota Territory.⁴³ An amendment had been added to the bill that would give women in Pembina Territory the right to vote.⁴⁴ The bill creating Pembina Territory ultimately failed to pass the Dakota Territorial Legislative Assembly.⁴⁵ At the time, some believed the sole reason the bill failed and Dakota Territory was not split was due to the issue of suffrage.⁴⁶ The Bismarck Tribune opined, "Had not the Women's Suffrage Amendment been tacked on the bill . . . it would undoubtedly have passed."⁴⁷ One of the reasons anti-suffragists believed this was because of the arguments in regard to prohibition. Prohibition was often connected to the suffragist movement, and many feared women receiving the right to vote would lead to the prohibition of alcohol.⁴⁸ One individual noted "the remedy of female suffrage

36. H. JOURNAL, 9th Territorial Legis. Assemb. at 29 (Territory of Dakota 1870); see Act of Dec. 30, 1867, ch. 33, 1867 Territory of Dakota Public Laws 255.

37. H. JOURNAL, 9th Territorial Legis. Assemb. at 34, 44 (Territory of Dakota 1870).

38. *Id.* at 46.

39. *Id.*

40. *Id.*

41. *Id.* at 86.

42. *Id.* at 90.

43. *Eloquent Speeches & Votes on Woman's Suffrage*, BISMARCK TRIB., June 17, 1874, at 3.

44. *Id.*

45. *Prospects for Division*, BISMARCK TRIB., Aug. 12, 1874, at 2.

46. *Id.*

47. *Id.*

48. Elizabeth Preston Anderson, President of the North Dakota Chapter of the Women's Christian Temperance Union, campaigned for many years for the passage of women's suffrage. *North Dakota and the 19th Amendment*, *supra* note 4.

would be worse than the disease of drunkenness.”⁴⁹ Suffragists, undeterred by yet another upset, continued to fight for the vote.

III. CHANGE BEGINS

Despite decades of fighting for women’s suffrage, suffragists had yet to achieve their goals in Dakota Territory. That changed, somewhat, in 1883. In 1883, the capital of Dakota Territory was moved from Yankton, in present-day South Dakota, to Bismarck, in present-day North Dakota.⁵⁰ At the first legislative session of the Dakota Territory since the capital change, two articles were adopted.⁵¹ One of the articles gave women the right to vote at all elections held to choose officers of schools or upon any measure relating to schools.⁵² The article also gave women the right to be elected to school-related seats.⁵³ This was the first breakthrough of partial suffrage for women in Dakota Territory.

A. YOU WIN SOME, YOU LOSE SOME

Despite women having some voting rights, the fight for “full suffrage” continued. On January 26, 1885, House Bill 71, an act “granting women the right of suffrage” was introduced in the House of the Territorial Legislative Assembly.⁵⁴ Major Pickler, a civil war veteran and lawyer, introduced the bill and was one of the bill’s “champions.”⁵⁵ Pickler and his wife, Alice, were friends with famed suffragist Susan B. Anthony.⁵⁶

On January 28, 1885, a petition was presented to the House asking the House to grant the right of suffrage to women, noting:

We ask this as a matter of expediency, believing her to be, as a class, as sober, as moral, and as capable as he. We ask it as a matter of justice, because she submits to the laws and pays her proportion of the tax; because it will better harmonize with the age in which we

49. Linda W. Slaughter, *The Doley Varden Papers. The New Crusade*, BISMARCK TRIB., April 29, 1874, at 3.

50. *Re-Locating the Capital*, ND STUDIES, <https://www.ndstudies.gov/gr8/content/unit-iii-waves-development-1861-1920/changing-landscapes/territory-and-state-boundaries/re-locating-capital> (last visited Sept. 19, 2020).

51. *Sioux Falls Convention*, DICKINSON PRESS, Sept. 15, 1883, at 2.

52. *Id.*

53. *Id.*

54. H. JOURNAL, 16th Territorial Legis. Assemb. at 139 (Territory of Dakota 1885).

55. Marshall McClure, *The Fargo Banquet*, JAMESTOWN WKLY. ALERT, Feb. 26, 1885, at 1; *The Fourteenth Day- Eccentricity*, BISMARCK TRIB., Jan. 30, 1885, at 3.

56. *Susan B. Anthony Slept Here*, RAPID CITY J. (Oct. 8, 2019), https://rapidcityjournal.com/community/hot-springs/news/susan-b-anthony-slept-here/article_6e38e4d1-8417-58d8-aed4-ac83927f9e72.html.

live, and promote sobriety, peace, morality, education and prosperity.⁵⁷

Representative Pickler moved to refer the bill to a special committee.⁵⁸ Despite a strong start, suffragists still faced a contentious battle. As House Bill 71 was referred, several representatives laughed and moved that the bill should be referred to the committee on Indian Affairs.⁵⁹ Representative Pickler objected, “saying he enjoyed facetiousness, but he thought the gentlemen were carrying it altogether to[o] far” and insisted the bill be referred to the appropriate committee.⁶⁰ Another representative asked if the joking representatives “desired to insult the wives and mothers of Dakota, by thus ignoring and belittling their petitions.”⁶¹

The bill was referred to a special committee.⁶² The special committee met at the Sheridan House.⁶³ Understanding the committee’s report would be strongly in favor of the bill, women came out of the Sheridan House “with banners of victory floating gaily above.”⁶⁴ The committee recommended to the House that the bill pass.⁶⁵ On February 10, 1885, the House passed the bill, 29-18.⁶⁶ On March 6, 1885, the Council returned the bill to the House after amending the bill.⁶⁷ The House did not accept the Council’s amendments.⁶⁸

Nevertheless, the House version of the bill eventually passed the Council and it was sent to territorial Governor Gilbert Pierce for his signature.⁶⁹ Governor Pierce, in a very lengthy objection, vetoed the legislation.⁷⁰ Governor Pierce, in his objection, noted “if Congress thinks woman suffrage wise, it has the power to establish it.”⁷¹ He also stated he objected to the enactment of women’s suffrage because he was assured it would “delay our claims to

57. H. JOURNAL, 16th Territorial Legis. Assemb. at 162 (Territory of Dakota 1885).

58. *The Dear Women*, BISMARCK WKLY. TRIB., Jan. 30, 1885, at 4.

59. *Id.* The purpose of this joke was to belittle both women and “Indians,” as neither group had the right to vote.

60. *Id.*

61. *Id.*

62. *Id.*

63. *The Women Ahead*, BISMARCK WKLY. TRIB., Feb. 6, 1885, at 5. The Sheridan House was a historically significant hotel in North Dakota. Randy Hoffman, *Sheridan House/ Northwest Hotel*, BISMARCK CAFE, (Nov. 14, 2019), <https://www.bismarckcafe.com/blogs/wiki/sheridan-house-northwest-hotel>.

64. *Id.*

65. H. JOURNAL, 16th Territorial Legis. Assemb. at 170, 188, 252 (Territory of Dakota 1885).

66. *Id.* at 295-96.

67. *Id.* at 631.

68. *Id.* at 667.

69. *Id.* at 844.

70. *Id.* at 939.

71. H. JOURNAL, 16th Territorial Legis. Assemb. at 939 (Territory of Dakota 1885).

statehood.”⁷² Pierce continued his objections, stating, “[i]t is doubted by many, if a majority of the women of Dakota want the franchise.”⁷³

Oddly, Governor Pierce, in part of his objection, did take a pro-suffragist stance. Governor Pierce took issue with the fact that “male” was stricken out of only one chapter of the territorial code.⁷⁴ Without striking “male” from the rest of the code, women would be unable to be elected to office in cities with charters that specified elected officials must be male.⁷⁵ Governor Pierce wanted women, if they were able to vote for particular offices, to be able to hold those offices, as well.⁷⁶

Governor Pierce generally took issue with a clause that barred women from holding office, stating offices “particularly those connected with penal and benevolent institutions could be most appropriately filled with women.”⁷⁷ Governor Pierce went on to say “[i]f women are good enough to vote, they are good enough to be voted for.”⁷⁸ Governor Pierce stated he would not necessarily have approved the measure had it been “otherwise worded,” and he would not endorse a bill “which keeps the word of promise to the ear and breaks it to the hope; which deliberately and avowedly debars and disqualifies women while assuming to exalt and honor them.”⁷⁹

Years later, upon Governor Pierce’s death, Susan B. Anthony criticized Governor Pierce’s veto in a letter to Alice Pickler and remarked “he cheated us out of suffrage for women in both the Dakotas.”⁸⁰ However, Governor Pierce was correct to say the women would not have full equality to serve as elected officials without further amendment to election laws.

IV. A NEW STATE IS BORN

With each legislative assembly, it appeared that women’s suffrage would only be a matter of time. However, Dakota Territory was running out of time. The 1889 Territorial Legislative Assembly was the final territorial legislature. In 1889, Dakota Territory went through the most significant action in its history, as it became two separate states—North Dakota and South Dakota.

72. *Id.*

73. *Id.*

74. *Id.* at 940.

75. *Id.*

76. *Id.*

77. *Id.*

78. *Id.*

79. *Id.* at 940-41.

80. *Susan B. Anthony Slept Here*, RAPID CITY J. (Oct. 8, 2019), https://rapidcityjournal.com/community/hot-springs/news/susan-b-anthony-slept-here/article_6e38e4d1-8417-58d8-aed4-ac83927f9e72.html.

However, prior to North Dakota becoming a state, one final bill on women's suffrage was introduced by the 1889 Legislative Assembly.⁸¹ Many women wrote to the legislative body, asking them to grant women's suffrage.⁸² A committee on "Woman Suffrage" was formed in the House.⁸³ The bill was reported back from the committee with a do-not pass recommendation.⁸⁴ Representative Van Etten gave an impassioned speech on the floor of the House, saying that "if there is one woman in America who wants this privilege she ought to have it no matter if ten thousand thousand [sic] do not want it or ask it."⁸⁵ Etten continued, noting antisuffragists argued women would be compelled to mingle with men, a woman "mingles with men at fairs and slaps her feet and stamps her hands with them at political meetings. She goes to the post office and puts her letters in the box, and it will not degrade her any more to drop a ballot."⁸⁶ Representative Jones argued women were "superiors of men" and the "right of suffrage would not elevate them."⁸⁷ Another representative, Mr. Bergman, noted that Van Etten spoke of equal rights, but not equal duties.⁸⁸ Van Etten retorted, "If by that you mean the right of women to hold the plow and men to wash the dishes, there are many of them in this territory who are doing these things now."⁸⁹ The Bismarck Weekly Tribune reported, "with some small degree of pleasure" that the women's suffrage bill was, "in the Mock Turtle," or in the soup.⁹⁰ Mock Turtle was a popular variety of soup. To be "in the soup," meant to be in trouble. The Tribune's assessment was correct; this bill did not become law, just like the previous bills.

North Dakota's Constitutional Convention convened in July 1889.⁹¹ There were discussions about women's suffrage at the convention. Henry Blackwell, a nationally known suffragist, addressed the convention at length, saying he was not there to advocate for a new or strange movement.⁹² Rather, Blackwell noted, women in the territory already had school suffrage and there were many areas of the nation and world where women had been given the

81. COUNCIL JOURNAL, 18th Territorial Legis. Assemb. at 116, 130-32, 272 (Territory of Dakota 1889).

82. *Id.*

83. H. JOURNAL, 18th Territorial Legis. Assemb. at 86 (Territory of Dakota 1889).

84. *House*, BISMARCK WKLY. TRIB., Feb. 1, 1889, at 3.

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. *The Arena*, BISMARCK WKLY. TRIB., Feb. 1, 1889, at 2.

91. OFFICIAL REPORT OF THE PROCEEDINGS AND DEBATES OF THE FIRST CONSTITUTIONAL CONVENTION OF NORTH DAKOTA 19 (State Printers and Binders, 1889).

92. *Id.* at 34-5.

right to vote.⁹³ Blackwell paralleled women's suffrage with the right to vote that had been given to non-white men, saying "the Republican party fought out the battle of the Union, emancipated the slaves and wrought into the Constitution a provision that hereafter no man shall be deprived of his ballot on account of race or color or previous condition or servitude."⁹⁴ He urged the members of the convention to "put into your Constitution suffrage for all citizens."⁹⁵ As Blackwell finished his remarks he said, "I trust you will give Woman Suffrage candid and earnest and enthusiastic support."⁹⁶

Members of the convention discussed who should have the right to vote in the new state. During this discussion, members argued amongst themselves about if the state legislature could extend the franchise or if this should be decided by the citizens of the state.⁹⁷ The members of the convention specifically addressed the women's suffrage question. One of the members of the convention, Mr. Moer, recommended an amendment that would require the right of women's suffrage to first be submitted to the people, to be ratified by a majority vote.⁹⁸ Mr. Scott, a lawyer, and one of the members, stated he would like to see women's suffrage added to the Constitution.⁹⁹ However, he agreed that women's suffrage should be submitted to the people, as it was one of the most important questions that could come before a state, even more so than prohibition.¹⁰⁰ Mr. Pollock, also a lawyer and member of the convention, noted the franchise committee had favored suffrage to go before the legislature, rather than be added to the constitution.¹⁰¹

Other members appeared to be against suffrage altogether. Mr. Lorenzo Bartlett, one of the oldest members, discussed a women's suffrage convention in St. Paul where "in their countenances you could see intelligence, but you could also see sorrow and woe."¹⁰² Bartlett continued his speech and asked the North Dakota Constitutional Convention, "Show me one single individual family that is in favor of woman suffrage- I mean those who make a business of it-and how are their children? Do they raise a family equal to those who don't believe in it? No."¹⁰³ Ultimately, Moer's amendment to place women's suffrage to the vote of the people passed.¹⁰⁴ Another

93. *Id.* at 35.

94. *Id.* at 37.

95. *Id.*

96. *Id.* at 41.

97. *Id.* at 195-204.

98. *Id.* at 276.

99. *Id.* at 277.

100. *Id.*

101. *Id.* at 278.

102. *Id.* at 280.

103. *Id.* at 280-81.

104. *Id.* at 281.

amendment was later offered by Mr. Turner, which would allow the legislature to decide on women's suffrage, but deny women the right to hold office.¹⁰⁵ The amendment did not pass.¹⁰⁶

On August 15, 1889, the forty-third day of the convention, the subject of women's suffrage in school matters was brought before the convention.¹⁰⁷ The territorial statutory language stated women could vote only "at any election held solely for school purposes."¹⁰⁸ An amendment, section 128, at the convention changed the language to permit women to vote for all school offices, on all questions pertaining to school matters, and be eligible to any school office.¹⁰⁹ Lorenzo Bartlett offered an amendment to limit school suffrage to "any single woman" rather than "any woman."¹¹⁰ Mr. Stevens, retorted "I hope this motion will not prevail. I hope this Convention will not offer a premium on old maids. That is what this motion means, and I am opposed to offering a premium on old maids. I haven't any use for them."¹¹¹ Nothing further appears to be said of Bartlett's motion. Mr. Rolfe noted he had concerns about the secrecy of the ballot if women were permitted to vote on school questions, but not other questions.¹¹² Mr. Rowe noted it could be arranged for women to have a separate ballot.¹¹³ Another member, Mr. David Bartlett, in response, stated a section on ballot secrecy was not necessary because "it is pretty well known that women have no secrets."¹¹⁴ Mr. Stevens stated "it is absurd to say that women are entitled to vote for school directors and not for school superintendent and other school officersWhatever little education I may have I owe to my mother, and not to my father. I say the women of this country are interested more in the subject of education than the men, and I say they should be entitled to vote on this question, and if they vote on any branch of it, they should vote on all of it."¹¹⁵ The amendment carried, and women could vote on all school matters and hold office in school-related positions.¹¹⁶

Ultimately, the women of North Dakota were not given full suffrage at the Constitutional Convention. Instead, women retained largely the same

105. *Id.* at 282.

106. *Id.* at 284.

107. *Id.* at 572-73.

108. *Id.* at 573.

109. *Id.*

110. *Id.*

111. *Id.* at 572-73.

112. *Id.* at 574.

113. *Id.*

114. *Id.* at 576.

115. *Id.* at 575.

116. *Id.* at 576.

right as before, and could only vote and hold office for school-related positions.¹¹⁷

V. STATEHOOD

As North Dakota stepped into statehood, the call for full suffrage continued to grow. North Dakota was still at the forefront of progress in women's suffrage. Only a handful of states had any type of women's suffrage like North Dakota.¹¹⁸ This was particularly apparent in 1890.

Among the offices established by the 1889 Constitution was the office of the Superintendent of Public Instruction. Laura Eisenhuth, already part of a school board in Foster County, ran for the office in 1890. Eisenhuth was endorsed by both the Democrat and Independent parties.¹¹⁹ At a convention hosted by the Women's Christian Temperance Union ("W.C.T.U."), featuring well-known suffragist Susan B. Anthony as a speaker, Eisenhuth was introduced and greeted with loud applause. Despite strong support, Eisenhuth was defeated by John Ogden. Undeterred, Eisenhuth ran again in the next election, and was elected as the Superintendent of the Department of Public Instruction in 1892.¹²⁰ This election made Eisenhuth the first woman in the United States to hold state office, and North Dakota the "first state in the Union to reach out its hand and say to woman come up higher."¹²¹

A. WON IN THE LEGISLATURE, "LOST" IN THE EXECUTIVE

Suffragists had another bite at the apple of full suffrage in 1893. One prominent suffragist in North Dakota was Elizabeth Preston Anderson, the President of the W.C.T.U.¹²² In 1893, Anderson was invited to speak about a resolution submitting the women's suffrage amendment to the state legislative assembly.¹²³ The Senate passed the women's suffrage bill, and when

117. Section 121 of the Constitution defined qualified electors as male persons of age 21 years or upwards, had residency requirements, and required United State's citizenship. Persons of Indian descent could only vote if they had severed their tribal relations two years prior to the election. N.D. CONST. art. V, § 121 (1914). Women's limited franchise read: "Any woman having the qualifications enumerated in section 121 of this article as to age, residence and citizenship, and including those now qualified by the laws of the territory, may vote for all school officers, and upon all questions pertaining solely to school matters, and be eligible to any school office." *Id.* § 128.

118. *See 19th Amendment by State*, NAT'L PARK SERV. (July 22, 2020), www.nps.gov/subjects/womenshistory/19th-amendment-by-state.htm.

119. SUSAN WEFALD, *IMPORTANT VOICES* 173 (2014).

120. *Editorial Notes*, GRIGGS COURIER, Sept. 2, 1892, at 1; *see also* JAMESTOWN WKLY. ALERT, Dec. 1, 1892, at 4.

121. *Not One Just Reason*, JAMESTOWN WKLY. ALERT, Oct. 25, 1894, at 1. Two other women were also elected Superintendent of Public Instruction prior to ratification of the 19th amendment: Emma F. Bates in 1894 and Minnie Nielson in 1918. SUSAN WEFALD, *IMPORTANT VOICES*, 190-229 (2014).

122. *North Dakota and the 19th Amendment*, *supra* note 4.

123. GRIGGS COURIER, Apr. 21, 1893, at 5.

referred to the House, it also passed.¹²⁴ However, the Speaker of the House refused to sign the bill.¹²⁵ Many believed the governor would sign the bill.¹²⁶ Somehow, the bill was “lost” on its way to Governor Eli Shortridge, and the House expunged the record of its passage.¹²⁷ Luckily, Anderson witnessed this, and her thorough record-keeping made note of what had happened.¹²⁸ If not for Anderson, this history would likely be lost today.¹²⁹

B. THE BATTLE CONTINUES

In 1895, North Dakota had its first statewide suffrage convention at the courthouse in Grand Forks.¹³⁰ Local suffragist Dr. Cora Smith Eaton, the first female doctor in North Dakota, called the convention to order.¹³¹ Among the approximately seventy-five women and men in attendance were prominent community leaders, including Guy C.H. Corliss, a local lawyer who had been the first Chief Justice of the North Dakota Supreme Court.¹³² Letters were read from Susan B. Anthony and other prominent suffragists.¹³³ Other suffrage conventions in North Dakota followed in the ensuing years and the suffragist movement in North Dakota continued to grow. Every legislative session from 1901 to 1911 included a bill concerning women's suffrage.¹³⁴

In addition to battles in the legislative assembly, battles over election results for the few seats women could hold highlighted the second-class nature of women's limited right to vote. In 1910, two women ran for Grand Forks county superintendent of public schools and it was a very close election. Frances Wagar, who lost the election to Helen Prendeville, brought an election contest, asserting some of the women who voted were not qualified to vote because they were neither registered to vote, nor did they provide an

124. *Dakota Law Makers – Proceedings of the Legislature of North Dakota*, HOPE PIONEER, Mar. 10, 1893, at 2.

125. *Id.*

126. *North Dakota and the 19th Amendment*, *supra* note 4.

127. *Id.*

128. *Id.*

129. *Id.*

130. Jack Dura, *Women's Suffrage*, PRAIRIE PUB. (Nov. 14, 2018), <https://news.prairiepublic.org/post/women-s-suffrage>.

131. *Id.* Cora Smith was a member of the University of North Dakota's first graduating class in 1889, and also taught at UND, where Smith Hall bears her name. Jan Ovrík, *UND's Unforgettable Dr. Cora Smith Eaton King, Class of 1889*, UND TODAY (Nov 3, 2020), <http://blogs.und.edu/und-today/2020/11/unds-unforgettable-dr-cora-smith-eaton-king-class-of-1889/>.

132. Cynthia C. Prescott, Professor, University of North Dakota, Presentation at Red River Women's Studies Conference: Grand Forks as a Nexus for North Dakota Women Suffrage (Oct. 23, 2020); *The Supreme Court of North Dakota*, N.D. CTS., <https://www.ndcourts.gov/about-us/history/the-supreme-court-of-north-dakota> (last visited Nov. 14, 2020).

133. Dura, *supra* note 130.

134. *Id.*

affidavit of their qualifications.¹³⁵ The district court ruled in favor of Prendeville, and Wagar appealed.¹³⁶

On appeal, the North Dakota Supreme Court analyzed sections 121 and 128 of the North Dakota Constitution and held women were not required to register, because they were not qualified to be electors based on their gender.¹³⁷ In discussing women's limited voting rights and the right to vote on school matters, the Supreme Court stated, "This does not make them electors, but places them in a separate class of citizens, and entitles them to vote on the questions specified only. They are thereby vested with a limited elective franchise, but are not electors within the terms of section 121."¹³⁸ The race here was between two women, for an office women were entitled to hold, but to add insult to injury, the Supreme Court espoused in dicta, "Our conclusion is supported by other considerations. The main qualification for holding office in this state is that a person is a qualified elector. If this term is applicable to women, they are entitled to hold the office of State Senator, member of the House of Representatives, Governor, Lieutenant Governor, judge of the Supreme Court, and various other offices."¹³⁹

In June of 1912, suffragists met in convention to support bills on women's suffrage for the upcoming 1913 legislative assembly.¹⁴⁰ Three suffrage bills were introduced in 1913, two of which were approved by the legislative assembly.¹⁴¹ One of the bills passed, known as the Bronson bill, required approval of the voters and was referred to the general public in the 1914 general election as a statutory measure.¹⁴² Despite the best efforts of suffragists, the measure was defeated, receiving forty-five percent of the vote.¹⁴³ The other bill, passed in 1913 was introduced by Senator John Cashel.¹⁴⁴ The Cashel bill proposed an amendment to the state constitution and would have to be approved again by the 1915 legislative assembly.¹⁴⁵ Interestingly, the anti-suffragist movement was headed by a well-educated woman, Ida Clarke Young, who was married to a prominent North Dakota lawyer, and the Personal Liberty League of the German American Alliance

135. Wagar v. Prendeville, 130 N.W. 224, 224 (N.D. 1911).

136. *Id.* at 225.

137. *Id.*

138. *Id.*

139. *Id.*

140. Barbara Handy-Marchello, Ph.D., *Woman Suffrage: Voting for 100 Years* (pt. 2), 11 N.D. STUD. 1, 2 (2019).

141. *Id.*

142. Act of Mar. 7, 1913, ch. 151, § 605, 1913 N.D. Laws 200; *North Dakota and the 19th Amendment*, *supra* note 4; *see also* Handy-Marchello, *supra* note 140, at 2.

143. *North Dakota and the 19th Amendment*, *supra* note 4; Jack Dura, *Women's Suffrage*, PRAIRIE PUB. (Nov. 14, 2018), <https://news.prairiepublic.org/post/women-s-suffrage>.

144. Handy-Marchello, *supra* note 140, at 2.

145. *Id.*

of North Dakota.¹⁴⁶ In 1915, the Cashel suffrage bill was introduced in the legislative assembly, but it failed.¹⁴⁷ However, the tide started to turn when in 1916 the Non-Partisan League promised to support suffrage.¹⁴⁸

C. AT LAST, THE VOTE

In 1917, women received what is considered by some as “the first victory.”¹⁴⁹ Robert Pollock, a lawyer and suffrage supporter, drafted a bill modeled after an Illinois law providing women limited suffrage and the bill was introduced by Senator Oscar Lindstrom.¹⁵⁰ Both the Senate and House passed legislation giving women limited suffrage.¹⁵¹ Governor Lynn Frazier signed the bill, with state officers of the W.C.T.U. and the Votes for Women League in attendance at the signing.¹⁵² Women could vote in state elections on everything except where they were expressly prohibited by the state Constitution.¹⁵³ Women could now vote for president of the United States and most county and municipal officers, but were still not permitted to vote for governor, members of the state legislative assembly, or members of Congress.¹⁵⁴ Despite women having the right to vote for president of the United States, it took a writ of mandamus to force the Secretary of State to include a woman's name on the ballot to serve as a delegate to the Republican convention in 1920.¹⁵⁵ In addition, local election boards did not always honor the law and refused to provide women with ballots.¹⁵⁶

Full suffrage did not come for women in North Dakota until the Nineteenth Amendment was proposed in 1919.¹⁵⁷ After Congress passed the

146. *Id.*; NORTH DAKOTA SECRETARY OF STATE, NORTH DAKOTA BLUE BOOK 402 (2019-2021).

147. *Woman Suffrage 1912 to 1920*, N.D. STUD., <https://www.ndstudies.gov/gr8/content/unit-iii-waves-development-1861-1920/lesson-4-alliances-and-conflicts/topic-8-suffrage/section-3-woman-suffrage-1912-1920> (last visited Sept. 19, 2020).

148. *Id.*

149. Eloise Ogden, *New Exhibit Focuses on 'Woman Suffrage in North Dakota'*, MINOT DAILY NEWS (Aug. 19, 2019), <https://www.minotdailynews.com/news/local-news/2019/08/new-exhibit-focuses-on-woman-suffrage-in-north-dakota/>.

150. Handy-Marchello, *supra* note 140, at 3.

151. Ogden, *supra* note 149.

152. *Id.* In pictures of the event, Elizabeth Preston Anderson can be seen standing next to Governor Frazier.

153. *Id.*

154. *Id.*

155. *State ex rel. Rudd v. Hall*, 176 N.W. 921, 921-22 (N.D. 1920) (holding a woman may be a candidate for nomination as a delegate to a national nominating convention).

156. *Spatgen v. O'Neil*, 169 N.W. 491, 493-94 (N.D. 1918) (holding section 121 of the North Dakota constitution does not preclude the legislature from authorizing women to vote for village officers). In this case, Dora Spatgen was denied a ballot from the election board of the village of New Leipzig.

157. North Dakota suffragist, Linda Slaughter, was a vocal advocate for women and Native Americans. *North Dakota and the 19th Amendment*, *supra* note 4. Most Native American women were excluded from the right to vote because they were not considered citizens. The Indian

Nineteenth Amendment in 1919, Alice Paul, chairman of the National Women's Party, called for Governor Frazier to initiate a special session of the state legislative assembly to ratify the suffrage amendment as soon as possible.¹⁵⁸ Governor Frazier initially rebuffed these efforts to call a special session.¹⁵⁹ However, a special session eventually convened because there were other issues Governor Frazier wanted addressed.¹⁶⁰ On November 26, 1919, the state Senate approved the resolution ratifying the proposed Nineteenth Amendment.¹⁶¹ On December 1, 1919, the state House of Representatives concurred, with five absent and not voting, six against, and one-hundred-and-two voting in favor.¹⁶² On December 5, 1919, Governor Frazier signed the joint resolution and, after decades of struggle, women in North Dakota finally had the vote when Tennessee became the 36th state to ratify the amendment on August 18, 1920. Men and women voted in the November 1920 election and approved the "elective franchise" amendment to the Constitution of North Dakota by a vote of 135,370 in favor and 60, 772 opposed.¹⁶³ Sadly, most Native American women were excluded from the right to vote because they were not considered citizens.¹⁶⁴ It took four more years, on June 2, 1924, when the Indian Citizenship Act of 1924 granted citizenship to the indigenous people of the United States to allow Native American women the right to vote.¹⁶⁵

Citizenship Act of 1924 granted citizenship to the indigenous people of the United States. Indian Citizenship Act of 1924, Pub. L. No. 68–175, § 233, 43 Stat. 253 (codified at 8 U.S.C. § 1401(b)).

158. *Suffrage Leader to Ask Frazier for Special Session of Assembly*, BISMARCK TRIB., June 11, 1919, at 3.

159. *No Special Probable*, BISMARCK TRIB., June 16, 1919, at 2.

160. Governor Frazier wanted the special session to address aid for farmers stricken by drought and to enact legislation to aid the state's industrial program. Sarah Walker, *North Dakota's Ratification of the 19th Amendment (Part 1)*, PRAIRIE PUB. (Dec. 4, 2019), <https://news.prairiepublic.org/post/north-dakotas-ratification-19th-amendment-part-1>.

161. *Was Your Grandmother a North Dakota Suffragist?*, MINOT DAILY NEWS (Aug. 15, 2020), <https://www.minotdailynews.com/news/local-news/2020/08/was-your-grandmother-a-north-dakota-suffragist/>.

162. *Id.*; see also Sarah Walker, *supra* note 160.

163. NORTH DAKOTA SECRETARY OF STATE, NORTH DAKOTA BLUE BOOK 403(2019-2021).

164. Section 121 of the North Dakota Constitution read: "Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state one year and in the county six months and in the precinct ninety days next preceding any election, shall be deemed a qualified elector at such election: First. Citizens of the United States. . . [T]hird. Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election." N.D. CONST. art. V, § 121 (1914).

165. Codified in the United States Code at Title 8, Section 1401(b). North Dakota suffragist Linda Slaughter was a vocal advocate for women and Native Americans. *North Dakota and the 19th Amendment*, *supra* note 4. North Dakota born, Native American suffragist, Marie Louise Bottineau Baldwin, was also a nationally known spokesperson for modern Indian women who was active with the suffrage movement in Washington, D.C. See *Marie Louise Bottineau Baldwin*, NAT'L PARK SERV. (Aug. 31, 2020), www.nps.gov/people/marie-louise-bottineau-baldwin.htm.

VI. CONCLUSION

North Dakota's history surrounding women's suffrage is a story of tragedy, triumph, joy, and pain. At times, North Dakota was a beacon of progress, for instance, when North Dakota elected the first woman in the nation to a statewide office. At other times, North Dakota's history leaves something to be desired, like the "lost" suffrage bill. Overall, North Dakota's history shows the tenacity of suffragists, getting back to work after each and every set back, and following through with decades of hard work and hope.

Suffrage has provided women equality in voting, but have we accomplished the goals the suffragists associated with the right to vote? Carrie Chapman Catt, founder of the League of Women Voters, in a speech given after the Nineteenth Amendment was ratified stated, "The vote is the emblem of your equality, women of America, the guarantee of your liberty Women have suffered agony of soul which you can never comprehend, that you and your daughters might inherit political freedom. That vote has been costly. Prize it!"¹⁶⁶

The vote might be an emblem of equality, but it does not necessarily mean we have achieved equality. The right to vote conferred additional rights and obligations on women, for example the statutory opportunity to serve on juries.¹⁶⁷ If you equate equality with equal representation in elected offices, there is still a long way to go. Only seventeen women have been elected to statewide office in North Dakota and one to the United States Senate.¹⁶⁸ Of the seventeen statewide office seats, and three congressional seats, only four are currently occupied by women.¹⁶⁹ Only one-quarter of our state's elected

166. Carrie Chapman Catt, Suffragist and Founder of the League of Women Voters, Speech at 19th Amendment Ratification Celebration (Aug. 1920). Available online at https://nynpa.com/docs/nie/nielawday/9_LawDay2020_CarrieChapmanCatt.pdf.

167. In 1921, the legislative assembly made women eligible to serve on juries. In addressing the constitutionality of this legislation, the North Dakota Supreme Court recognized that a jury of your peers includes women because women are peers of men politically. *State v. Norton*, 255 N.W. 787, 791, 793 (N.D. 1934) ("Legislation which makes women eligible for jury duty is a mere recognition of the equality of the sexes in all matters affecting the state.").

168. Minnie J. Nielson, Superintendent of Public Instruction, 1919-26; Bertha R. Palmer, Superintendent of Public Instruction, 1927-32; Berta E. Baker, State Treasurer 1929-32; Berta E. Baker, State Auditor, 1933-56; Bernice Asbridge, State Treasurer, 1869-72; Ruth Meiers, Lieutenant Governor, 1985-87; Beryl J. Levine, Justice of the Supreme Court, 1985-96; Heidi Heitkamp, Tax Commissioner, 1986-92; Attorney General, 1993-2000; United States Senator, 2013-18; Sarah Vogel, Agriculture Commissioner, 1989-96; Rosemarie Myrdal, Lieutenant Governor, 1992-2000; Susan E. Wefald, Public Service Commissioner, 1993-2008; Kathy Gilmore, State Treasurer, 1993-2004; Mary Muehlen Maring, Justice of the Supreme Court, 1996-2013; Carol Ronning Kapsner, Justice of the Supreme Court, 1998-2017, Kelly Schmidt, State Treasurer, 2005-present; Julie Fedorchak, Public Service Commissioner, 2013-present; Kirsten Baesler, Superintendent of Public Instructions, 2013-present; Lisa Fair McEvers, Justice of the Supreme Court, 2014-present.

169. Kirsten Baesler, Superintendent of Public Instruction; Julie Fedorchack, Public Service Commissioner; Lisa Fair McEvers, Justice of the Supreme Court; and Kelly Schmidt, State Treasurer (not seeking re-election and both candidates on the ballot are male).

district judges are women.¹⁷⁰ Women only comprise approximately twenty-two percent of our legislative assembly.¹⁷¹ Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court, noted, "Despite the encouraging and wonderful gains and the changes for women which have occurred in my lifetime, there is still room to advance and to promote correction of the remaining deficiencies and imbalances."¹⁷² Nevertheless, having a voice in decision making, and one that is heard is an important reason to celebrate 100 years since ratification. We also celebrate the strength and tenacity of the women and men who fought to give us the right to vote and to exercise the privileges of citizenship they passed down to us. As noted by the late Justice Ruth Bader Ginsburg, "Generally, change in our society is incremental, I think. Real change, enduring change, happens one step at a time."¹⁷³ Therefore, we must journey onward in the quest for equality for all—one step at a time.

170. *District Court Judges*, N.D. CTS., <https://www.ndcourts.gov/district-court/district-court-judges> (last visited Nov. 15, 2020).

171. *66th Assembly Regular Members: By District*, N.D. LEGIS. BRANCH, <https://www.legis.nd.gov/assembly/66-2019/members/members-by-district> (last visited Nov. 15, 2020).

172. Ronald Smothers, *Conferees Seek 'Founding Mother'*, N.Y. TIMES (Feb. 12, 1988), <https://www.nytimes.com/1988/02/12/us/conferees-seek-founding-mothers.html>.

173. IRIN CARMON, NOTORIOUS RBG: THE LIFE AND TIMES OF RUTH BADER GINSBURG 60 (2015).