The 21st Annual Constitution Scholarship Contest Winning Essays



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Essay Topics

TOPIC #1: The United States Supreme Court plays an instrumental role in shaping our understanding of the US Constitution. Name a case that was heard by the Supreme Court and explain how the court's ruling helped or hindered women running for public office. Provide a specific example by citing a woman's experience running for office. Did this case affect the record-breaking number of women running for office today? If so, how?

Topic #2: Discuss how the interpretation of the US Constitution has changed electoral laws and affected women's campaigns by comparing the experiences of two women who ran for office, with one woman running before 1970 and the other running after 1970. Consider the political context of each election, including the year, state, etc. What factors contributed to these women having different or similar experiences?

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2020 will mark the 100th birthday of the 19th amendment, but only the 38th anniversary of when the first woman was appointed to the US Supreme Court. The lack of women on the Supreme Court has led to many rulings which have hindered women from becoming leaders and legislators, including the case of Bradwell v. Illinois, heard by the Supreme Court in 1872. Myra Bradwell passed the Illinois bar examination but was not allowed to practice law in her state as

a woman. She took her case to the Supreme Court, arguing that according to the 14th amendment, she was a US citizen, and had as much right to practice law as any other citizen. However, the Supreme Court sided with Illinois, deciding that while American women were citizens, equal employment opportunities were not part of the "privileges and immunities of citizens of the United States" guaranteed by the amendment. This distinction was greatly detrimental to women who might otherwise have run for public office, because preventing women from gaining equal career experience, particularly in the areas of law and government, prevents them from becoming qualified candidates. In addition, Justice Bradley explicitly told Bradwell that women shouldn't participate in government at all, saying, "The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life."

Twelve years after Bradwell v. Illinois, Belva Lockwood became the first woman to run a full presidential campaign. As a woman, she was barred from participating in government by countless laws, and couldn't even vote. However, the constitution did not prohibit women from running for president. She said, "I cannot vote, but I can be voted for." Throughout her campaign, she garnered public and media attention, much of which was mockery. At a time when most American women would have been shamed off of the ballots of municipal elections, it was Lockwood's experience as lawyer that equipped her to handle criticism on a national scale.

Like Bradwell, Lockwood's path to becoming a lawyer was rife with critics and opposition. She was denied a diploma until she petitioned the university president; later, after being refused admission to the Supreme Court bar, she got Congress to pass a law allowing women to be admitted. She became the first woman to argue a case before the Supreme Court in 1879. Yet Bradwell v. Illinois would have prevented her from achieving any of this if she lived in Illinois or another state which prohibited women from practicing law. Had she not been allowed to practice, she would have lacked the knowledge and passion for government that qualified her to run for office. As a result, she could never have opened doors for future women hoping to participate in government, including Supreme Court Justice Ruth Bader Ginsburg, who said of Lockwood, "Along with legions of others, I am inspired by her example, and elated by the progress of our society."

That social progress has come slowly. While Bradwell was eventually allowed to practice law in Illinois, it took 18 years, and the sexist sentiments behind the court's decision lasted even longer. The Supreme Court's ruling on the case of Bradwell v. Illinois only reinforced the idea that women are unnecessary intruders in the world of civics and government, and that idea from 1872 continues to create obstacles for women hoping to hold public office in 2018. Luckily, this case and others like it have not stopped record-breaking numbers of women from running for office today, challenging a centuries-old culture of exclusion.

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Unbought and Unbossed

On May 10 of 1932, the day of the filing deadline for the Arkansas Democratic primary, Hattie Wyatt Caraway shocked the nation by announcing her re-election campaign for the Senate. In 1932, very few women entered the realm of elected office and even fewer ran without first being appointed. Thus, Caraway's decision to run for re-election without the support of Arkansas's

political establishment was revolutionary. Her motivation, as she explained to dozens of skeptical reporters, was simple: She wanted to test her "theory of a woman running for office.

Louisiana Senator Huey Long was an important ally to Caraway throughout her campaign. But underlying his support were his presidential ambitions and desire to boost his popularity out-of-state. Thus, throughout Caraway's campaign, Long did much of the talking. As I read her story, I began to wonder why it was so difficult for women to run for office during this time—to campaign boldly without fearing sabotage, or to successfully run on their own agenda without being followed by the legacy of their husbands. Despite her successful tenure, when Caraway ran again in 1938, she was forced to defend her age and gender throughout her campaign. Early female politicians Patsy Mink and Margaret Smith also faced discouragement from local political establishments, and Smith often portrayed herself "as a moderate who would work within the established order."

By the 1960's, however, that "established order" was challenged by a surge in civil rights and feminist activism. Eventually, tangible progress for women and women of color came in the form of three federal laws—the Equal Pay Act of 1963, the Civil Rights Act of 1964, and the Voting Rights Act of 1965. The Equal Pay Act and Title VII of the Civil Rights Act outlawed employment discrimination on the basis of race, religion, sex, and national origin. As a result, women suddenly had a legal basis to secure equality in the workplace. Although the 15th and 19th amendments assured the right to vote for black men and women, respectively, they were kept from voting through intimidation, poll taxes, and literacy tests. Black liberation after the Voting Rights Act meant liberation for all Americans and gave political clout to two of the nation's most underrepresented groups: women and black Americans. It redefined advocacy and made social justice a legitimate cause to fight loudly and unabashedly for—spurring more women to seek and win elected office.

Shirley Chisholm represented this change. In 1972, she announced her candidacy for the Democratic presidential nomination, successfully getting her name on 12 primary ballots. At the convention, she received 10% of the total delegate votes. Like Caraway, Chisholm faced criticism from her male colleagues in the Congressional Black Caucus for creating an unfair coalition of voters. Undeterred, Chisholm typified the "Unbossed and Unbought" spirit that women assumed in the 1960's. And I see this very spirit in the unprecedented number of women running for office today. I see it in Fayrouz Saad, the daughter of Lebanese-immigrants who felt galvanized to fight for refugees, and in Barbara Comstock, who's dedicated herself to protecting Americans' gun-rights.

Before writing this essay, I wasn't sure if I'd ever want to run for office. During the 2012 election, when my interest in politics first emerged, I recognized the unique and vital responsibility politicians carried to listen, curate solutions, and better society. But over years, however, I worried whether I was really cut out for campaigning. But the stories of Caraway and Chisholm have made me realize I, too, must be "Unbought and Unbossed."

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A Woman's Place Is in the House...and the Senate

As we enter what will most likely be known as the second "Year of the Woman," it is important to reflect on the history of women in public office. The record-breaking number of women running for office in the 2018 elections is attributed to those strong-minded ladies from the past who fought for their voices to be heard. Women who campaign today still face many challenges,

but interpretations of the United States Constitution and previous representation from women have paved the way for women who run today.

The Supreme Court of the United States has played a vital role in establishing equality for women. The Supreme Court case *Reed v. Reed* demonstrates the importance of recognizing men and women as equal beings. In this case, preference over the estate of a deceased child was given to Cecil Reed, the separated husband, over Sally Reed simply because Mr. Reed was male. However, once the case reached the level of the Supreme Court, it was decided unanimously that the dissimilar treatment of men and women was unconstitutional. Reed v. Reed upholds the Equal Protection Clause of the Fourteenth Amendment and emphasizes the responsibility of American society to regard all citizens equally. The ruling in this case was a great aid to women running for office as it brought to light the disparity between accepted roles for men and women. In *Reed v. Reed*, responsibility was given to Mr. Reed because he was viewed as a leader since he was a man. The decision in this case enabled women to be recognized as beings of equal competence to their male counterparts and spurred the movement for women to accept roles as elected officials.

One female elected official who fought against the conventional roles of women was Bella Abzug. Abzug was a vocal civil rights activist and outspoken feminist. Bella Abzug's career in law focused on those who were "on the outside of power." She dedicated her life to bringing a voice to the voiceless and to removing women from the sidelines. Her campaign slogan "This woman's place is in the House ... the House of Representatives!" reflects her goal to create a feminist presence in Congress. The Supreme Court case *Reed v. Reed* truly demonstrates Mrs. Abzug's work to identify men and women as equal beings. Once, when receiving criticism, Bella Abzug said, "There are those who say I'm impatient, impetuous, uppity, rude, profane, brash and overbearing. Whether I'm any of these things or all of them, you can decide for yourself. But whatever I am—and this ought to be made clear from the outset—I am a very serious woman." Abzug recognized the necessity of female elected officials, and although her time in Congress was short, she continued to advocate for women's voices to be heard until her death.

Bella Abzug and *Reed v. Reed* both have supported the record-breaking number of women running for office today. Reed v. Reed shows an interpretation of the Constitution that recognizes men and women as vital components to American society. The case demonstrates the need for the Equal Protection Clause; without it, we would live in a skewed, sexist, and racist world. Bella Abzug's legacy lives on today as the number of women in Congress continues to grow and as our nation continues to recognize the necessity of women's voices.

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Victoria Woodhull, the first female candidate to run for President of the United States, was a staunch advocate of equal rights for women. She was confident in a woman's ability to govern and hold a higher office, including President. Although unsuccessful in her own presidential bids, Woodhull would be amazed to see the evolution of women in government and politics today. In 1872, Woodhull was a candidate during a period when women were not permitted to

vote, let alone run for office. During the election, women who attempted to vote were arrested. Woodhull ran for President again in 1884 and 1892 but lost. Woodhull, a female member of the Equal Rights Party and a leader in the Women's Suffrage Movement, had trouble gaining support during her campaigns, however, she left a legacy that impacted women for years to come. Women have made tremendous strides since Woodhull put her hat in the ring. Though unable to accomplish her goals, Woodhull's ideas gained traction and paved the way for women in politics.

In 1972, one hundred years after Victoria Woodhull's historic run for the presidency, Nimrata Nikki Randhawa, better known as Nikki Haley, was born in South Carolina. Haley went on to become the first elected female, Indian-American politician in South Carolina. She began her political career in 2004 as State Representative and was re-elected in 2006 and 2008. In 2010, Haley became South Carolina's first female and first Indian-American Governor. Re-elected in 2014, she honorably served in this powerful, leadership role. In 2017, Haley was confirmed as U.S. Ambassador to the United Nations. Haley is a smart, strong woman who grew up influenced by Indian and American culture. She was elected despite being smeared by political opponents. Haley was accused of adultery, had her religious beliefs questioned, and has been the target of innuendos. Nikki Haley demonstrates that it is possible for women to achieve historic goals during their lifetime. She persevered and proved wrong those that doubted the ability of women leaders.

Victoria Woodhull was unsuccessful in her bid for the Presidency, but she never gave up. If she were to bear witness to the many years following her advocacy, Woodhull would have seen the adoption of the 19th Amendment to the U.S. Constitution in 1920, which stated "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." While this was intended to guarantee all American women the right to vote, it was not entirely successful. Many women and men of different race and ethnicity were still unable to vote and campaign for higher office, leading to the Civil Rights Movement. This movement eventually fulfilled Woodhull's goal of securing equal rights for all women, as well as attaining racial equality. Nikki Haley exemplifies all that Victoria Woodhull dreamed of achieving.

The experiences of Victoria Woodhull and Nikki Haley are similar. Both women broke barriers and faced challenges regarding their political dreams and aspirations. Victoria Woodhull would surely be disappointed that after almost 150 years the United States has not elected a woman as President. However, she would be encouraged and very proud of Nikki Haley and how far she has come. The future is bright for women in government and politics. As an active participant in student government with future aspirations for political office, I believe the possibilities are endless. Nikki Haley and all women have the ability and potential to fulfill the hopes and dreams of Victoria Woodhull.

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1868 marked the adoption of the Fourteenth Amendment, which provided a glimmer of hope for women campaigning for suffrage. Most commonly known for establishing "equal protection under the law" for all American citizens, the Fourteenth has been quoted in Supreme Court cases from Roe v. Wade to Plessy v. Ferguson (Cornell Law). In the 1875 U.S Supreme court case Minor v. Happersett, it was ruled that "equal protection under the law" did not extend to

womens' voting rights, effectively establishing females as a lesser legal entity than males. After being denied the right to vote, Missourian Virginia Minor sued the voting registrar, Reese Happersett, arguing that the Reconstruction-era Fourteenth Amendment protected her right to vote; since America's inception, Missouri laws had restricted voting rights solely to men. However, the court ruled unanimously that the amendment did not extend to voting rights, stating in the majority opinion that "the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted," delegating suffrage laws as a responsibility of the states. By shifting the conflict of the case to a matter of state versus federal rights, the Supreme Court undermined the debate over women's rights that was inherent in Minor v. Happersett. The ruling shifted the attention of suffragists to reforming state laws that prohibited women from voting, and reshaped the strategies of the suffrage movement.

Although Minor v. Happersett prevented many women from casting their ballots, women continued to run for public office. Laura Stockton Starcher and the Pantyhose Revolution that occured in the small town of Umarilla, Oregon were trailblazers who overcame societal barriers to assume political positions. Angered by the apathetic law enforcement and the disrepair of their town, a group of women from Umarilla gathered before the 1916 town elections and decided to secretly canvass for female candidates. Laura Stockton Starcher, running on a platform of civil reform, defeated the incumbent—her husband—for the office of Mayor. While the results of Minor v. Happersett did not directly affect the campaigns of women in the Pantyhose Revolution, they placed unseen obstacles in their paths to office. Because women were reduced to lesser legal entities under state legislation, it set a precedent that lowered confidence in their ability to lead. Are women qualified to hold positions in office that they legally cannot vote for? Questions such as these, indirectly a result of Minor v. Happersett's denial of women's suffrage, plagued the campaigns of female leaders even beyond the 19th Amendment.

Despite the record-breaking number of female candidates currently campaigning for office today, they only make up "less than a quarter" of all likely candidates in the 2018 cycle (Caygle). Because the lasting legacies of cases like Minor v. Happersett that devalued the political input of women under the shield of "states' rights," women have endured skepticism over their ability to govern for decades. As a future hopeful for a position in public service, it's discouraging to hear questions like "how will you manage family responsibilities" or jabs at a woman's appearance during campaigns when men are not subjected to this type of public scrutiny. The women before me who have sacrificed their lives and reputations to pursue public office have laid the groundwork for other women to succeed, and I aim to be a part of the new generation of women pushing aside political barriers. As Olive Rose, the first elected female in American government, once said: "the doctrine of women's rights is... designed to gain ground, and ultimately to prevail."

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In the short history of the United States, many landmark decisions have been made by the Supreme Court. This court routinely makes decisions that hold extreme value to both the future and legacy of the United States. Decisions such as that in Minor v. Happersett leave room for wanting in the legal world of the United States.

Minor v. Happersett (1875), while not being one of the most important cases that the Supreme Court has heard, is still one of great significance to the history of the United States and women's suffrage. Virginia Minor of Missouri sued her district registrar Reese Happersett for refusing her the right to vote based on her gender.

Virginia Minor first came in contact with the women's suffrage movement at the end of the Civil War, following the loss of her son. She became completely devoted to the cause and founded the Woman Suffrage Association of Missouri. This particular association was the first political organization to support the enfranchising of women. Minor, while serving as the association's president, introduced the idea that women already had the right to vote based on the Fourteenth Amendment, which granted citizenship to all those "born or naturalized in the United States". It was argued that because these women were born in the United States, they were citizens, and therefore had the right to vote. From this argument, Minor concluded that she had the right to vote. If she was refused, she had the basis to take her cases to the Supreme Court. On October 17th, 1872, Minor was refused from registering to vote by Reese Happersett. Despite her case being ruled against by both the Circuit Court and Missouri Supreme Court, Minor still argued her grievances to the United States Supreme Court in 1874. The court sided with Happersett, one Justice stating that "[the constitution does] not necessarily confer the right of suffrage". This case forced the movement to reevaluate its plans and focus on their efforts on a state-to-state basis. This eventually led to the movement gathering national attention and the 19th Amendment being ratified in 1920.

This case, ultimately leading to the inclusion of women, has had a major effect on American politics. Gaining the right to vote was just the first step in involving women in politics. Women running for public office could now utilize the many new votes coming in, primarily from fellow women. In as early as 1922, Rebecca Latimer Felton became the first woman to serve the U.S Senate.

Felton had long experienced the toll and excitement of the political world when she assisted her husband in his House of Representatives campaign in 1875. After his career ended, she was inspired by her previous engagement in politics and by her interaction with countless fellow woman activist to try her own hand at national politics. It was through her gifted writing, hard policies, and unwavering determination that she was appointed to serve in the U.S Senate upon the sudden death of Senator Tom Watson. Although only to fill a vacant seat until a new Senator could be elected, Felton's service offered a reminder to all women interested in politics that anything was possible.

Today we see a record breaking number of women running for public office. From local government to the White House, we are seeing more women rise up to the occasion and force their voices to be heard. In the end, we have the brave and courageous women of our past, such as Virginia Minor and Rebecca Latimer Felton, to thank for all the opportunities we have now.