

"I NEVER DOUBTED THAT EQUAL RIGHTS WAS THE RIGHT DIRECTION. MOST REFORMS, MOST PROBLEMS ARE COMPLICATED. BUT TO ME THERE IS NOTHING COMPLICATED ABOUT ORDINARY EQUALITY."

—Alice Paul

From before the Constitution was drafted to the modern day, women and queer people have helped shape the foundations of American democracy. In *Ordinary Equality*, Kate Kelly explores the past, present, and future of the Equal Rights Amendment through the lives of the incredible and often overlooked key players in its history. Biographies of Abigail Adams, Phillis Wheatley, Alice Paul, Pauli Murray, Ruth Bader Ginsburg, Pat Spearman, and more help uncover how and why constitutional equality for all has been systematically undermined for centuries and what we can do to make it a reality. This engaging, illustrated look at history, law, and activism is sure to inspire feminists of all ages to join the fight to finally get absolute equality into the Constitution. ✕

\$27.99 U.S.

Jacketless Hardcover
7 3/4 x 9 in, 256 Pages
Full-Color Illustrations
Pub Date: March 2022

ISBN 978-1-4236-5872-6
5 2799



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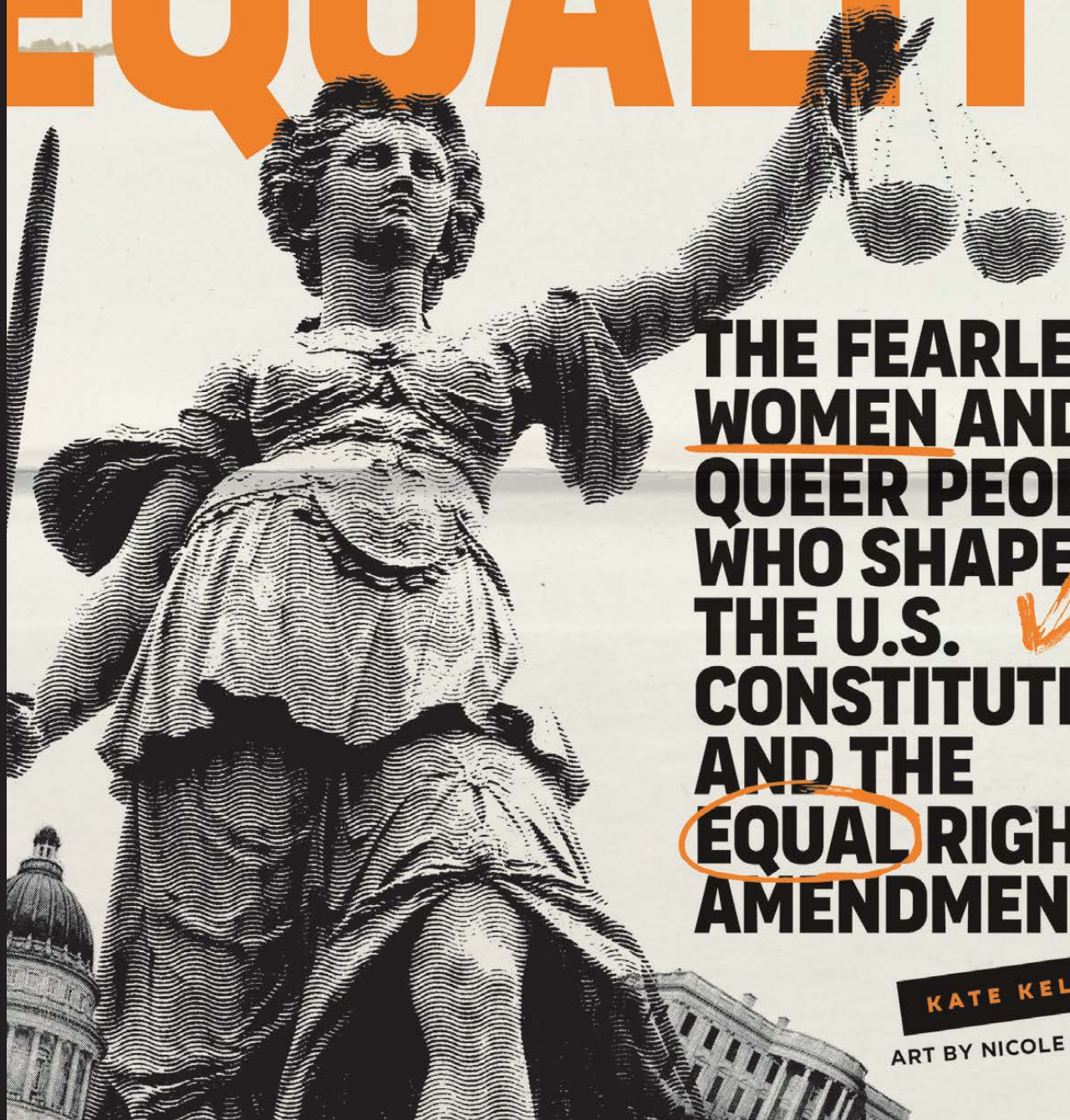
ORDINARY EQUALITY

KATE KELLY



GIBBS SMITH

ORDINARY EQUALITY



THE FEARLESS WOMEN AND QUEER PEOPLE WHO SHAPED THE U.S. CONSTITUTION AND THE EQUAL RIGHTS AMENDMENT

KATE KELLY

ART BY NICOLE LARUE

HISTORY
TENDS TO BURY
WHAT IT SEEKS
TO REJECT,
AND IT WAS NO
ACCIDENT THAT
MALE-DOMINATED
HISTORY
EXCISED THE
LEADERSHIP
OF WOMEN.

BLANCHE WIESEN COOK,

*Crystal Eastman
on Women and Revolution*

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As a leader of the Revolution, John Adams was in a key position to help determine who got rights in the newly formed United States of America—and who did not. On March 31, 1776, just months before the Declaration was finalized and published, Abigail wrote to John in Philadelphia where the Congress was meeting:

In the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors . . . Remember all Men would be tyrants if they could. If particular care and attention is not paid to the Ladies we are determined to foment a Rebellion and will not hold ourselves bound by any Laws in which we have no voice, or Representation.

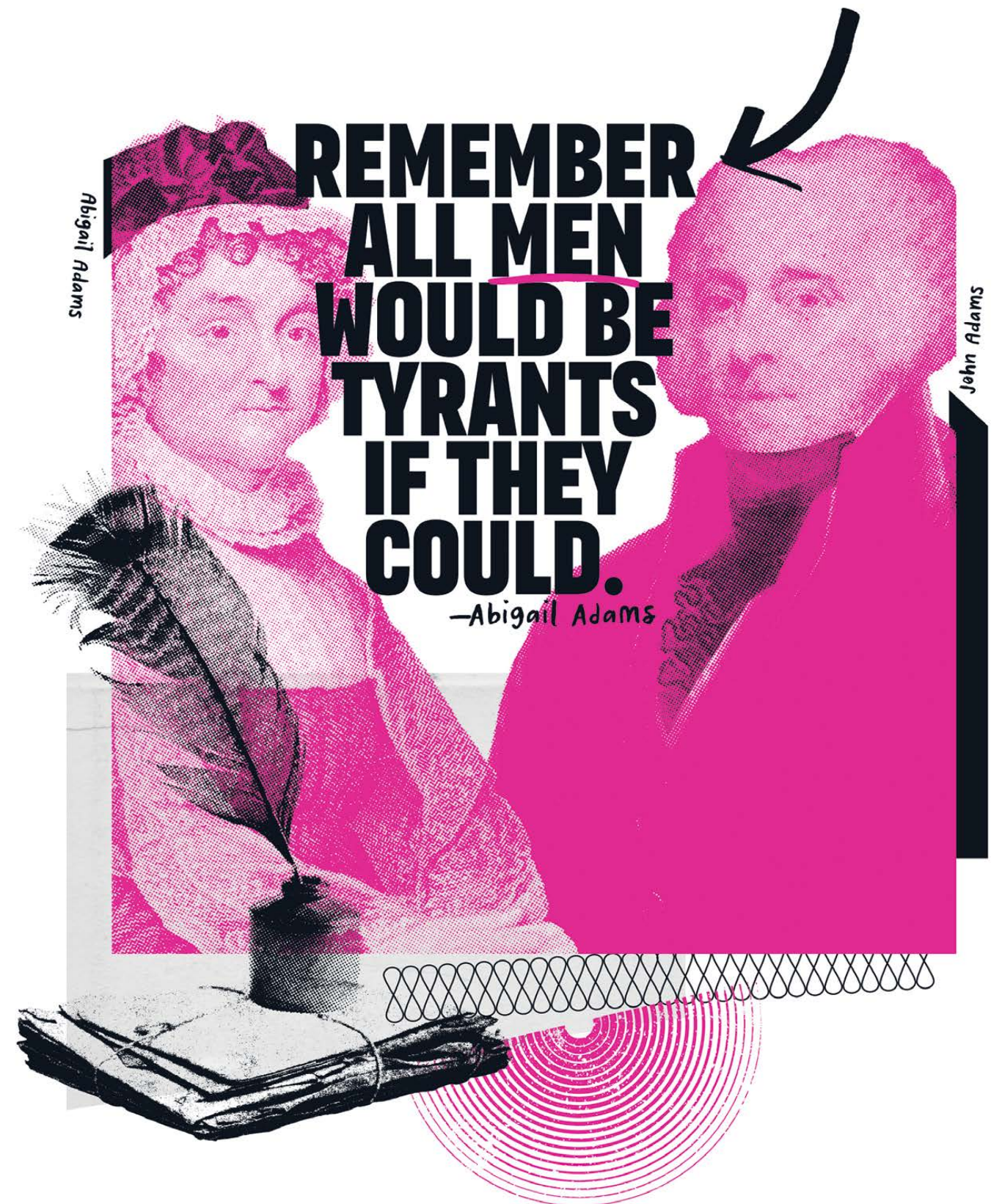
[And then Abigail Adams laid the ultimate smackdown.]

That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute, but . . . Men of Sense in all Ages abhor those customs which treat us only as the vassals of your Sex.

proceedings. When John Adams was away in Philadelphia as a delegate to the Continental Congress, he wrote daily letters to his wife back home in Massachusetts telling her, “I cannot do this without you!”; “You must come! You must come!”; and “Come, I can’t do this!” To say he relied heavily on her advice is an understatement. Lucky for him, she had plenty of wise counsel to give.

As was customary at the time, due to limited paper and letter-writing supplies, Abigail would often write a few words, then strike through them to delete and start again on the very next line of the same page. In much of her writing that survives, it seems she was thinking through her arguments as she wrote them (stream-of-consciousness style). But in her “Remember the Ladies” letter, now one of her most famous pieces of writing, Abigail never second-guessed. She’s so steadfast on the page it’s likely she and John and others—perhaps her sisters, Mary and Elizabeth, or the many luminaries she kept as pen pals—had had this conversation before.

Even though John Adams loved and respected his wife, he scoffed at her appeals for equality. His smart-aleck response was:



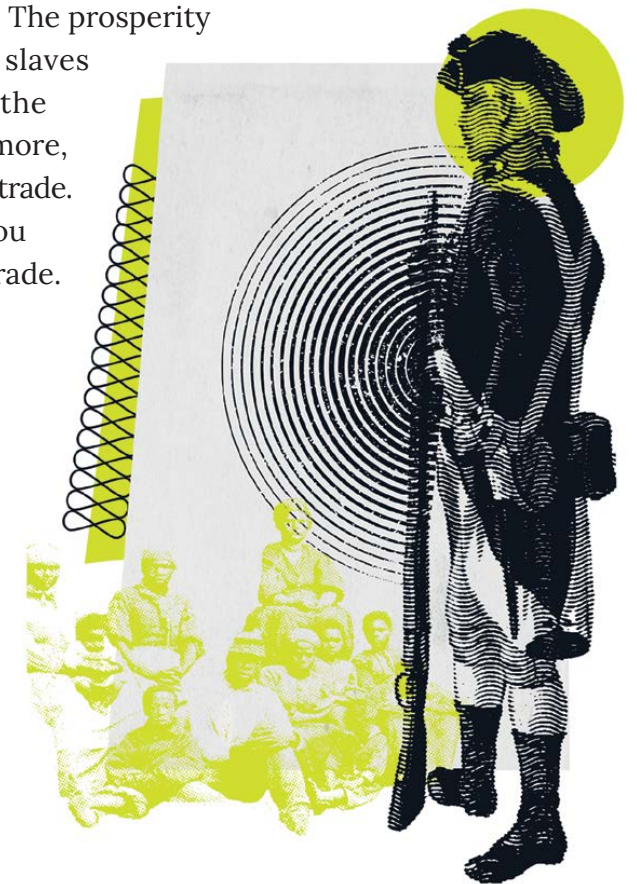
A GENIUS IN BONDAGE A GENIUS IN BONDAGE A GENIUS

a published
author,
a celebrity,
and, **FINALLY,**
a free
woman

At the age of nineteen, Phillis Wheatley was a published author, a celebrity, and, finally, a free woman.

DURING THE AMERICAN REVOLUTIONARY period, one-fifth of all people in the United States were enslaved. There would have been no vast property acquisition and no amassing of colossal fortunes in the newly forming United States without the kidnapping, exploitation, and enslavement of Africans and their descendants. The fortunes of many of the Framers of the Constitution were tied up in the enslaved people they owned. Four of the first five US presidents amassed their wealth from the slave-breeding industry, not cash crops from large plantations. The prosperity of many in the North, even if they didn't own slaves outright, was facilitated by the commerce of the Northern ports, like those in New York or Baltimore, which were kept busy by the transatlantic slave trade. If you were rich anywhere in colonial America, you were almost invariably implicated in the slave trade.

As historian and author Dr. Rebecca Hall puts it, the Constitution was “an affirmative action document for slaveholders and slave breeders.” The document crafted at the Constitutional Convention in 1787 set up an elaborate system to exclude enslaved people from full personhood. At the same time, the Framers conceived of a way to count enslaved people to boost their population and to give Southern slave owners more power so that they would agree to the Constitution. These



CRYSTAL EASTMAN



"Feminists
are not
nuns.
We want
to love
and to be
loved."

the knew that gaining suffrage was just the very beginning of the fight for equal rights for women, and when the Nineteenth Amendment was ratified in 1920, after years of personally fighting for the vote, she wrote: "Men are saying perhaps 'Thank God, this everlasting fight is over!' But women, if I know them, are saying, 'Now at last we can begin.'" Of course, she was right.

Throughout her life, her "radical" conventional lifestyle got Eastman some to call her the "most dangerous woman in America." At one point she served in three different governments: the U.S. Army, the U.S. Navy, and the U.S. Coast Guard. She worked in military intelligence during World War I.

1881-1928

CHAPTER 5 THE MOST DANGEROUS WOMAN IN AMERICA

AT NEARLY SIX FEET tall Crystal Eastman was a magnificent presence in any room. Known for her forthright opinions and formidable debate prowess, she was a force of nature in every discussion she was a part of. It was said of her, "when she spoke to people—whether it was to a small committee or a swarming crowd—hearts beat faster and nerves tightened as she talked." You did not want to be on the receiving end of a Crystal Eastman verbal battering, but thankfully she used her oratory skills to unrelentingly fight for equality.

She knew that gaining suffrage was just the very beginning of the fight for equal rights for women, and when the Nineteenth Amendment was ratified in 1920, after years of personally fighting for the vote, she wrote: "Men are saying perhaps 'Thank God, this everlasting fight is over!' But women, if I know them, are saying, 'Now at last we can begin.'" Of course, she was right.

CRYSTAL EASTMAN WAS BORN in Glenora, New York, in 1881. Her parents, Samuel Eastman and Annis Bertha Ford, met at Oberlin College, where her dad was studying to be

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EQUALITY.**

RUTH BADER GINSBURG

Lifelong ERA Advocate

Pauli's prescient legal strategy of using the Fourteenth Amendment to insert women into the Constitution was used by a young lawyer named Ruth Bader Ginsburg in the 1971 case *Reed v. Reed*, where in a unanimous decision, the Supreme Court held that an Idaho law's dissimilar treatment of men and women was unconstitutional. This time, Pauli was credited for being the genius behind the legal strategy—by the “Notorious RBG” herself on the cover of the court brief. This litigation method was used to make great strides for women but was never able to get as high a level of judicial scrutiny for women as the court uses for other protected categories (like race, religion, and national origin).

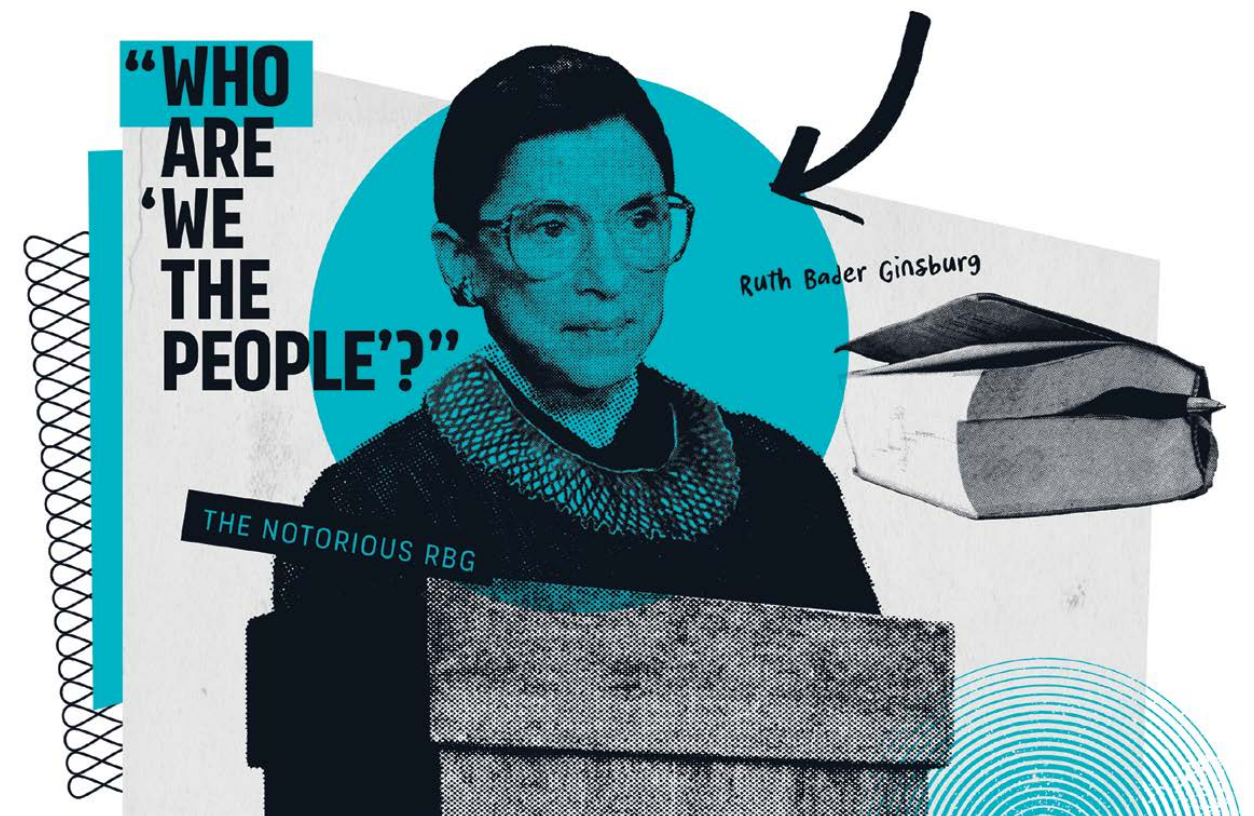
In 1973, RBG wrote a law review article titled, “The Need for the Equal Rights Amendment.” In 1978 she wrote a piece in the *Harvard Women's Law Journal* called, “The Equal Rights Amendment Is the Way.” That same year she also testified before the Judiciary Committee that Congress had not only the authority to extend the ERA ratification deadline but also had the “responsibility.” She kept that Big ERA Energy up, and in 2018, when asked about the amendment RBG reiterated her support, saying:

“[W]ho are ‘We the People’? I would not have been there—half of the population would not have been there. The people who were held in

human bondage, Native Americans, were not part of the political constituency. . . . I think the genius of the Constitution is that this concept of ‘We the People’ has become ever more embracing. And so, I would like to see an Equal Rights Amendment in our Constitution.”

RBG remained committed to the ERA to her dying day saying, “I would like my granddaughters, when they pick up the Constitution, to see that notion—that women and men are persons of equal stature—I’d like them to see that is a basic principle of our society.”

Another lifelong cause for Justice Ginsburg was giving credit to Pauli Murray's pioneering work. In the very last year of her life, RBG sat down for an interview and had lots of love to give Pauli: “[I] would like to speak about a woman who came to be a role model for me, although we were both adults. Her name was Pauli Murray. . . . [She] wrote an article that was a major influence on me and other women in the '70s. It was called ‘Jane Crow and the Law’ . . . [She] spoke about all the artificial barriers that stand in the way of women being able to achieve what their talent and hard work would allow them to achieve. . . . [Pauli] was a woman way ahead of her time.”



EQUAL RIGHTS AMENDMENT

BY THE NUMBERS

- 24 WORDS IN ITS MAIN CLAUSE
- 38 NUMBER OF STATES NEEDED TO RATIFY
- 28 TWENTY-EIGHTH AMENDMENT TO THE CONSTITUTION
- 1923 WHEN IT WAS FIRST INTRODUCED
- 1972 WHEN IT FINALLY PASSED IN CONGRESS



her crowning moment and cemented her legacy as one of the most effective women's rights activists of the twentieth century.

In 1974, with the ERA successfully through Congress and making its way through the states at a rapid pace, Martha declined to run for an eleventh congressional term and instead continued to fight for the ERA at the state level. Opponents of ratification trotted out a whole parade of horrors against the ERA, like unisex bathrooms, economic ruin for housewives, mandatory same-sex marriages, forced combat duty for women, and unfettered abortions. (None of which were true.) Martha Wright Griffiths and Phyllis Schlafly, a conservative woman who was the founder of the STOP ERA campaign, sharply debated the issue at a national forum in 1976. Schlafly was a shrewd opponent of the ERA. (More on her on page 185.)

AFTER LEAVING CONGRESS, Martha kept up her breakneck pace. In 1982, she became the first woman elected lieutenant governor of Michigan when she was invited to run with James Johnston Blanchard. They were reelected in 1986,

Deadlines for amendments are not required by the Constitution. Deadlines started being added with the prohibition amendment because the legislators felt immense pressure from the anti-alcohol movement to pass it, but were all boozehounds and didn't want it to actually get ratified. (Plot twist: It did anyway.) The most recent amendment to the Constitution, the Twenty-Seventh Amendment, never had a deadline, and although it was first proposed by James Madison in 1789, it was not ratified until 1992—202 years, 7 months, and 10 days later. Many ERA proponents think that since the Constitution doesn't require it, and 200 years is not too long to wait for an amendment—a deadline on the ERA shouldn't keep women out of the Constitution, either.