

Declaration of Rights of the Women of the United States

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Transcription of the Declaration of Rights of the Women of the United States

While the Nation is buoyant with patriotism, and all hearts are attuned to praise, it is with sorrow we come to strike the one discordant note, on this hundredth anniversary of our country's birth. When subjects of Kings, Emperors, and Czars, from the Old World, join in our National Jubilee, shall the women of the Republic refuse to lay their hands with benedictions on the nation's head? Surveying America's Exposition, surpassing in magnificence those of London, Paris, and Vienna,¹ shall we not rejoice at the success of the youngest rival among the nations of the earth? May not our hearts, in unison with all, swell with pride at our great achievements as a people; our free speech, free press, free schools, free church, and the rapid progress we have made in material wealth, trade, commerce, and the inventive arts? And we do rejoice, in the success thus far, of our experiment of self-government. Our faith is firm and unwavering in the broad principles of human rights, proclaimed in 1776, not only as abstract truths, but as the corner stones of a republic. Yet, we cannot forget, even in this glad hour, that while all men of every race, and clime, and condition, have been invested with the full rights of citizenship, under our hospitable flag, all women still suffer the degradation of disfranchisement.

The history of our country the past hundred years, has been a series of assumptions and usurpations of power over woman, in direct opposition to the principles of just government, acknowledged by the United States at its foundation, which are:

First. The natural rights of each individual.

Second. The exact equality of these rights.

Third. That these rights, when not delegated by the individual, are retained by the individual.

Fourth. That no person can exercise the rights of others without delegated authority.

Fifth. That the non-use of these rights does not destroy them.²

And for the violation of these fundamental principles of our Government, we arraign our rulers on this 4th day of July, 1876,—and these are our

Articles of Impeachment.

Bills of Attainder have been passed by the introduction of the word "male" into all the State constitutions, denying to woman the right of suffrage, and thereby making sex a crime—an exercise of power clearly forbidden in Article 1st, Sections 9th and 10th of the United States Constitution.³

The Writ of Habeas Corpus, the only protection against lettres de cachet,⁴ and all forms of unjust imprisonment, which the Constitution declares "shall not be suspended, except when in cases of rebellion or invasion, the public safety demands it,"⁵ is held inoperative in every State in the Union, in case of a married woman against her husband,—the marital rights of the husband being in all cases primary, and the rights of the wife secondary.⁶

The Right of Trial by a Jury of One's Peers was so jealously guarded that States refused to ratify the original Constitution, until it was guaranteed by the 6th Amendment.⁷ And yet the women of this nation have never been allowed a jury of their peers—being tried in all cases by men, native and foreign, educated and ignorant, virtuous and vicious. Young girls have been arraigned in our courts for the crime of infanticide; tried, convicted, hung—victims, perchance, of judge, jurors, advocates—while no woman's voice could be heard in their defence. And not only are women denied a jury of their peers, but in some cases, jury trial altogether. During the war, a woman was tried and hung by military law,⁸ in defiance of the 5th Amendment, which specifically declares: "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases . . . of persons in actual service in time of war." During the last Presidential campaign, a woman, arrested for voting, was denied the protection of a jury, tried, convicted and sentenced to a fine and costs of prosecution, by the absolute power of a judge of the Supreme Court of the United States.⁹

Taxation Without Representation, the immediate cause of the rebellion of the Colonies against Great Britain, is one of the grievous wrongs the women of this country have suffered during the century. Deploring war, with all the demoralization that follows in its train, we have been taxed to support standing armies, with their waste of life and wealth. Believing in temperance, we have been taxed to support the vice, crime, and pauperism of the Liquor Traffic. While we suffer its wrongs and abuses infinitely more than man, we have no power to protect our sons against this giant evil. During the Temperance Crusade, mothers were arrested, fined, imprisoned, for even praying and singing in the streets, while men blockade the sidewalks with impunity, even on Sunday, with their military parades and political processions. Believing in honesty, we are taxed to support a dangerous army of civilians, buying and selling the offices of government and sacrificing the best interests of the people. And, moreover, we are taxed to support the very legislators, and judges, who make laws, and render decisions adverse to woman. And for refusing to pay such unjust taxation, the houses, lands, bonds, and stock of women, have been seized and sold within the present year, thus proving Lord Coke's assertion, "that the very act of taxing a man's property without his consent, is, in effect, disfranchising him of every civil right."¹⁰

Unequal Codes for Men and Women. Held by law a perpetual minor, deemed incapable of self-protection, even in the industries of the world, woman is denied equality of rights. The fact of sex, not the quantity or quality of work, in most cases, decides the pay and position; and because of this injustice thousands of fatherless girls are compelled to choose between a life of shame and starvation.

Laws catering to man's vices have created two codes of morals in which penalties are graded according to the political status of the offender. Under such laws, women are fined and imprisoned if found alone in the streets, or in public places of resort, at certain hours. Under the pretence of regulating public morals, police officers seizing the occupants of disreputable houses, march the women in platoons to prison, while the men, partners in their guilt, go free.

While making a show of virtue in forbidding the importation of Chinese women on the Pacific coast for immoral purposes,¹¹ our rulers, in many states, and even under the shadow of the National Capitol, are now proposing to legalize the sale of American womanhood for the same vile purposes.¹²

Special Legislation for Woman has placed us in a most anomalous position. Women invested with the rights of citizens in one section—voters, jurors, office-holders—crossing an imaginary line, are subjects in the next. In some states, a married woman may hold property and transact business in her own name; in others, her earnings belong to her husband. In some states, a woman may testify against her husband, sue and be sued in the courts; in others, she has no redress in case of damage to person, property, or character. In case of divorce, on account of adultery in the husband, the innocent wife is held to possess no right to children, or property, unless by special decree of the court. But in no state of the Union has the wife the right to her own person, or to any part of the joint earnings of the co-partnership, during the life of her husband. In some States women may enter the law schools and practice in the courts; in others they are forbidden. In some universities, girls enjoy equal educational advantages with boys, while many of the proudest institutions in the land deny them admittance, though the sons of China, Japan and Africa are welcomed there.

But the privileges already granted in the several states are by no means secure. The right of suffrage once exercised by women in certain States and Territories, has been denied by subsequent legislation. A bill is now pending in Congress to disfranchise the women of Utah, thus interfering to deprive United States citizens of the same rights, which the Supreme Court has declared the National Government powerless to protect anywhere.¹³ Laws passed after years of untiring effort, guaranteeing married women certain rights of property, and mothers the custody of their children, have been repealed in States where we supposed all was safe.¹⁴ Thus have our most sacred rights been made the football of legislative caprice, proving that a power which grants, as a privilege, what by nature is a right, may withhold the same as a penalty, when deeming it necessary for its own perpetuation.

Representation for Woman has had no place in the nation's thought. Since the incorporation of the thirteen original states, twenty-four have been admitted to the Union, not one of which has recognized woman's right of self-government. On this birthday of our national liberties, July 4th, 1876, Colorado, like all her elder sisters, comes into the Union, with the invidious word "male" in her Constitution.¹⁵

Universal Manhood Suffrage, by establishing an aristocracy of sex, imposes upon the women of this nation a more absolute and cruel despotism than monarchy; in that, woman finds a political master in her father, husband, brother, son. The aristocracies of the old world are based upon birth, wealth, refinement, education, nobility, brave deeds of chivalry; in this nation, on sex alone; exalting brute force above moral power, vice above virtue, ignorance above education, and the son above the mother who bore him.

The Judiciary of the Nation has proved itself but the echo of the party in power, by upholding and enforcing laws that are opposed to the spirit and letter of the Constitution. When the slave power was dominant, the Supreme Court decided that a black man was not a citizen, because he had not the right to vote; and when the Constitution was so amended as to make all persons citizens, the same high tribunal decided that a woman, though a citizen, had not the right to vote.¹⁶ Such vacillating interpretations of constitutional law unsettle our faith in judicial authority, and undermine the liberties of the whole people.

These Articles of Impeachment Against Our Rulers we now submit to the impartial judgment of the people.

To all these wrongs and oppressions woman has not submitted in silence and resignation. From the beginning of the century, when Abigail Adams, the wife of one President and the mother of another, said, "we will not hold ourselves bound to obey laws in which we have no voice or representation,"¹⁷ until now, woman's discontent has been steadily increasing, culminating nearly thirty years ago in a simultaneous movement among the women of the nation, demanding the right of suffrage. In making our just demands, a higher motive than the pride of sex inspires us; we feel that national safety and stability depend on the complete recognition of the broad principles of our government. Woman's degraded, helpless position is the weak point in our institutions to-day; a disturbing force everywhere, severing family ties, filling our asylums with the deaf, the dumb, the blind, our prisons with criminals, our cities with drunkenness and prostitution, our homes with disease and death.

It was the boast of the founders of the republic, that the rights for which they contended, were the rights of human nature. If these rights are ignored in the case of one half the people, the nation is surely preparing for its own downfall.

Governments try themselves. The recognition of a governing and a governed class is incompatible with the first principles of freedom. Woman has not been a heedless spectator of the events of this century, nor a dull listener to the grand arguments for the equal rights of humanity. From the earliest history of our country, woman has shown equal devotion with man to the cause of freedom, and has stood firmly by his side in its defence. Together, they have made this country what it is. Woman's wealth, thought and labor have cemented the stones of every monument man has reared to liberty.

And now, at the close of a hundred years, as the hour hand of the great clock that marks the centuries points to 1876, we declare our faith in the principles of self-government; our full equality with man in natural rights; that woman was made first for her own happiness, with the absolute right to herself—to all the opportunities and advantages life affords, for her complete development; and we deny that dogma of the centuries, incorporated in the codes of all nations—that woman was made for man—her best interests, in all cases, to be sacrificed to his will.

We ask of our rulers, at this hour, no special favors, no special privileges, no special legislation. We ask justice, we ask equality, we ask that all the civil and political rights that belong to citizens of the United States, be guaranteed to us and our daughters forever.

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Notes:

1 In London in 1862, Paris in 1867, and Vienna in 1873.

2 Matilda Gage created this list of principles for her congressional testimony in favor of woman suffrage in the District of Columbia in January 1876, and she used it again in the call to the National's annual meeting in May. (Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, *History of Woman Suffrage* [New York, 1886], 3:12; P. G. Holland and A. D. Gordon, eds., *Papers of Elizabeth Cady Stanton and Susan B. Anthony*, microfilm edition, 18:761.)

3 The ninth section bars Congress from passing any bills of attainder or ex post facto laws, and the tenth extends the prohibition to the states. This point was central to the argument made by Francis and Virginia Minor since 1869. In the words of their brief to the Supreme Court, the states inflicted on women "the bar of perpetual disfranchisement, where no crime or offense is alleged or pretended, and without 'due process of law.'" This amounted to "a 'bill of attainder' of the most odious and oppressive character." (Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, *History of Woman Suffrage* [New York, 1882], 2:408–9, 720.)

4 Official letters authorizing imprisonment without trial.

5 United States Constitution, article I, section 9.

6 The authors raise one of the residual problems of coverture, pointing out that the husband's common law right to confine his wife took precedence over a married woman's individual right to obtain a writ of habeas corpus. For differing views of how courts treated this conflict of rights, see Rollin C. Hurd, *A Treatise on the Right of Personal Liberty, and on the Writ of Habeas Corpus*, 2d ed. (Albany, N.Y., 1876), 21–35, 449–52, and Hendrik Hartog, *Man and Wife in America: A History* (Cambridge, Mass., 2000), 150–52.

7 Within the Bill of Rights, adopted after the Constitution was ratified.

8 Mary Jenkins Surratt (1823–1865), considered on slim evidence to be a co-conspirator with John Wilkes Booth in the plot to assassinate Abraham Lincoln, was tried before a military commission rather than a civil court. Surratt's lawyers obtained a writ of habeas corpus on the grounds that civilians could not be tried before such a commission in peacetime, but General Winfield Scott Hancock refused to turn over the prisoner, and President Andrew Johnson suspended the writ of habeas corpus. Surratt was hanged in July 1865. (Edward T. James, Janet Wilson James, and Paul S. Boyer, eds., *Notable American Women, 1607-1950: A Biographical Dictionary* [Cambridge, Mass, 1971]; John A. Garraty and Mark C. Carnes, eds. *American National Biography* [New York, 1999].)

9 That is, SBA.

10 This quotation uses the words of James Otis, who referred to Lord Coke while discussing taxation of the colonies. The authors' source was likely Charles Sumner's "Equal Rights of All," in Charles Sumner, *The Works of Charles Sumner* (Boston, 1870–1883), 10:164.

11 On 3 March 1875, President Grant signed a bill outlawing the importation of Asian prostitutes. (Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* [Chapel Hill, N.C., 1998], 71.)

12 In March 1876, George Willard of Michigan introduced a bill in the House of Representatives to expand the powers of the Board of Health of the District of Columbia. Although the bill made no mention of prostitution, opponents of licensing feared that the board would use its new powers to introduce medical inspection and licensing of prostitutes. The bill died in committee. (Henry J. Wilson and James P. Gledstone, *Report of a Visit to the United States, as Delegates from the British, Continental, and General Federation for the Abolition of Government Regulation of Prostitution* [Sheffield, England, 1876], 6–7, 21; Aaron M. Powell, *State Regulation of Vice. Regulation Efforts in America. The Geneva Congress* [New York, 1878], 78–82; 44th Congress, 1st session, *A Bill to Further Define and Regulate the Powers and Duties of the Board of Health of the District of Columbia*, 1 March 1876, H.R. 2440.)

13 The authors refer to H.R. 3723, a bill proposed in June "to regulate elections and the elective franchise in the Territories." This bill, pending in the Committee on Territories, proposed to disfranchise women in Utah and Wyoming. It replaced an earlier bill (H.R. 3101) that called for women's disfranchisement only in Utah. Women had been voting in Utah since 1869, in Wyoming since 1870. (Congressional Record, 44th Congress, 1st session, 10 April, 12 June 1876, pp. 2357, 3765.)

14 Reference is made to New York's Married Women's Property Act of 1860 as amended in 1862. By the amendments, women lost equal guardianship of their children and were left with only veto power over decisions on apprenticeship and the appointment of testamentary guardians. In addition, the provisions of the 1860 law that made husbands and wives equal with regard to realty in cases of intestacy were overturned, restoring the privileges husbands had previously enjoyed. (Ann D. Gordon et al., eds., *The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony* [New Brunswick, N.J.: 1997], 1:475–76; Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth-Century New York* [Ithaca, N.Y., 1982], 207–8, 236–37; *Laws of New York, 1862*, chap. 172.)

15 Colorado Constitution of 1876, art. VII.

16 *Dred Scott v. Sandford* (1857) and *Minor v. Happersett* (1875).

17 The phrase appeared in a letter by Abigail Smith Adams (1744–1818) to her husband, John, on 31 March 1776. (*The Book of Abigail and John: Selected Letters of the Adams Family, 1762–1784*, eds. L. H. Butterfield, Marc Friedlaender, and Mary-Jo Kline [Cambridge, Mass., 1975], 120–21.)