

Promises to Keep

## PREFACE

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## INTRODUCTION

By 1995, with most legal and social barriers removed, it has become increasingly difficult for women to recall the overt discrimination experienced in their past. Women who were 21 years old when the Nineteenth Amendment passed in 1920, would now be over ninety-five. Those who were denied admission to medical school due to an arbitrary five percent ceiling placed on women's admissions are in their mid-sixties in 1995. Women in the military before 1973, who were forced to leave as a result of pregnancy, are in their forties, fifties, or even sixties.

"Promises to Keep," the 1995 Women's History Month theme, beckons women to examine their collective history, while recognizing the gross discrimination women have experienced and overcome as a result of dedicated individuals and women's groups working for equal opportunity, and, as important, the theme suggests that women remain committed and continue striving (as did those who have gone before) toward the goal of women's full equality, including political, educational, and employment opportunities. These goals are the "Promises to Keep."

## WOMAN'S SUFFRAGE -THE FIRST WOMEN'S MOVEMENT

In the early 1800s the common law doctrine of *femme covert* was prevalent in the States. Under this law wives were chattels of their husbands and had no direct legal control over their own earnings, children, or property. Some state laws prohibited

women from going into business without their husband's consent, and some dictated that a husband could decide where the family would live. Other state laws stated that adultery on the part of the husband was not sufficient grounds for divorce, but it was if committed by the wife. (3:2-3)

In 1875, in *Minor v. Happersett*, the Supreme Court ruled that voting was not coextensive with citizenship and that the states could withhold the right to vote from women as they did from criminals or the mentally insane. As a result of not being able to vote, women could not hold public office or sit on juries. (3:2)

The rise of women's consciousness regarding their oppression was strongly influenced by their participation with the abolitionist movement. Future leaders of the women's rights movement such as Elizabeth Stanton and Lucy Stone came to see their situation as analogous to that of the Black slave. The establishment of female anti-slavery societies of the mid-1800s brought many women together for the first time. Besides the social benefit of the societies, they provided women the opportunity to develop leadership, organizational, and political skills. Women active in the anti-slavery cause became aware of their own group, as a class, as subject to discrimination. (14:16-17)

In 1848, the first major woman's rights convention was held in Seneca Falls, New York. Elizabeth Cady Stanton and Lucretia Mott, two of the most notable women's suffrage advocates, were present at the meeting. Though remembered for its support of women's suffrage, the convention went much further in advocating equal rights for women. A Declaration of Sentiments issued at this convention stated:

We hold these truths to be self-evident that all men *and women* are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

Seneca Falls, New York, 1848 (18:70)

At the same meeting resolutions calling for the abolition of legal, economic, and social discrimination were passed. (18:71) This convention in Seneca Falls left no doubt as to the dissatisfaction of those women with "contemporary moral codes, divorce and criminal laws, and the limited opportunities for women to obtain education, participate in the church, and enter careers in medicine, law and politics." (14:2)

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. (18:71)

In 1869, the first organizations dedicated to women's rights were founded. Elizabeth Stanton and Susan B. Anthony established the National Women Suffrage

Association (NWSA), whose ultimate goal was to obtain full equality in all social, educational, and political spheres for women. The other organization formed by Lucy Stone and Elizabeth Blackwell, the American Woman Suffrage Association (AWSA), primarily focused on obtaining suffrage. (14:18)

Greatly enhancing the women's movement in the late 1800s was the phenomenal growth of women's clubs, creating a large organizational base of women. The growth of these clubs led to the formation of the General Federation of Women's Clubs (GFWC). Claiming membership of 500,000 in 1890, GFWC's membership reached 2 million by 1910. In 1914, with over 2 million members, the GFWC officially endorsed and supported the women's suffrage movement. (14:20-21)

The struggle for the ratification of Nineteenth Amendment was to be a long and arduous one, lasting fifty-two years, through 19 successive Congresses. Millions of dollars were donated, mostly in small amounts, and spent with great care. These women conducted 56 campaigns that went as referenda to male voters, 480 campaigns to convince state legislatures to submit the amendments to voters, 277 campaigns to state constitutional conventions, and 30 to presidential party conventions attempting to urge the parties to include suffrage for women in their platforms. (2:54)

Finally, the Nineteenth Amendment (proposed by Congress on June 5, 1919, ratified August 26, 1920) was a reality:

### AMENDMENT XIX

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 the power to enforce this article by appropriate legislation. (2:54)

## EDUCATION

At the beginning of the nineteenth century, it was difficult for a woman to obtain any education, much less a college or university degree,--they were not accepted at any institute of higher learning. (3:3) The Seneca Falls Women's Rights convention expressed women's frustration at this fact:

As a teacher of theology, medicine or law, she is not known. He has denied her the facilities for obtaining a thorough education, all colleges being closed against. (18:71)

In 1783, the President of Yale College wrote:

Be it known to you that I have examined Miss Lucinda Foote, twelve years old and have found that in the learned languages, the Latin and the Greek, she has made

commendable progress... and she is fully qualified, except in regard to sex, to be received as a pupil of the Freshman Class of Yale University.

**Ezra Stikes, President**

**In an attempt to secure a higher education, Mrs. Emma Hart Willard appealed to the New York Legislature in 1819 asking that "as the State has endorsed institutions for its sons, will it do the same for its daughters?" To the surprise of many, the Legislature was receptive to her plea and placed the Emma Willard Seminary on its list of institutions to receive literary funds. New York then became the first state to utilize public funds for higher education of women. (8:2-33) In Boston, girls were not so fortunate,--Boston had public schools for young men as early as 1642 but not for girls until 1789. The first public high school for girls was not opened until 1852. (8:6, 9, 23)**

**In 1877, the Massachusetts Society for University Education of Women, composed of 200 influential women, petitioned the school committee to offer a course in classical instruction to girls in the Boston Latin School, as it was to boys. The petition was reinforced by a similar one from the Women's Educational Association. They argued "a public advantage, a public demand, and a public right" of women to receive an education more similar to that of men. (8:25-26)**

**President Bartlett of Dartmouth College was opposed and stated:**

**Girls cannot endure the hard, unintermitting and long continued strain to which boys are subjected.... They (girls) would not for the time hold their own with boys. (8:26)**

**And from other opposition:**

**To introduce girls into the Latin School would be a legal and moral wrong to the graduates.. Greek literature is not fit for girls. (8:26)**

**By 1890, more girls were in high school than boys, as boys were dropping out of school more frequently to seek employment. (3:4) Because the number of public schools was increasing, a profession that opened to women in this period was teaching. As the nation committed itself to universal public education, thousands of new teachers were needed. Men could not be counted on to fill this need because of the numerous, often more profitable opportunities open to them. Young, single women, however, were ideal for teaching children, as well as available in large numbers. (14:154)**

**Higher education for women, however, was a different matter. Miss Sophia Smith, when considering endowing funds for a female college, sought advice from a leading education representative, Dr. Edward Hitchcock. He strongly opposed Mrs. Smith's idea: "No! The matter of woman's higher education is still an experiment."**

**Fortunately, Mrs. Smith did not accept Dr. Hitchcock's recommendation and Smith College was founded in 1868. (8:46)**

**As a significant number of men elected to pursue the professions which did not require a higher education at that time (medicine and law), colleges and universities faced a severe economic loss. To counter this, and to assist in mitigating a shortage of teachers, they opened enrollment into the liberal arts to women. Entire curricula were developed exclusively for women such as social work, education, library studies, and home economics. (14:163)**

**Colleges in the U.S. began to become coeducational and nearly half had accepted women by 1879. The first was Oberlin in Ohio in 1833, then Antioch and Swarthmore in 1852, and the University of Iowa in 1856. In the West there were many more. The first Southern state institution to accept women was the University of Mississippi in 1882, and in 1874 Radcliffe was founded as an annex to Harvard. (6:128-129)**

**Professions (such as law or medicine) started requiring college and advance study., and most women were denied admission to the professional colleges in the 1850s. Midwifery, a traditionally female occupation, suffered. When educational and licensing requirements for doctors were established, midwifery was often made illegal, and many women would die in childbirth rather than seek care from a male physician. (14:153) Later professional institutions began adopting quota restrictions on women. This practice was formalized in 1925 when medical schools set a five percent quota for female students (a standard which would remain in effect until 1945). To further add to the problem, women were only accepted as interns at 40 out of 482 hospitals in the United States. (7:317)**

**Harvard, one of the last medical schools to exclude women, admitted 12 in 1945. Many eligible males had been sent off to fight the war, and it was decided that twelve academically superior women were better than "mediocre" men. (1:105) That year opportunity for women was at its peak, so by 1949 women accounted for 12 percent of graduating physicians. But by 1955, the figure had dropped to five percent. WWII had presented hundreds of women with the opportunity to go to medical school but by the mid- 1950s, their younger sisters faced the same quotas that existed in the 1920s and 1930s. (1:109)**

**Women's economically inferior positions continued to be reinforced by these educational patterns of the 1940s and 1950s. They were more prepared for social and economic roles that continued to polarize the sexes. (1:101)**

**As men returned from the war and were offered veteran's benefits to pursue a college education, enrollment of women dropped. In 1955, 35 percent of high school women were taking typing, shorthand, and general business courses as preparation for work after they graduated, and often they were discouraged from attending college. (1:102) At Vassar College the proportion of women majoring in chemistry**

and physics was as high as 21 percent during WWII. After the war ended, that percentage dropped by 12 percent. In the absence of a national demand for women in sciences, women assumed more traditional patterns of education. (1:110)

## **EMPLOYMENT**

The supply and demand forces of the labor market have historically had a far greater negative impact on women than men. Female labor was plentiful, but clustered in only a few occupations. Women were competing with other women for jobs. Employers were then able to depress their wages, and since they were not accepted into the male-dominated unions, women had little bargaining power. As in times of recessions, women were denied jobs or fired to allow men to take the few available positions.

With the increased demand for public education, training women as teachers, and offering only low wages, provided a means for states and cities to keep costs down. By 1880, women accounted for 57.2 percent of all elementary school teachers. (19:1) With the exception of nursing and elementary school teaching, the professions were closed to women. The higher income professions such as medicine and law were tightly controlled by men.

Elizabeth Blackwell's story is frequently used to illustrate the difficulty of a woman entering a nontraditional profession. After she had applied to numerous medical schools, Blackwell was finally accepted to Geneva College of Medicine, New York, in 1847. The faculty elected to let the students determine whether she was to be admitted. Expecting a negative response, they were surprised when the students unanimously supported her admission. She graduated at the top of her class in 1849, but because of the reluctance of people to accept a female doctor she was unable to attract a sufficient number of private patients to support her practice. She eventually opened the New York Infirmary for Women and Children. (11:89)

For Mary Bradwell, the situation was similar. After completing her law degree at Union Law College in Chicago in 1870, she took and passed the bar examination. The State Supreme Court denied her admission to the bar solely based on her sex. Justice Bradley in his remarks stated, "Proper timidity and delicacy evidently unfits (women) from many of the occupations of civil life." (14:155-156)

From 1840 to 1900, young single women left their homes to seek employment in the textile industry. By 1850, there were 225,000 American women employed in the textile industry, filling 80 percent of the positions. (17:126) Women frequently worked 12-hour days in substandard conditions, with depressed wages. The limited number of jobs open to women and the large number of women waiting to fill them, allowed employers to fill the low-paying jobs with women. To make matters worse, the newly formed men's skilled craft unions excluded women, because they viewed the women as a threat. (5:15-16)

Formed in 1903, the National Women's Trade Union League (NWTUL), working with the middle-class women of the settlement house movement, aimed at organizing women into units to enable them to bargain for shorter hours and better pay. (14:157) The National Consumers League (NCL) joined with the NWTUL in an attempt to gain protective legislation for employed women. By focusing on the health of women, the NCL was able to arrange for minimum wages, state restrictions on the number of hours a woman could work, and even encourage better factory conditions. NCL brought many changes to women's working conditions. Unfortunately, some proved to be negative changes. With restrictions placed on women's labor, many employers chose not to employ women and in those jobs where women were earning wages high enough to attract male earners, women were quickly replaced with men. (14:159)

The depression further exasperated women's employment opportunities, as public opinion at that time supported the idea that the few jobs available should go to men, and twenty-six states even passed laws barring the employment of married women in some occupations. (13:306)

Women, however, entered the labor force in massive numbers during WWII, easing the personnel shortages created by the departure of male employees. "Rosie the Riveter" was a national heroine, performing her patriotic duty by working in the defense industry. (9:226) From 1940 to 1945, the percentage of women workers went from 26 to 36 percent. Many were married. When the men came back from the war, taking back the professional and manufacturing positions, women were again relegated to filling "traditional" female jobs. As the economy thrived after the War, the demand for women in the labor market did remain; however, a large percentage of these jobs were in the service industry, having low wages and little security.

## **1960s - 70s WOMEN'S RIGHTS MOVEMENT**

After the victory in 1920 of the women's suffrage movement, there was little organized activity by women until the 1960s. Prior to the 1960s, most of the progress made in employment and education for women came as a result of individual effort or the labor market's growth. As the consciousness of women was raised in the mid-nineteenth century by the awareness of Black oppression, increased political activity by Blacks in the 1960s again helped focus women's attention on their still unrealized equality. During the 1960s and 70s, women's rights were greatly expanded through legislation and court decisions. Women's organizations lobbied the executive and legislative branches and filed cases in litigation, thereby increasing public awareness of sex discrimination issues. In this way they developed and became instrumental in obtaining increased opportunities for women. (14:194)

In 1961, Esther Peterson, the head of the Women's Bureau and long time women's rights advocate, persuaded President Kennedy to appoint a commission to assess the place of women in the economy, the family, and the legal system. The commission's report was issued in 1963, documenting significant problems of discrimination in

employment, unequal pay, lack of social services support, and continuing legal inequality. (9:274-275) The Equal Pay Act of 1963 was passed as a result of this report, followed by the Civil Rights Act of 1964, which banned sex discrimination. To maintain compliance with this Act, Congress established the Equal Employment Opportunity Commission (EEOC).

Many people chuckled and felt the inclusion of Title VII (banning sex discrimination) to the Civil Rights Act of 1964 was a joke. The *New York Times* referred to it as the "Bunny Law"--what would happen if a man applied for a position to a Playboy club as a bunny? Could he charge discrimination if they didn't hire him? (16) Despite the jokes, Title VII would become one of the strongest legal tools available to women in obtaining greater equal opportunity.

The same year the presidential commission reported its findings (1963), Betty Friedan's book *The Feminine Mystique* questioned the traditional role of women as homemakers. (10)

The image of woman that emerges from this big, pretty magazine is young and frivolous, almost childlike; fluffy and feminine; passive; gaily content in a world of bedroom and kitchen, sex, babies and home. The magazine surely does not leave out sex; the only goal a woman is permitted is the pursuit of a man. It is crammed full of food, clothing, cosmetics, furniture and the physical bodies of young women, but where is the world of thought and ideas, the life of the mind and spirit? (4:42-43)

Shortly after the signing of the Civil Rights Act of 1964, numerous women's rights groups emerged. Dissatisfied with the lack of interest displayed by the EEOC in sex discrimination, the National Organization for Women (NOW) was formed in 1966. Headed by Betty Friedan, the organization's membership included many prominent women's rights advocates. NOW devoted most of its early efforts to alleviating discrimination in economic, educational, and social arenas. (14:70) A few years later, NOW became an active advocate for the Equal Rights Amendment (ERA) and abortion issues.

For women who were more conservative, the Women's Equity Action League (WEAL) was founded. WEAL avoided the abortion issue and devoted its energies to ending sex discrimination in employment and education.

The National Women's Political Caucus (NWPC) was established to improve women's political status and fill the void left by NOW and WEAL. Shirley Chisholm, one of the founders, felt NWPC would be "an umbrella organization which provides the weight and the muscle for those issues which the majority of women in this country see as a concern." (7:366) Many of NWPC's founders, Gloria Steinem, Bella Abzug, and Betty Friedan, had previously founded NOW and held membership and positions in other women's organizations. NWPC's goals included increasing support for women candidates, publicizing what women's issues were at risk in elections, and monitoring the selection of women party delegates. (17:245)

Numerous other women's organizations followed: The National Women's Law Center (15) founded in 1972, works to develop and protect women's rights; the Women's Action Alliance (20), founded in 1971, provides information on women's issues, programs and services to women's organizations, the media, corporations, researchers and others; the Women's Campaign Fund, founded in 1973, helps fund campaigns of women candidates that are pro-ERA and pro-choice (14:74); and the National Association of Working Women--nicknamed "9 to 5"--works to establish a national network of office workers to aid in the elimination of race and sex discrimination and improve working conditions of women office workers. These women's rights groups became instrumental in securing legislative and judicial rights for women.

In 1967, NOW called for legislation that would ensure that women be educated to their full potential. WEAL pushed for support to allow women to pursue their own aspirations according to their abilities. The concern for educational opportunities for women led women's groups to actively lobby for the passage of Title IX of the Educational Amendments Act of 1972. Title IX prohibits sex discrimination in all educational institutions receiving federal funds. (14:188-189)

NOW was instrumental in pressuring President Johnson to sign Executive Order 11375, by reminding the President's top officials that he had apparently forgotten his promise to appoint fifty women to top level positions. They added: "by the way an executive order prohibiting sex discrimination by federal contractors would be nice."

Effective in 1968, Executive Order (EO) 11375 prohibited private sector employers with federal contracts from discriminating against female employees and required employers to adopt an affirmative action plan to redress past discriminatory practices. The Office of Federal Contract Compliance was identified as responsible for general enforcement. It took almost two years before the administration enforced the regulations and then most women's groups found them disappointing. (12:45-46)

Even though women's organizations found the 1970 guidelines weak, they decided to use the regulations for what action was possible. In 1970, NOW filed a blanket complaint against 1,300 companies and corporations receiving federal contracts. WEAL filed a complaint against the University of Maryland and requested that all colleges and universities be investigated. NOW filed complaints against Harvard and WEAL filed a complaint in the late 1970s against every medical school in the United States, noting the very real difference in the ratio of female to male students. The Professional Women Caucus filed a similar suit against all United States law schools. (12:97)

By 1972, the executive branch had received over 350 sex discrimination complaints. WEAL felt that the executive offices responsible for handling sex discrimination cases failed to act appropriately, so in 1974 WEAL sued two agencies in the

administration for their mismanagement of sex discrimination cases. In late 1977, these agencies admitted their failure, and they were directed to formulate standards and time tables to comply with the requirements of Executive Order 11375. The administration was further required to pay all costs of litigation incurred by WEAL. (14:175)

One of the first cases to reach EEOC involved the American Airlines stewardesses. At that time, American Airlines released stewardesses when they reached the age of thirty-two, while male pilots and flight engineers could continue to work until they were older. More than three years later the EEOC released guidelines that barred an age limit on stewardess. The stewardesses' union further attacked the airline policy which released stewardesses if they married or became pregnant. Airline management countered that once stewardesses married they would miss too much work and would gain weight. Both of these airline policies were also eventually removed.

When NOW sought to end sex-segregated want ads (e.g., "Female Help Wanted"), they organized demonstrations at the major newspapers across the country. NOW further filed suit against EEOC for its failure to enforce Title VII and against the *Pittsburgh Press* for its noncompliance. The *Pittsburgh Press* case reached the U.S. Supreme Court, and the issue was finally settled in 1973 when the Court ruled against the press.

Of the many legal cases taken on by NOW, the Jane Daniel case was one of the most symptomatic of society's sex discrimination in legislation. In 1966, Daniel was sentenced to prison for robbery after she and a male partner held up a bartender. In Pennsylvania, the Muncy Act of 1913, which in effect could keep women in prison 50 percent longer than men, was still in effect. For Daniel's case that added six years to her original sentence. The intent of the Muncy Act was to keep "women delinquents" who led "sexually immoral lives" from prostitution, because of the possibility of a prolonged sentence if caught. In 1968, the Pennsylvania Supreme Court ruled the Muncy Act invalid. Later, Pennsylvania officials reviewed the cases of 200 women sentenced under the Act, and since many had already served longer than a man convicted of the same offense, most of them were released from prison.

## **SUMMARY**

As a result of the nineteenth and twentieth century women's movements, most legal barriers to women's full political participation have been overcome and in fact both national political parties have made changes to increase women's participation. (14:75) Cultural proportional and discrimination barriers have diminished considerably in the last few decades; however, women still face obstacles in achieving equality. Achievement of positions with the most prestige and the greatest economic rewards still presents the greatest challenge. While changes to laws and policies must continue to be pursued, more important attitudinal changes are also necessary before women can achieve even equality in the work force.

As stated by Carol Tavris in *The Mismeasure of Women*:

It is to ask again the old unfashionable questions: Who benefits from the official theories and private stories we tell about presumed sex differences? Who pays? What are the consequences? Who get the jobs and promotions? Who ends up doing the housework?... This way of thinking gets us out of the "who's better" approach that... goes merely in circles... Such questions are unanswerable, because "better" or "worse" depends on what a person values, chooses, and wants out of life, and what rewards or disadvantages follow from those choices.

Instead, we might examine some results of the belief that women's life paths do not fit them for an academic or corporate (or military) career the way men's development does. One consequence is that women were once excluded from universities and still are excluded from advancement at the highest corporate levels; another is that men who focus wholly on career are excluded from the pleasures and crises of daily family life. We might ask how it came to be that only one professional path is acceptable, and who decides which one is correct. We might observe that the very question of whether women's life paths are worse or better than men's deflects us from the fact that men are setting the standard of normalcy. (18:289)

**PROMISES TO KEEP--WOMEN'S EQUALITY!**

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