



# THE U.S. WOMEN'S JURY MOVEMENTS AND STRATEGIC ADAPTATION

*A More Just Verdict*

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HOLLY J. MCCAMMON

CAMBRIDGE

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HOLLY J. McCAMMON

*Vanderbilt University*



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## The U.S. Women's Jury Movements and Strategic Adaptation

When women won the vote in the United States in 1920, they were still routinely barred from serving as jurors, but some began vigorous campaigns for a place in the jury box. This book tells the story of how women mobilized in fifteen states to change jury laws so that women could gain this additional right of citizenship. Some campaigns quickly succeeded; others took substantially longer. The book reveals that when women strategically adapted their tactics to the broader political environment, they were able to speed up the pace of jury reform, whereas less strategic movements took longer. A comparison of the more strategic women's jury movements with those that were less strategic shows that the former built coalitions with other women's groups, took advantage of political opportunities, had more past experience in seeking legal reforms, and confronted tensions and even conflict within their ranks in ways that bolstered their action.

Holly J. McCammon is professor of sociology and affiliated professor of American Studies and Women's and Gender Studies at Vanderbilt University. She has published extensively on women's activism and social movement tactics, with articles appearing in the *American Journal of Sociology*, *American Sociological Review*, *Gender & Society*, *Mobilization*, *Social Forces*, *Social Problems*, and *The Sociological Quarterly*. She is also a coeditor of *Strategic Alliances: New Studies of Social Movement Coalitions*. Professor McCammon is editor of the *American Sociological Review*, and her research has been recognized by the Collective Behavior and Social Movements Section of the American Sociological Association (ASA). She has received research funding from the National Science Foundation and the American Association of University Women, and she is past chair of the Collective Behavior and Social Movements Section of the ASA.

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*For John, with love*

## Preface

A good number of years ago, I showed the film *12 Angry Men*, the original black-and-white version starring Henry Fonda, to my Law and Society class. A student asked why all of the jurors in the film were men. At the time I had no answer to the question, but I told the student I would do some investigating and report back. I found that little had been written about women and jury service, and I had to dig to learn that in many states in the first half of the twentieth century, women were legally excluded from serving as jurors. Women responded to this restriction by waging campaigns to convince state lawmakers to let them serve. In some states, these efforts were quickly successful, but in others they did not succeed until the 1950s and 1960s. It turns out that there is a fascinating history behind these mobilizations to put women on juries, a history that for the most part has been overlooked. We often think that once women won the right to vote in 1920, their activism for greater gender equality died down until they began a concerted push for the Equal Rights Amendment. This, however, is a misconception. From the 1920s up through the 1960s, women led often sizable and publicly visible campaigns to gain an additional citizenship right: a place in the jury box.

This book tells the story of a number of these organized campaigns, and we can learn quite a bit about women's collective and strategic efforts from these mobilizations. Scholars who study social movements often pay little attention to the strategic actions of political activists. This book looks closely at when and how organized women pressing for gender-inclusive jury laws revised their tactics in order to increase their chances of winning legal reforms. I call the movements engaged in these kinds of tactical adjustments strategically adaptive movements. As this volume reveals, many of the jury activists were highly strategic in their collective pursuit of a place in the jury box. In the end, all of the campaigns examined here engaged in strategic action and were successful in convincing lawmakers to broaden women's citizenship rights.

Many individuals and organizations offered support while I was writing this book, and their aid took a myriad of forms – all of it indispensable. I worked with a team of talented graduate students who helped gather the archival

materials that underpin the study. I thank Soma Chaudhuri, Lyndi Hewitt, Courtney Muse, Harmony Newman, Carrie Smith, and Teresa Terrell for their travels and willingness to ferret out those many bits and pieces of information that helped piece together the larger narratives presented here. I also thank Clair Dawson and Terrie Spetalnick for their important and helpful research assistance later in the project. It was a joy to collaborate with all of these students during this early stage in their careers.

We visited nearly fifty different archives in fifteen states, and the archivists and librarians were always gracious and generous in response to our many requests. The patience and care with which they assisted in our searches, made photocopies, and answered e-mails are deeply appreciated. Historical scholars benefit immeasurably from the ministrations of archival librarians. They provide an invaluable service that makes our research possible. I also thank Vanderbilt University's interlibrary loan staff for locating a variety of sometimes obscure materials, and Phil Nagy in Vanderbilt's Special Collections for help in reproducing the photos included in the volume.

I greatly appreciate the year-long leave granted by then Dean (now Provost) Richard McCarty. Without this extended and uninterrupted time, I would not have been able to draft the manuscript. I also thank Associate Provost Dennis Hall and the Vanderbilt Research Scholars Program for extensive funding that aided in gathering data for this book. A grant from the National Science Foundation was pivotal in supporting graduate students and funding the necessary travel for the project. I owe a special thanks to the American Association of University Women, whose postdoctoral research fellowship very early in the project allowed me to extend a leave and complete the data collection. I am also indebted to the Texas Woman's University Library Woman's Collection for funding to visit its wonderful collection.

A number of colleagues generously read and commented on the manuscript or offered invaluable conversations about the book's direction. Their sage advice made this work better than it would have been otherwise. I am very grateful to Paul Burstein, Dan Cornfield, Rachel Einwohner, Richard Lloyd, David Meyer, Suzanne Staggenborg, Verta Taylor, and Nella Van Dyke. I owe special thanks to Larry Griffin who first taught me about qualitative comparative analysis and who for many years has been a mentor and friend. Scholars have exceedingly full schedules, and I feel privileged to have colleagues who share both their valuable time and their clear and careful thinking.

Various scholars in a variety of colloquia and workshops provided exceedingly valuable feedback during both the early and later stages of this project. I thank especially: The Power, Politics, and Social Movements Colloquium participants in the Vanderbilt Department of Sociology; the Vanderbilt University Warren Center's Strategic Action: Women, Power and Gender Norms Seminar Fellows; the Democracy Fellows at the Center for the Study of Democracy at the University of California, Irvine; and those who attended the Reitman/DeGrange Memorial Lecture in the Department of Sociology at Dartmouth College.



I am grateful to Lew Bateman and Anne Lovering Rounds at Cambridge University Press for all of their assistance in moving through the publication process, especially their patient replies to my seemingly endless questions. I also thank the Cambridge University Press readers for their discerning and insightful comments. Additionally, I thank the *American Journal of Sociology* for publishing an article in 2008 in which I began to articulate some of the ideas I present in this book.

This volume would never have happened without the encouragement and support from my family. I thank Jack and Cherie Stark for always asking how the book was coming along. My son Seth appeared at my home-office door with cups of coffee or tea at perfect moments every time. My daughter Hadley left happy, colorful notes on my desk that never failed to brighten my day. My husband John for more than thirty years has never wavered in his enthusiasm for my scholarship, and while, on the one hand, he deserves a medal for maintaining this level of interest for so long, on the other, the thirty years has gone by in the blink of an eye because it is such a joy to be his life partner.

I close this preface with gratitude and respect for the individuals I study in this volume, women who fought for equal citizenship for women. Theirs is an important story that need not be relegated to the dustbins of history. There is so much to be learned from these women and their willingness to stand up for a just cause.

## Organizational Abbreviations

CA-FWC	California Federation of Women's Clubs
CA-WLC	Women's Legislative Council of California
CCL	California Civic League
CO-BPW	Colorado Business and Professional Women's Clubs
CO-FWC	Colorado Federation of Women's Clubs
CO-LWV	Colorado League of Women Voters
GA-FWC	Georgia Federation of Women's Clubs
GA-LWV	Georgia League of Women Voters
GAWL	Georgia Association of Women Lawyers
IL-FWC	Illinois Federation of Women's Clubs
IL-LWV	Illinois League of Women Voters
IL-WBA	Women's Bar Association of Illinois
MA-BPW	Massachusetts Business and Professional Women's Clubs
MA-LWV	Massachusetts League of Women Voters
MA-NWP	Massachusetts National Woman's Party
MD-CWJS	Maryland Committee for Women's Jury Service
MD-FWC	Maryland Federation of Women's Clubs
MD-LWV	Maryland League of Women Voters
MD-NWP	Maryland National Woman's Party
MO-LWV	Missouri League of Women Voters
MO-WBA	Missouri Women's Bar Association
MT-FWC	Montana Federation of Women's Clubs
MT-LWV	Montana League of Women Voters
NE-BPW	Nebraska Business and Professional Women's Clubs
NE-LWV	Nebraska League of Women Voters
NY-BPW	New York Business and Professional Women's Clubs
NY-LWV	New York League of Women Voters
NY-NWP	New York National Woman's Party
SC-BPW	South Carolina Business and Professional Women's Clubs
SCCCG	South Carolina Council for the Common Good
SC-FWC	South Carolina Federation of Women's Clubs

SC-LWV	South Carolina League of Women Voters
TN-BPW	Tennessee Business and Professional Women's Clubs
TX-AAUW	Texas American Association of University Women
TX-BPW	Texas Business and Professional Women's Clubs
TX-FWC	Texas Federation of Women's Clubs
TX-LWV	Texas League of Women Voters
TX-NWP	Texas National Woman's Party
VT-FWC	Vermont Federation of Women's Clubs
VT-LWV	Vermont League of Women Voters
WI-NWP	Wisconsin National Woman's Party
WS-TBA	Women's Section of the Tennessee Bar Association
WWPA	Wisconsin Women's Progressive Association



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## Introduction

### *The Women's Jury Movements and Strategic Adaptation*

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 Sixth Amendment. And yet the women of this nation have never been allowed a jury of their peers.... Young girls have been arraigned in our courts for the crime of infanticide; tried, convicted, hanged – victims, perchance, of judge, jurors, advocates – while no woman's voice could be heard in their defense.

– Susan B. Anthony, July 4, 1876

In 1868, Hester Vaughan was tried and sentenced to death in a Philadelphia court for killing her newborn infant. Following the verdict, women's organizations led by Susan B. Anthony and Elizabeth Cady Stanton rallied to her defense. They argued that Vaughan had not received a fair trial. Vaughan, an immigrant from Britain, had worked as a servant until it became apparent that she was carrying her employer's child. With her position terminated, she found herself without income or family support. After living alone for a number of months and trying to sustain herself by taking in sewing, she was discovered three days after the birth, severely ill and alone with the dead child. A letter to the editor in the *New York Times* argued that the facts of the case had simply not been carefully considered at trial. The writer explained, "the mother was, in midwinter, driven, forlorn and destitute, to a barren attic room where, freezing and starving, she gave birth to a child. The mystery is, not that the child died, but that the mother lived" (1868a, p. 5; see also *New York Times* 1868b, 1868c). The Working Women's National Association, led by Susan B. Anthony, took up Vaughan's cause and ultimately succeeded in winning a pardon from the Pennsylvania governor. The association stated that because no women were permitted on the jury that tried Hester Vaughan, the verdict was not just. The group was outraged that an all-male jury viewed Vaughan as the malefactor when, in fact, the women argued, Vaughan was the victim of a broader gender and class system in which women in her position had little or no power (Rakow and Kramarae 1990).