

# Women and the Constitution: Why the Constitution Includes Women

WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

#### ARTICLE I.

*Sec. 1.* ALL legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

*Sec. 2.* The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

*Sec. 3.* The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year, and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

*Sec. 4.* The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

*Sec. 5.* Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

*Sec. 6.* The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during

their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

*Sec. 7.* All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

*Sec. 8.* The Congress shall have power

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings:—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof.

*Sec. 9.* The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: Nor shall vessels bound to, or from one State, be obliged to enter, clear, or pay duties in another.

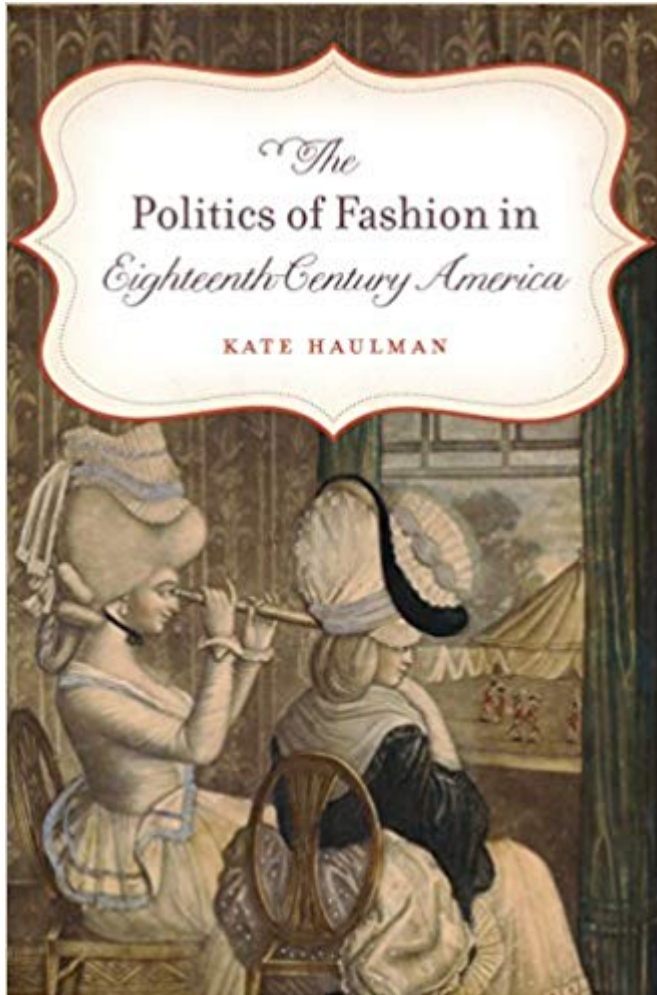
No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States:—And no person holding any office of profit or trust under them, shall,

“But what if women indeed were mentioned? Would we have to change our interpretation of the place of women in the Constitution?”

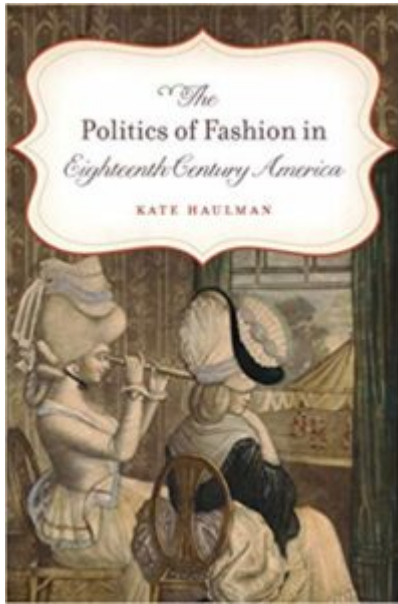
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## Frenchified Fashions and Republican Simplicity



Clothing studies are too often overlooked by historians and even material culture scholars. Kate Haulman makes an overdue and important contribution with *The Politics of Fashion in Eighteenth-Century America*. While much of what Haulman writes is known among scholars of American costume history, she is the first to pull together a deep and diverse group of resources to present an academic interpretation of American fashion and its political and social meaning in the late colonial and Revolutionary eras.





Using the “four major port cities of British North America: Boston, New York, Philadelphia, and Charleston” (3), Haulman analyzes fashion’s embodiment of eighteenth-century cultural and political tensions, focusing on its role in the argument for Revolution. The first of the book’s three sections examines social and economic status and gender relations-and the permeable parameters thereof-as reflected in fashion. The wearing of wigs by men (leading to complaints of an overly feminine appearance) and hoops by women (prompting accusations of indecency) became the particular focus of conflicts about gender roles.

Americans in the early republic walked a tightrope, trying to balance legitimacy as a new nation with the development of a unique culture. Fashion embodied this effort.

Chapters 3 and 4, comprising Part Two, discuss the tensions of the 1760s and 1770s over an influx and then taxation of imported goods (including fashions), which led to urgent calls for frugality and home manufacture. Foreign fashions became increasingly unnatural and outrageous, with the effeminate “Macaroni”—wearing tiny hats perched on huge wigs, über-stylish coats, and “mouche” patches on their faces—offering particular targets of ridicule. Similarly, women who invested in a “high roll” hairdo or wig risked the scorn of patriots coming down on their heads. A woman’s commitment to domesticity (preferably including spinning and weaving) and her rejection of frivolous foreign fashion verified her femininity. The general adoption of foreign fashions led to a backlash of “...restrained propriety as the true signifier of high status” (96); in the same manner, political power required sartorial restraint.

Part Three explores the infusion of fashion in Revolutionary politics, when a display of homespun or other simple garb signaled American patriotism—as a flag pin does today on the lapel of a politician. Once the Revolution was over, “...some argued that political transformation should signal a change in culture,

and that an independency of dress was a place to start" (181). To appear legitimate to foreign powers, however, Americans had to maintain a fashionable appearance according to Western European prescriptions. Resistance to the calls for a national costume and continued dependence on foreign fashions led to prophecies of economic ruin and the republic's collapse. Thus, Americans in the early republic walked a tightrope, trying to balance legitimacy as a new nation with the development of a unique culture. Fashion embodied this effort, as well as Americans' pursuit of international trade and domestic manufacture, and concerns about social and gender identification.

Haulman is skilled at drawing together a diverse range of letters, newspaper advertisements, and various other period papers, but her book would have been strengthened by a deeper understanding of the material culture which forms the core of her subject. She states in an early endnote that "I approach fashion first as a discursive practice, which illuminates material culture as a site of power struggles and contested meanings" (227). The focus on documentary study to the relative exclusion of object study results in some unfortunate errors, however. Within the first three chapters, Haulman presents period portraits to illustrate the era's costume and discuss its social implications. Several of the portraits are, in fact, fantasy dress, including the portrait of *Daniel Parke II* by John Closterman, 1706 (66); the female garb depicted in *Isaac Winslow and His Family* by Joseph Blackburn, 1755 (99); and the portrait of *Rebecca Boylston* by John Singleton Copley, 1767 (103). The artistic convention of portraying a sitter in fantasy dress began in the seventeenth century and continued throughout the eighteenth century; it was seen as creating an appearance of timelessness. Haulman misunderstands that artistic convention in her interpretation of two portraits of Isaac Winslow. In both paintings, Winslow wears the same coat—paired with an embroidered waistcoat in the 1748 image, and as part of a suit of matching fabric in the 1755 family portrait. Haulman points to the suit of Isaac Winslow in the 1755 family portrait as "...in keeping with the fashion of the day, but the use of the coat from the earlier work helps to give the figure the desired timeless quality" (99). In reality, the fashionable cut of the coat clearly indicated to his contemporaries that the portrait was painted in the mid-eighteenth century; within two decades, the coat was decidedly out of fashion. In contrast, Haulman describes the dress of "Lucy Jr." as being "somewhat unusual, with its gathered sleeves" (100). But it is not a real dress at all; nor is her mother's dress, with its bell-shaped sleeves—the women's dresses, not Isaac Winslow's coat, are intended to be "timeless."

Haulman also misunderstands some of the conventions of language describing costume in the eighteenth century. For example, she relates the purchase in England of "a rich dress" for a young woman about to be married in 1754: "Given the prized nature of London goods, we can imagine her delight; but what if the dress was simply 'wrong,' whatever the reason?" (71) It was typical in prior centuries to describe a purchase as if it were a finished garment, rather than the cloth for it—thus, the purchase in London of the "wedding dress" was actually fabric yardage and probably trimmings. Women's high-end clothing was

not available ready-made in the eighteenth century; gowns were constructed by the “pin-to-form” method, requiring a woman to be present as the mantua-maker draped and pinned the gown fabric to fit the wearer closely over her corset.

Haulman ends her book with the apt observation, “Fashion was citizenship’s corset: a hidden but foundational device that underpinned the figurative garb of democracy and equality” (225). But she again misunderstands period clothing terminology and reveals her lack of experience in object study when she declares that women did not wear corsets until the end of the eighteenth century: “In the 1790s, the corset reentered the world of fashion. This is not to say that the midsections of women’s bodies had gone unsupported in the decades, even centuries, before. Stays, or ‘jumps,’ and stomachers stiffened by whalebone shaped the forms of many women in the early modern period” (217). Corsets were called “stays” in the eighteenth century. “Stays” were heavily boned undergarments that forced a woman’s torso into the fashionable and very rigid conical shape of the eighteenth century. “Stays” and “jumps” were not the same thing, as Haulman indicates. Jumps were unboned work garments, generally worn under a jacket or short gown, and stomachers were merely decorative panels intended to fill the front of the dress bodice. Haulman does not discuss the significance of the busk—a wooden or baleen slat that was slipped behind the center front of the stays, preventing a woman from bending at the waist and forcing her to sit and stand in an erect posture. The busk, stays, and cut of the dress (or the cut of a man’s coat) all forced a certain posture and bearing, declaring the wearer’s actual (or desired) social and economic status.

Such mistakes and omissions detract from Haulman’s otherwise impressive achievement. But she has certainly, in this far-reaching book, helped to legitimize costume history as a meaningful avenue for academic study and set a course for other historians to follow. Studies of fashion in the seventeenth and nineteenth centuries bring forth many of the same concerns that Haulman considers—including complaints of feminine men and of the lower classes dressing above their station, denunciations of excessive attention to and overspending on fashion, dismay over the importation and mimicking of foreign fashions, and desires to adopt a simpler “American” style of dress. One hopes that her research will spur historians and costume experts to collaborate in investigations of these issues in other periods, so that we might finally have a comprehensive and substantive understanding of American costume and its political, social, and gendered meanings.

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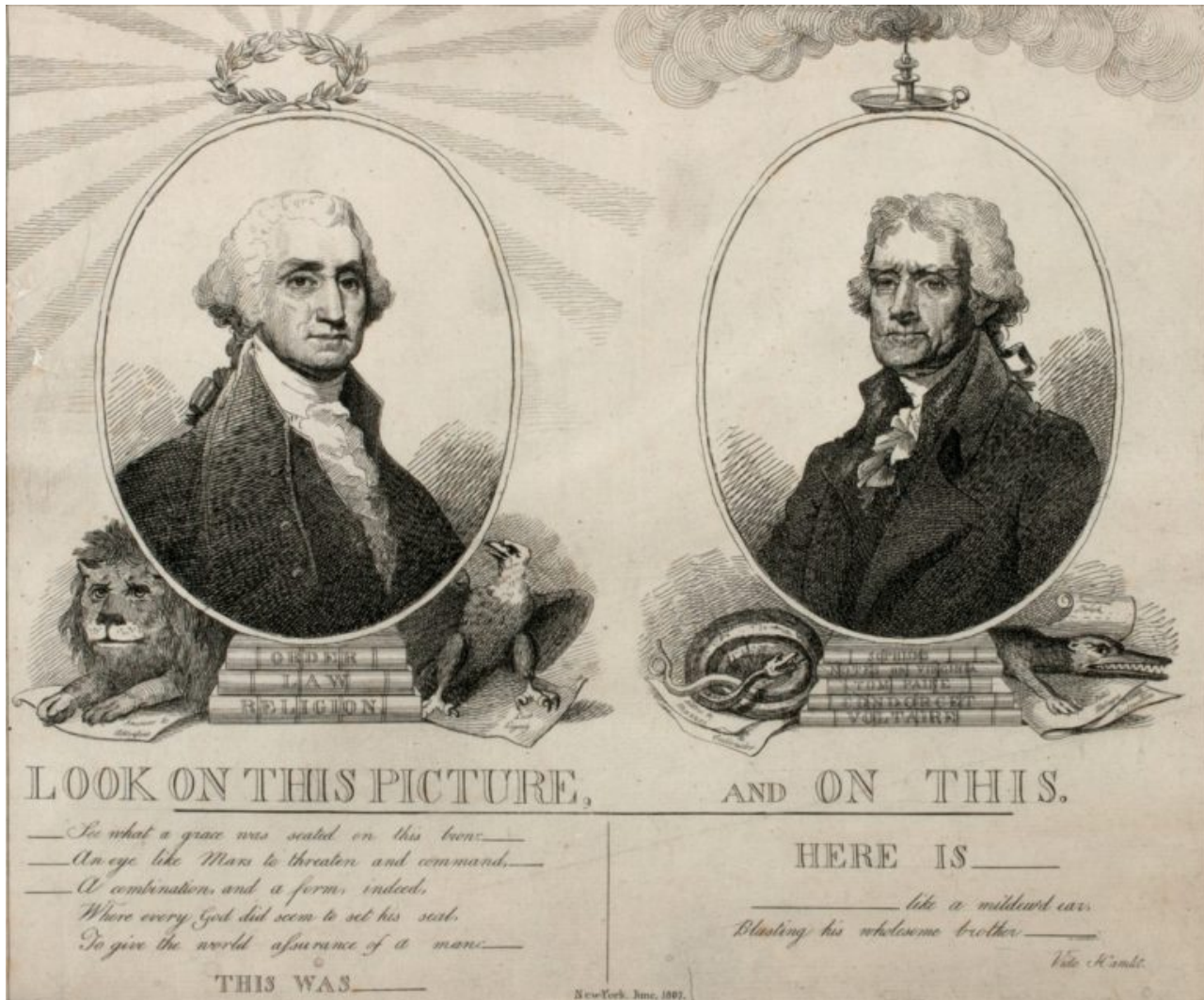
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Lynne Zacek Bassett is an award-winning costume and textile historian, author, freelance museum curator, and long-time member of the Costume Society of America. In her current position as guest curator for costume and textiles at

the Wadsworth Atheneum Museum of Art, she is researching a forthcoming exhibition and catalogue about American costume in the Romantic Era, 1810-1860.

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## “Great Questions of National Morality”



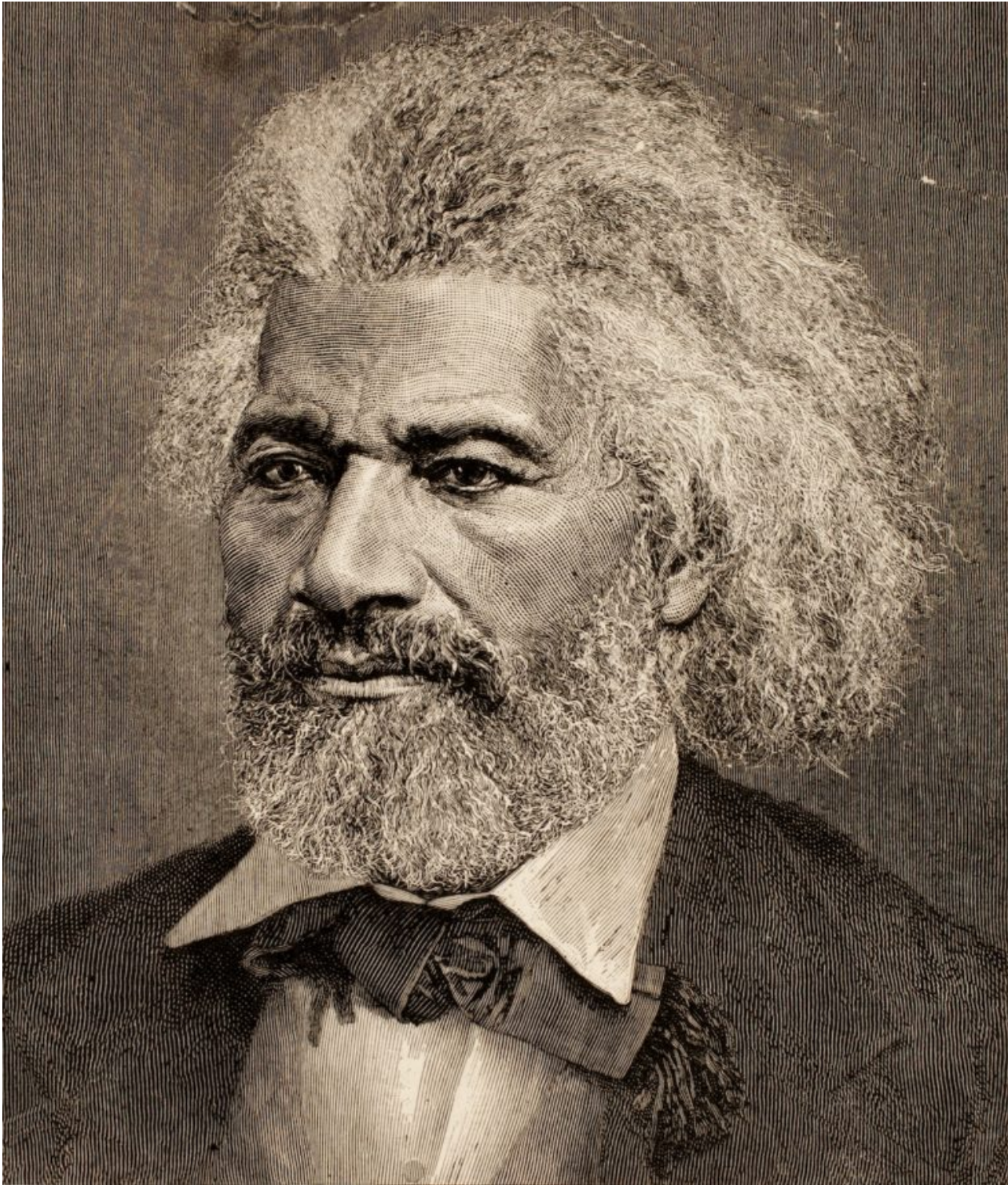
Presented as part of the special Politics Issue

Whatever the first amendment may say about the separation of church and state, religion has had a place in American politics, for better or worse, since the very founding of the nation.

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## The Wright Stuff

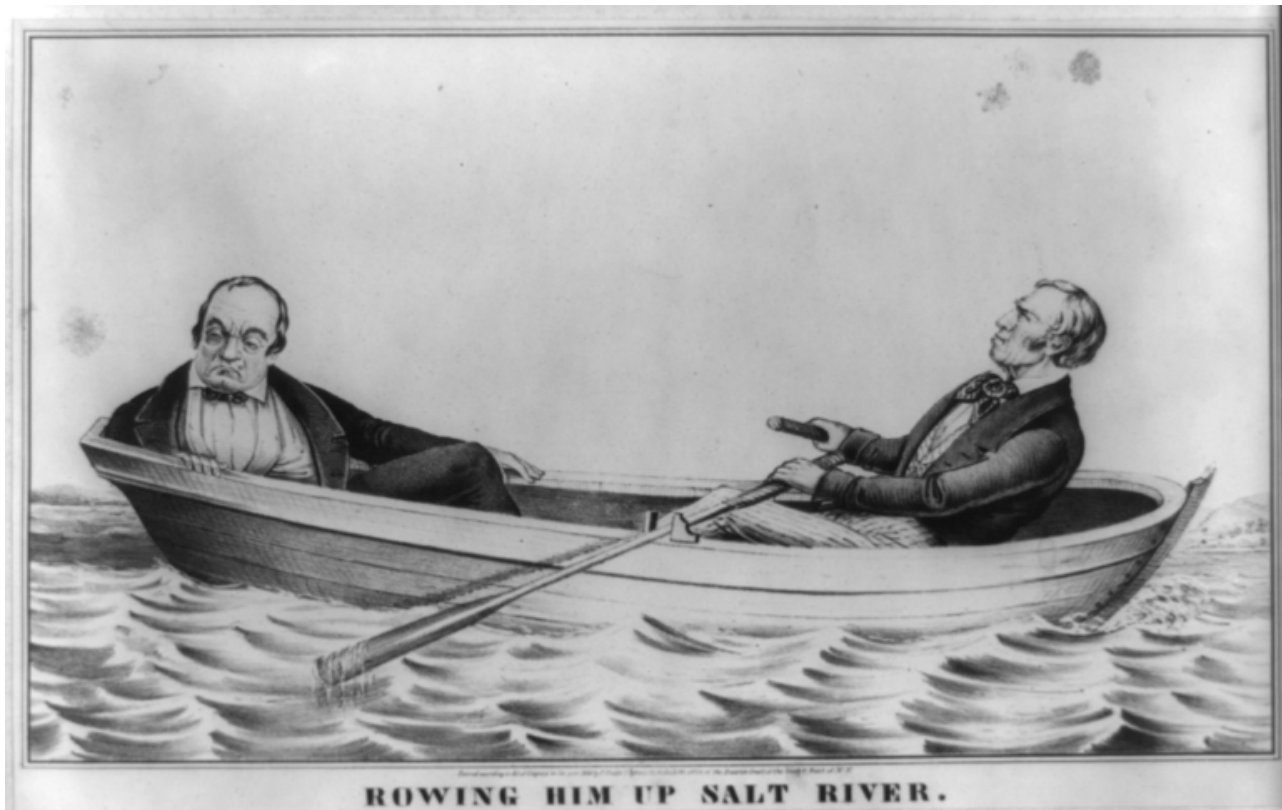


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Whether in fact Douglas was a scoundrel  
had become the key issue in American politics  
in 1858...



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## **“Ho for Salt River!”**

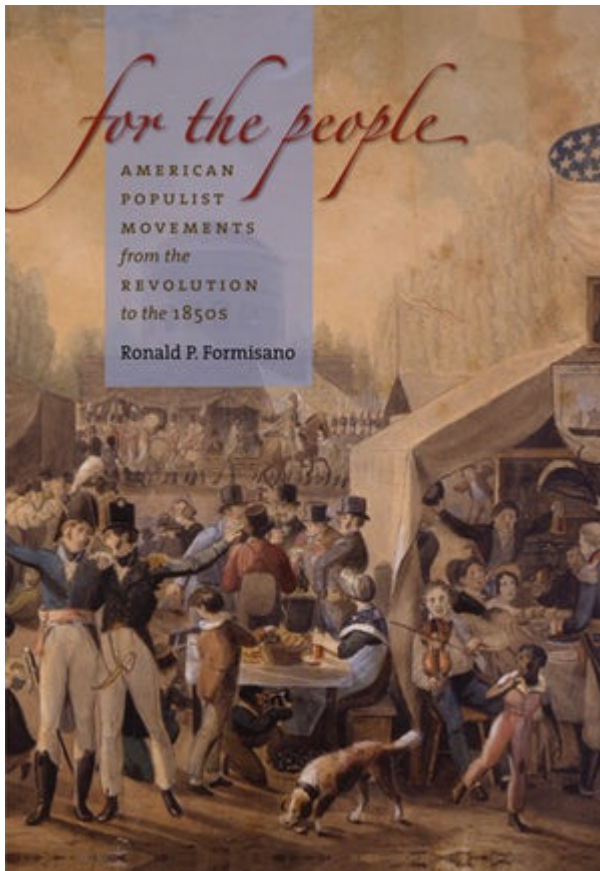


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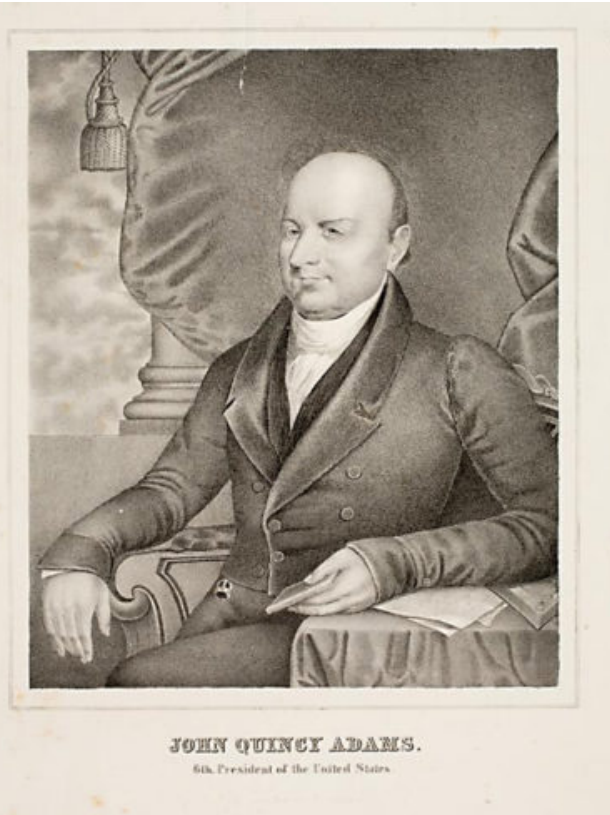
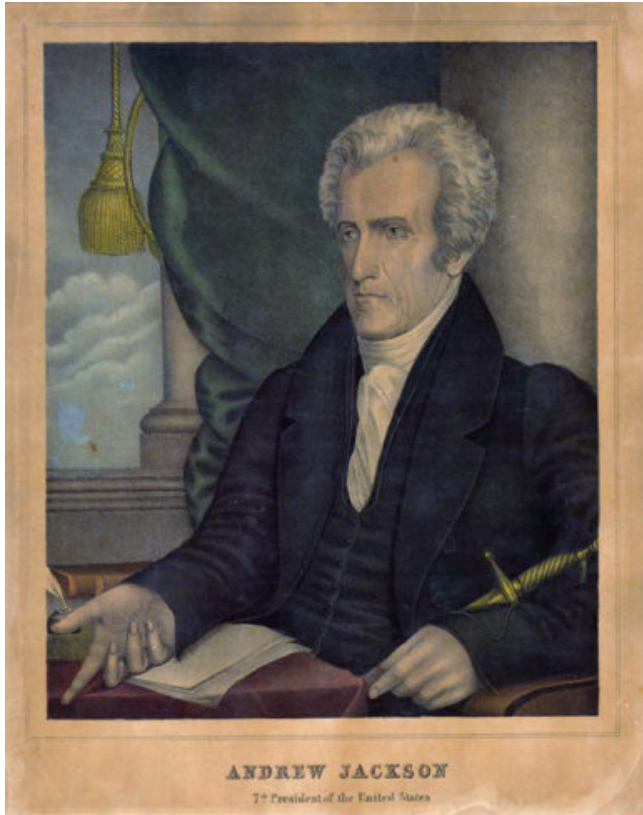
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