

Montana Women's Legal History Lesson Plan

Grade Level: 11–12

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Enduring Understandings

Laws affect lives. It is our responsibility to take part in the political process to shape our lives. Progress toward justice and equality is not linear. Laws are not created in a vacuum, but as a response to a social context.

Time: One to two 50-minute class periods

Standards

MSSS.1: Students analyze how people create and change structures of power, authority, and governance, to understand the operation of government and to demonstrate civic responsibility.

CCSS.ELA-LITERACY.RH.11-12.9: Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

Activity Description

Student groups will play a game and try to chronologically order actual legislation regarding women passed throughout Montana's history. After sharing the correct order of the laws, the teacher will demonstrate how to contextualize a law's passage in time, and students will research how the context of the era in which a law was passed influenced the enactment of the legislation. To demonstrate learning, students will write one paragraph with citations. Lastly, students will share their findings.

Objectives

At the conclusion of the lesson students will have:

- Examined the trajectory of some laws pertaining to women in the state of Montana.
- Related Montana legislation to the historical context in which it was passed.

Materials

- Laws, below (one copy per group)
- Timeline PowerPoint (download at <https://mhs.mt.gov/education/Women/TimelineUSEras.pptx>)
- Women's Legal History Timeline (optional; <http://montanawomenshistory.org/research/legal>)

Pre-Lesson Preparation

Print out the laws and cut into strips, each with a law. You will need one set of laws per group.

Review lesson and arrange to project the Timeline PowerPoint.

Procedure

1. Introduce the activity: Tell students that they will be looking at a selection of laws that the Montana legislature passed between 1874 and 1991 that specifically impacted women's lives. But first they are going to play a version of the game "Timeline."
2. Give student pairs or small groups the laws, cut into strips. Ask them to divide the laws

among themselves and take turns laying down laws and placing them in what they think is chronological order in relation to the other laws.

3. After all the laws are on the table, have them discuss and guess the decade in which the law was passed, rearranging as necessary to keep laws in chronological order. NO GOOGLING!
4. Share the actual order and years in which the laws were passed, allowing students to rearrange and fill in the years for the laws. Don't share the context; that information will be discussed later.
5. Discuss: Who had the most laws in correct order? What surprises were there? Are there laws that you thought would have been passed sooner? Are there laws that seemed ahead of their time? Why do you think laws were passed when they were?

Talk about the fact that people pass laws because of a perceived need. To understand why laws are passed at a particular time, you must understand the social context.

Walk students through the following examples:

Law J: 1943. The 28th Legislative Assembly amends Section 2566 of the Revised Codes of Montana (RCM), an act that pertains to the examination, detention, and quarantine of people suspected of having venereal disease. Public health officials have the power to examine people “reasonably suspected” of carrying a sexually transmitted infection, including prostitutes and those suspected of promiscuity. Public officials are within their legal rights if they inspect and detain such infected individuals in an effort to safeguard public health or to repress prostitution.

Ask: How did the context of the time of enactment influence the creation of this law? What was going on in 1943?

Answer: World War II.

In 1943, almost the entire population of the United States was involved in fighting World War II. Many young men and women served in the military, leaving their home towns and families. Civilians also participated in the war effort: planting “victory gardens,” collecting scrap metal for the war, rationing food and clothing, and working in vital industries like mining and shipbuilding.

Ask: What does this have to do with quarantining people infected with sexually transmitted diseases (STDs) and repressing prostitution?

Answer: It was essential that American servicemen be healthy—which made preventing the spread of STDs a national security issue. (Note: STD treatment was not as readily available or effective as it is today. A fairly new discovery, penicillin was in short supply because of the war effort.)

Look at another law, **Law B**, which made women eligible for jury duty, in 1939.

Ask: How did the context of the time of enactment influence the creation of this law? What was going on in 1939?

Answer: Great Depression/New Deal.

Explain that this law is not necessarily a direct result of the period (the Great Depression and New Deal). Rather, it is an extension of earlier social movements. The Progressive Era groups that pushed for woman suffrage did not disband after the passage of the Twentieth Amendment in 1920. Interest groups like the League of Women Voters continued to advocate for equal rights for women, and advocacy can be a slow process. The passage of this law indicates the continuity of political action over time, and the influence that interest groups can have on legislation. The influence of such

interest groups is regularly seen in the political sphere today.

6. Tell students it's their turn. Project the PowerPoint slide that has a timeline of major events and movements influencing U.S. and Montana politics to remind students of the eras, should they have forgotten them from their history class.
7. Assign students (or student groups) one law out of laws A, C, D, E, F, G, H, I, and L and have them answer in a paragraph: How is the passage of this law a response to movements or events occurring at the time of its passage? Have students practice citing their sources by including a requirement for two or more citations. **(Note:** Don't assign K, which required a party to nominate a man and a woman committeeman, because it may be too difficult for a student to complete successfully. Note too that F—revising the Mother's Pension Act—will more difficult than the others to research. Don't assign laws B and J, as they are the examples in step 5.)
8. Have students share their findings. Discuss: What does this exercise tell us about how people influence government and how government affects people's daily lives? What does it suggest about women's history in Montana?

Extension Activity

Investigate additional laws affecting women by reviewing the Women's Legal History Timeline on the Montana Historical Society's Women's History Matters Website.

Laws

(Copy and cut out for student manipulatives, one set per student group.)

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| A | Legislators approve an act limiting the hours women could work in manufacturing, mechanical or mercantile establishments, laundries, hotels, or restaurants to eight hours in a twenty-four-hour day. This act further requires that all such establishments provide seating for female employees to use when not engaged in their active employment duties. In addition to these laws, the legislature passes an act giving a pension to a mother for qualifying children if the father dies, becomes physically or mentally unable to support the family, or is incarcerated in a state institution for more than ninety days. | Guess the decade passed | Actual year passed |
| B | Women become eligible for service on a jury after multiple sections of the Revised Codes of Montana are amended to read “persons” instead of “men.” | Guess the decade passed | Actual year passed |
| C | The Montana Constitutional Convention includes a milestone Declaration of Rights in Article II of the new state constitution. Section 4, Individual Dignity, reads, “The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.” | Guess the decade passed | Actual year passed |

D	Chapter No. 687 revises the laws relating to sexual crimes. Sexual assault is now defined as a person knowingly subjecting another person to any sexual contact without consent. Before this revision, a person could not sexually assault his or her spouse; now spouses had legal protection against unwanted sexual contact within the marriage.	Guess the decade passed	Actual year passed
E	More than two-thirds of both houses of the legislature approve a constitutional amendment to establish new suffrage laws allowing women to vote in general elections. That places the amendment on the November ballot, where eligible voters (male citizens) also vote in its favor. After the amendment's passage, all women can vote if they meet the criteria of being a citizen, over the age of twenty-one, not a felon, and had resided in Montana for one year before the election is held. (Note that most Native Americans are not citizens, and therefore most Indian women remain disenfranchised.)	Guess the decade passed	Actual year passed
F	This legislative session revises the Mother's Pension Act, limiting who is considered eligible for allowances under the act. For a mother to receive funds, the child has to be living with the mother and the mother has to prove that without the allowance she cannot care for the child financially without finding regular work outside of the home. The court has to judge that a mother is physically, mentally, and morally able to raise her children, and that she does in fact need the financial help of the Mother's Pension Act.	Guess the decade passed	Actual year passed
G	A standard of equal pay for comparable worth is legally established. This law makes it illegal, in the classification of positions, to reflect gender biases (and understandings of who typically does what type of work) when judging the value of different jobs.	Guess the decade passed	Actual year passed

H	The Mother’s Pension Act, along with many other sections of the Revised Codes of Montana, is repealed with the passage of the Public Welfare Act. The newly established State Public Welfare Department now oversees the disbursement of funds to those in need.	Guess the decade passed	Actual year passed
I	The legislature enacts the Abortion Counselors and Counseling Services Act, requiring the state to provide at least two counseling sessions to a woman seeking an abortion. The sessions must be provided by a qualified counselor who can remain objective regarding the patient’s choice of alternative courses of action. The goals of these counseling sessions are to inform the woman of her options, encourage her to face and express her feelings, and enhance her mental stability in regard to her decision.	Guess the decade passed	Actual year passed
J	The legislative assembly amends a previously existing law that pertains to the examination, detention, and quarantine of people suspected of having venereal disease. The amendment stipulates that public health officials have the power to examine people “reasonably suspected” of carrying a sexually transmitted infection, including prostitutes and those suspected of promiscuity. Public officials are within their legal rights if they inspect and detain such infected individuals in an effort to safeguard public health or to repress prostitution.	Guess the decade passed	Actual year passed
K	The legislative assembly enacts a law that requires each political party to nominate and elect two committeemen at its primary election, one of which must be a woman, one a man, and both residents of the precincts for which they are nominated.	Guess the decade passed	Actual year passed
L	A married woman can sue a person who knowingly gives intoxicating liquor to a person with an established drinking problem or to minors without their parents’ permission.	Guess the decade passed	Actual year passed

Answer Key for Chronological Order and Student Paragraphs

Reconstruction Era, Women's Christian Temperance Movement Founded

(L) 1874 A married woman can sue a person who knowingly gives intoxicating liquor to a person with an established drinking problem or to minors without their parents' permission.

In research paragraph: Students should mention the founding of the Women's Christian Temperance Union and its campaign against drunkenness.

Progressive Era

(E) 1913 More than two-thirds of both houses of the legislature approve a constitutional amendment to establish new suffrage laws allowing women to vote in general elections. That places the amendment on the November ballot, where eligible voters (male citizens) also vote in its favor. After the amendment's passage, all women can vote if they meet the criteria of being a citizen, over the age of twenty-one, not a felon, and had resided in Montana for one year before the election is held. (Note that most Native Americans are not citizens, and therefore most Indian women remain disenfranchised.)

In research paragraph: Students should mention the national suffrage movement and the suffrage campaign in Montana.

(A) 1917 Legislators approve an act limiting the hours women can work in manufacturing, mechanical or mercantile establishments, laundries, hotels, or restaurants to eight hours in a twenty-four-hour day. This act further requires that all such establishments provide seating for female employees to use when not engaged in their active employment duties. In addition to these laws, the legislature passes an act giving a pension to a mother for qualifying children if the father dies, becomes physically or mentally unable to support the family, or is incarcerated in a state institution for more than ninety days.

In research paragraph: Students should mention campaigns for better working conditions that were part of the Progressive Era, as well as Progressive Era campaigns to protect women and children.

The Great Depression and the New Deal Era

Note: The Great Depression doesn't begin nationally until 1929, but Montana enters an agricultural depression in 1919, a full decade before the rest of the nation.

(F) 1927 This legislative session revises the Mother's Pension Act, limiting who is considered eligible for allowances under the act. For a mother to receive funds, the child has to be living with the mother and the mother has to prove that without the allowance she cannot care for the child financially without finding regular work outside of the home. The court has to judge that a mother is physically, mentally, and morally able to raise her children, and that she does in fact need the financial help of the Mother's Pension Act. In addition, it declares that allowances will not be given if children have their own property, making them capable of supporting themselves, or if they have not been a U.S. citizen for at least a year.

In research paragraph: Students should note that the agricultural depression decreased the State of Montana's tax revenue. The legislature had to cut spending or raise taxes on already struggling businesses and families. They may also note that the law reflects the anti-immigrant backlash that led to the 1924 Immigration Act, which substantially limited immigration.

(K) 1933 The 23rd Legislative Assembly enacts Section 662, requiring each political party to nominate and elect two committeemen at its primary election, one of which must be a woman, one a man, and both residents of the precincts for which they are nominated.

(H) 1937 The Mother’s Pension Act, along with many other sections of the Revised Codes of Montana, is repealed with the passage of the Public Welfare Act. The newly established State Public Welfare Department now oversees the disbursement of funds to those in need.

In research paragraph: Students should mention that the federal New Deal provided a new source of funds for social programs, and the state revised its laws accordingly, creating the Public Welfare Department to oversee implementation of the federal 1937 Social Security Act as well as state programs.

(B) 1939 Women become eligible for service on a jury after multiple sections of the Revised Codes of Montana are amended to read “persons” instead of “men.”

World War II

(J) 1943 The 28th Legislative Assembly amends Section 2566 of the RCM, an act that pertains to the examination, detention, and quarantine of people suspected of having venereal disease. Public health officials have the power to examine people “reasonably suspected” of carrying a sexually transmitted infection, including prostitutes and those suspected of promiscuity. Public officials are within their legal rights if they inspect and detain such infected individuals in an effort to safeguard public health or to repress prostitution.

Second Wave Feminism

(C) 1972 The Montana Constitutional Convention includes a milestone Declaration of Rights in Article II of the new state constitution. Section 4, Individual Dignity, reads, “The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.”

In research paragraph: Students should mention the national campaign for the Equal Rights Amendment.

Roe v. Wade, 1973

(I) 1974 The 43rd Legislature enacts the Abortion Counselors and Counseling Services Act, requiring the state to provide at least two counseling sessions to a woman seeking an abortion. The sessions must be provided by a qualified counselor who can remain objective regarding the patient’s choice of alternative courses of action. The goals of these counseling sessions are to inform the woman of her options, encourage her to face and express her feelings, and enhance her mental stability in regard to her decision.

In research paragraph: Students should mention the U.S. Supreme Court decision, *Roe v. Wade*, which legalized abortion in the United States and the subsequent campaign by those opposing abortion to limit that right.

(G) 1983 Chapter No. 310 establishes a standard of equal pay for comparable worth. This law makes it illegal, in the classification of positions, to reflect gender biases (and understandings of who typically does what type of work) when judging the value of different jobs.

In research paragraph: Students should mention national campaigns to raise women’s pay and to close the wage gap between men and women.

(D) 1991 Chapter No. 687 revises the laws relating to sexual crimes. Sexual assault is now defined as a person knowingly subjecting another person to any sexual contact without consent. Before this revision, a person could not sexually assault his or her spouse; now spouses had legal protection against unwanted sexual contact within the marriage.

In research paragraph: Students should mention the feminist activism that began in the 1960s and the growing attention in the 1980s to domestic and sexual violence.