

The United States vs. Susan B. Anthony

Biography by MARGARET TRUMAN

“My natural rights,
my civil rights,
my political
rights, are all
alike ignored.”

Connect to Your Life

Cast Your Ballot In a few years, you will be old enough to vote in city, state, and national elections. But what if you, as an adult citizen, were not allowed to vote simply because of your sex or your race? Think about the right to vote. Name three reasons why a citizen’s right to vote is important. Share your reasons with a classmate.

Build Background

Born in the USA In most areas of the early United States, only white males were considered citizens with suffrage—the right to vote. In 1868, as a way to protect formerly enslaved African Americans, the 14th Amendment to the Constitution was ratified. It made “all persons” born in the United States citizens with full citizenship “privileges.” Although the amendment did not mention gender, its authors intended it to apply only to males. A woman named Susan B. Anthony, a reformer who fought for women’s rights, had other ideas. This **biography** describes how in 1873 she tried to force the courts to recognize that the 14th Amendment granted women the right to vote.

WORDS TO KNOW Vocabulary Preview

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|--------------|---------------|
| adamant | fortitude |
| blatant | inadvertently |
| competent | oratory |
| concur | retrospect |
| denunciation | tirade |

Focus Your Reading

LITERARY ANALYSIS BIOGRAPHY A **biography** is an account of a person’s life, written by someone else. Biographies present many facts about their subjects. In this selection, the following sentence gives basic information about Susan B. Anthony.

She joined the woman’s suffrage movement in 1852, when she was thirty-two years old.

As you read this biography, look for other factual details.

ACTIVE READING SPECIALIZED VOCABULARY Many professions use **specialized vocabulary**, or terms that have specific meaning for the people in that profession. This **biography** contains many legal terms that may be unfamiliar to you. The chart below defines two of the most important ones. Other specialized terms are defined in footnotes.

READER’S NOTEBOOK Copy the chart into your notebook. As you read this biography, add to the chart the legal terms and definitions that you find in the footnotes. Especially note terms that relate to citizens’ rights.

Legal Term	Definition
draw up a <i>bill of indictment</i> (in-dit'ment)	write a description of the crime a person is accused of committing
convene a <i>grand jury</i>	gather a private session of 12 to 23 people who decide if there is enough evidence to issue an indictment, or formally charge a person with a crime

THE UNITED STATES

U.S.

SUSAN B. ANTHONY

Margaret

Susan B. Anthony has never been one of my favorite characters. Stern-eyed and grim-lipped, she seemed utterly devoid of warmth and humor and much too quick to dominate the women she worked with. I always thought her personality could be summed up in one word: battle-ax.¹ On top of that drawback, she was a fanatic. She joined the woman's suffrage movement in 1852, when she was thirty-two years old. From then until her death in 1906, she could think of little else.

The fanatics of one generation have a habit of turning into the heroes and heroines of the next, as Susan B. Anthony proved. And since I've been making a study of heroines, I decided to give



Susan B. Anthony (*right*), her sister Mary (*center*), and her friend Elizabeth Miller (*left*)

Truman

Miss Anthony a second look. I have to report that my original assessment of her character was much too harsh. . . .

Susan B. Anthony was a stern and single-minded woman. Like most crusaders for causes—especially unpopular causes—she had little time for fun and games. But I have a sneaky feel-

ing that behind her severe manner and unremitting devotion to duty, she may actually have had a sense of humor. Let me tell you about my favorite episode in Susan B. Anthony's career, and perhaps you'll agree.

1. **battle-ax**: derogatory slang for a woman who is harsh and domineering.

It began on Friday morning, November 1, 1872. Susan was reading the morning paper at her home in Rochester. There, at the top of the editorial page of the *Democrat and Chronicle*, was an exhortation² to the city's residents:

Now register! Today and tomorrow are the only remaining opportunities. If you were not permitted to vote, you would fight for the right, undergo all privations³ for it, face death for it. You have it now at the cost of five minutes' time to be spent in seeking your place of registration and having your name entered. And yet, on election day, less than a week hence, hundreds of you are likely to lose your votes because you have not thought it worth while to give the five minutes. Today and tomorrow are your only opportunities. Register now!

Susan B. Anthony read the editorial again. Just as she thought, it said nothing about being addressed to men only. With a gleam in her eye, she put down the paper and summoned her sister Guelma, with whom she lived. The two women donned their hats and cloaks and went off to call on two other Anthony sisters who lived nearby. Together, the four women headed for the barbershop on West Street, where voters from the Eighth Ward were being registered.

For some time, Susan B. Anthony had been looking for an opportunity to test the Fourteenth Amendment to the Constitution as a weapon to win the vote for women. Adopted in 1870,⁴ the amendment had been designed to protect the civil rights—especially the voting rights—of recently freed slaves. It stated that:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and

of the state wherein they reside. No state shall make or enforce any law which shall abridge⁵ the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The amendment did not say that “persons” meant only males, nor did it spell out “the privileges or immunities of citizens.” Susan B. Anthony felt perfectly justified in concluding that the right to vote was among the privileges of citizenship and that it extended to women as well as men. I'm sure she must have also seen the humor of outwitting the supposedly superior males who wrote the amendment.

It was bad enough for a bunch of women to barge into one sacred male precinct⁶—the barbershop—but to insist on being admitted to another holy of holies—the voting booth—was absolutely outrageous. Moustaches twitched; throats were cleared; a whispered conference was held in the corner.

Susan had brought along a copy of the Fourteenth Amendment. She read it aloud, carefully pointing out to the men in charge of registration that the document failed to state that the privilege of voting extended only to males.

Only one man in the barbershop had the nerve to refuse the Anthony sisters the right to register. The rest buckled under Susan's determined oratory and allowed them to sign

2. **exhortation** (ɛg'zôr-tā'shən): an urgent call to action.
3. **privations** (prī-vā'shənz): shortages of the basic necessities or comforts of life.
4. **1870**: This date is incorrect. The 14th Amendment was passed in 1868.
5. **abridge**: to cut short.
6. **precinct** (prē'sɪŋkt'): a place marked off by definite limits, such as walls.

WORDS
TO
KNOW

oratory (ôr'ə-tôr'ē) *n.* skill in public speaking

the huge, leather-bound voter registration book. If the men in the barbershop thought they were getting rid of a little band of crackpots the easy way, they were wrong. Susan urged all her followers in Rochester to register. The next day, a dozen women invaded the Eighth Ward barbershop, and another thirty-five appeared at registration sites elsewhere in the city. The *Democrat and Chronicle*, which had inadvertently prompted the registrations, expressed no editorial opinion on the phenomenon, but its rival, the *Union and Advertiser*, denounced the women. If they were allowed to vote, the paper declared, the poll inspectors⁷ “should be prosecuted to the full extent of the law.”

The following Tuesday, November 5, was Election Day. Most of the poll inspectors in Rochester had read the editorial in the *Union and Advertiser* and were too intimidated to allow any of the women who had registered to vote. Only in the Eighth Ward did the males weaken. Maybe the inspectors were *Democrat and Chronicle* readers, or perhaps they were more afraid of Susan B. Anthony than they were of the law. Whatever the reason, when Susan and her sisters showed up at the polls shortly after 7 A.M., there was only a minimum of fuss. A couple of inspectors were hesitant about letting the women vote, but when Susan assured them that she would pay all their legal expenses if they were prosecuted, the men relented, and one by one, the women took their ballots and stepped into the voting booth. There were no insults or sneers, no rude remarks. They marked their ballots, dropped them into the ballot box, and returned to their homes.

Susan B. Anthony's feat quickly became the talk of the country. She was applauded in some circles, vilified⁸ in others. But the day of reckoning was not long in arriving. On November 28, Deputy U.S. Marshal E. J.

Keeney appeared at her door with a warrant⁹ for her arrest. She had violated Section 19 of the Enforcement Act of the Fourteenth Amendment, which held that anyone who voted illegally was to be arrested and tried on criminal charges.

Susan B. Anthony was a great believer in planning ahead. The day after she registered, she decided to get a legal opinion on whether or not she should attempt to vote. A number of lawyers turned her away, but she finally found one who agreed to consider the case. He was Henry R. Selden, a former judge of the court of appeals, now a partner in one of Rochester's most prestigious law firms.

On the Monday before Election Day, Henry Selden informed his new client that he agreed with her interpretation of the Fourteenth Amendment and that in his opinion, she had every right to cast her ballot. The U.S. commissioner of elections in Rochester, William C. Storrs, did not concur.

E. J. Keeney, the marshal dispatched to arrest Susan B. Anthony, was not at all happy with his assignment. He nervously twirled his tall felt hat while waiting for her to come to the front door. When she finally appeared, he blushed and stammered, shifted uncomfortably from one foot to the other, and finally blurted out, “The commissioner wishes to arrest you.”

7. **poll inspectors:** officials who make sure that votes are cast according to the law.

8. **vilified:** spoken of viciously

9. **warrant:** a legal document authorizing an officer to make an arrest, a search, or a seizure.

New York suffragists advertise a meeting at which governors of states with woman suffrage were scheduled to speak. The Bettmann Archive.



Susan couldn't help being amused at Keeney's embarrassment. "Is this your usual method of serving a warrant?" she asked calmly. With that, the marshal recovered his official dignity, presented her with the warrant, and told her that he had come to escort her to the office of the commissioner of elections.

When Susan asked if she could change into a more suitable dress, the marshal saw his opportunity to escape. "Of course," he said, turning to leave. "Just come down to the commissioner's office whenever you're ready."

"I'll do no such thing," Susan informed him curtly. "You were sent here to arrest me and take me to court. It's your duty to do so."

Keeney had no choice but to wait while his prisoner went upstairs and put on a more appropriate outfit. When she returned, she thrust out her wrists and said, "Don't you want to handcuff me, too?"

"I assure you, madam," Marshal Keeney stuttered, "it isn't at all necessary."

With the U.S. marshal at her side, Susan was brought before the federal commissioner of elections, William C. Storrs. Her arrest was recorded, and she was ordered to appear the

next day for a hearing. It was conducted by U.S. District Attorney Richard Crowley and his assistant, John E. Pound.

Susan answered District Attorney Crowley's questions politely. She said that she thought the Fourteenth Amendment gave her the right to vote. She admitted that she had consulted an attorney on the question but said that she would have voted even if he had not advised her to do so. When Crowley asked if she had voted deliberately to test the law, she said, "Yes, sir. I have been determined for three years to vote the first time I happened to be at home for the required thirty days before an election."

The district attorney's next step was to convene a grand jury to draw up a bill of indictment. He and his assistant fell to wrangling over a suitable trial date. Susan interrupted them. "I have lecture dates that will take me to central Ohio," she said. "I won't be available until December 10."

"But you're supposed to be in custody¹⁰ until the hearing," Crowley informed her.

"Is that so?" said Susan coolly. "I didn't know that."

10. in custody: held under guard.



The district attorney backed down without an argument and scheduled the grand jury session for December 23.

Sixteen women had voted in Rochester. All sixteen were arrested and taken before the grand jury, but Susan alone was brought to trial. The district attorney had decided to single her out as a test case.¹¹ The three poll inspectors who had allowed the women to vote were also arrested. The grand jury indicted them too, set bail¹² at five hundred dollars each, and ordered their trial set for the summer term of the U.S. district court.

Susan Anthony's case now involved nineteen other men and women. All of them—including Susan—were liable to go to prison if they were found guilty and the judge was in a sentencing mood. Prison in the 1870s was a very unpleasant place. There were no minimum security setups where a benevolent government allowed corrupt politicians, crooked labor leaders, and political agitators to rest and rehabilitate, as we do today. Prison meant a cold cell, wretched food, the company of thieves and murderers.

For a while it looked as if Susan might be behind bars even before the trial. She refused to post a bond¹³ for her five-hundred-dollar bail. Henry Selden paid the money for her. "I could not see a lady I respected put in jail," he said.

It must be agonizing to sweat out the weeks before a trial. There is time to look ahead and brood about the possibility of an unfavorable verdict and time to look back, perhaps with regret, at the decision that placed you in the hands of the law. But Susan B. Anthony had no regrets. Nor did she appear to have any anxieties about her trial. She had already proven her fortitude by devoting twenty years of her life to fighting for the right to vote. If she won her case, the struggle would be over. But even if she lost, Susan was not ready to give up the fight. . . .

The trial of *The United States vs. Susan B.*

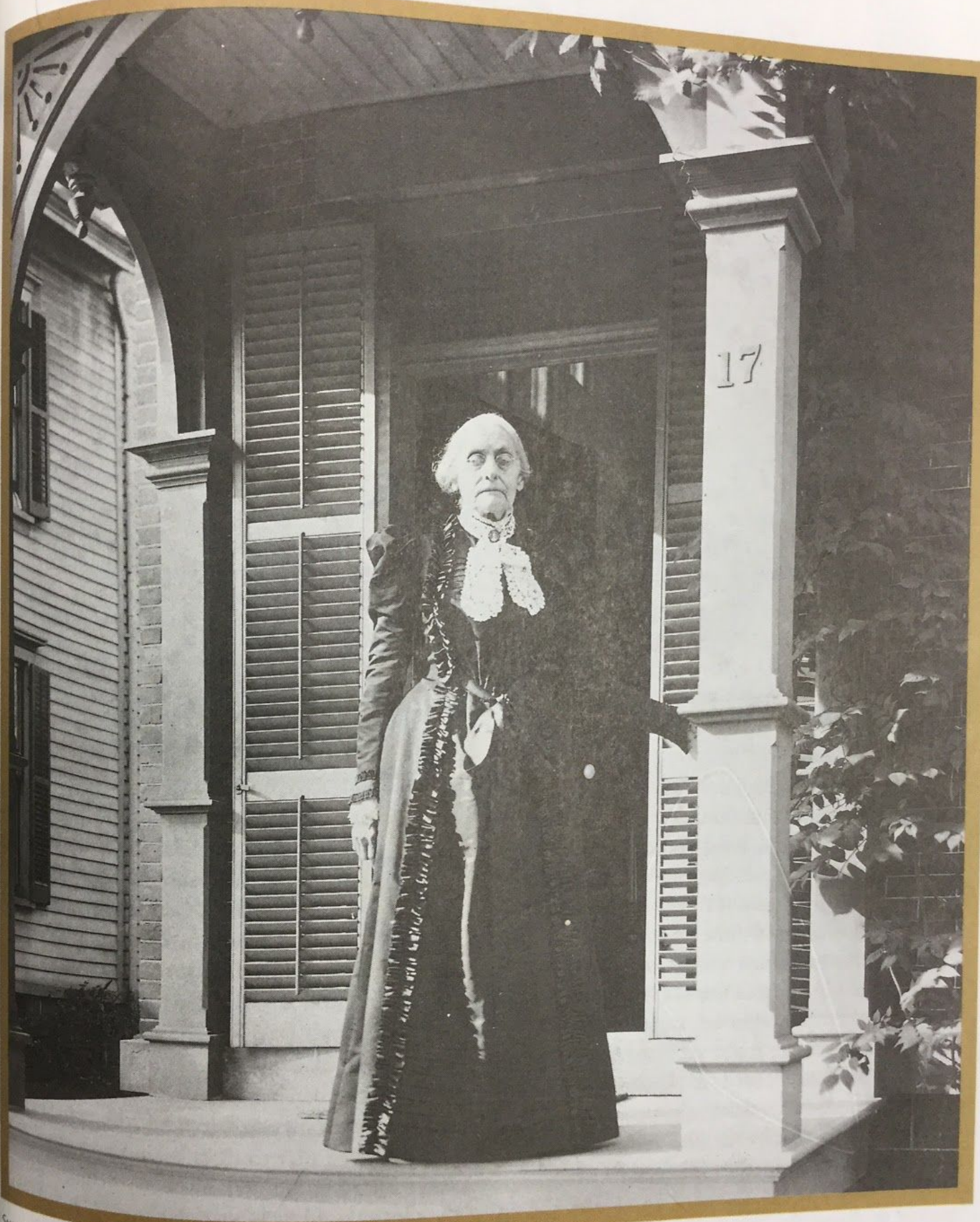
Anthony opened on the afternoon of June 17, 1873, with the tolling of the Canandaigua Courthouse bell. The presiding justice was Ward Hunt, a prim, pale man, who owed his judgeship to the good offices of Senator Roscoe Conkling, the Republican boss of New York State. Conkling was a fierce foe of woman suffrage, and Hunt, who had no wish to offend his powerful patron, had written his decision before the trial started.

District Attorney Crowley opened the arguments for the prosecution.¹⁴ They didn't make much sense at the time, and in retrospect, they sound nothing short of ridiculous. The district attorney mentioned that Susan B. Anthony was a woman and therefore she had no right to vote. His principal witness was an inspector of elections for the Eighth Ward, who swore that on November 5 he had seen Miss Anthony put her ballot in the ballot box. To back up his testimony, the inspector produced the voter registration book with Susan B. Anthony's signature in it.

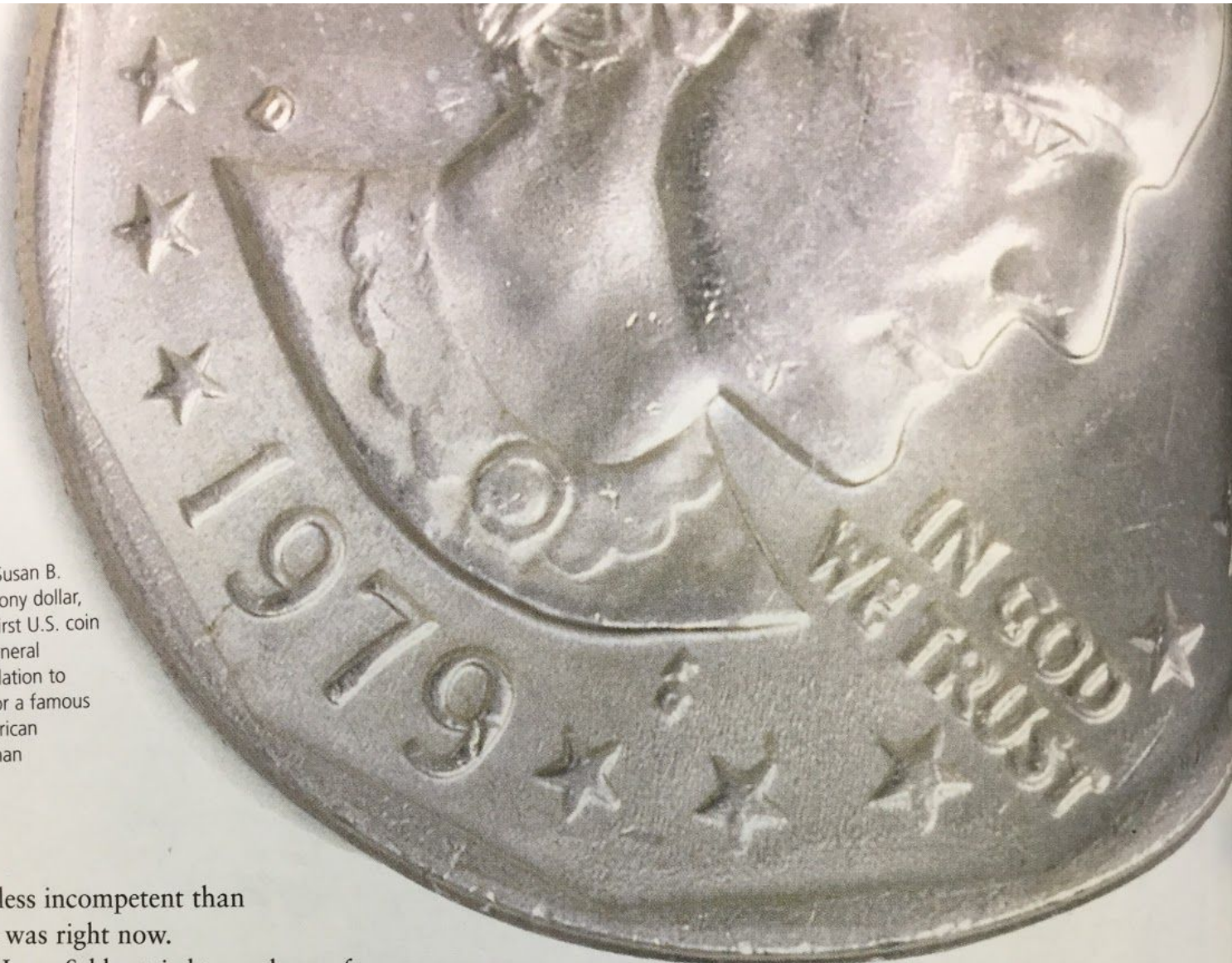
Henry Selden's reply for the defense was equally simple. He contended that Susan Anthony had registered and voted in good faith, believing that it was her constitutional right to do so. When he attempted to call his client to the stand, however, District Attorney Crowley announced that she was not competent to testify in her own behalf. Judge Hunt agreed, and the only thing Henry Selden could do was read excerpts from the testimony Susan had given at her previous hearings when presumably she was

11. **test case:** a legal action chosen specifically for the example or standard that its outcome may establish.
12. **bail:** a sum of money for which a court agrees to release an arrested person. It serves as a guarantee that the person will appear for trial.
13. **bond:** money paid as bail.
14. **prosecution:** in a court case, the lawyers who represent the government.

WORDS TO KNOW **fortitude** (fôr'tī-tōōd') *n.* the strength of mind required to withstand hardship
retrospect (rĕt'rĕ-spĕkt') *n.* a review of things in the past
competent (kŏm'pĭ-tĕnt) *adj.* in law, mentally fit to participate



Susan B. Anthony in front of her Rochester home, now a national historical monument.
Reproduced from the Collections of the Library of Congress.



The Susan B. Anthony dollar, the first U.S. coin in general circulation to honor a famous American woman

no less incompetent than she was right now.

Henry Selden tried to make up for this gross injustice by making his closing argument a dramatic, three-hour speech on behalf of woman suffrage. District Attorney Crowley replied with a two-hour rehash of the original charge.

By the afternoon of June 18, the case of *The United States vs. Susan B. Anthony* was ready to go to the jury. It was impossible to predict what their verdict might be, so Judge Hunt, determined to make it the verdict he and Roscoe Conkling wanted, took matters into his own hands. “Gentlemen of the jury,” he said, “I direct that you find the defendant guilty.”

Henry Selden leaped to his feet. “I object, Your Honor,” he thundered. “The court has no power to direct the jury in a criminal case.”

Judge Hunt ignored him. “Take the verdict, Mr. Clerk,” he said.

The clerk of the court must have been another Conkling man. “Gentlemen of the jury,” he intoned as if the whole proceeding was perfectly normal, “hearken to the verdict as the court hath

recorded it. You say you find the defendant guilty of the offense charged. So say you all.”

The twelve jurymen looked stunned. They had not even met to discuss the case, much less agree on a verdict. When Henry Selden asked if the clerk could at least poll the jury, Judge Hunt rapped his gavel sharply and declared, “That cannot be allowed. Gentlemen of the jury, you are discharged.”

An enraged Henry Selden lost no time in introducing a motion for a new trial on the grounds that his client had been denied the right to a jury verdict. Judge Hunt denied the motion. He turned to Susan B. Anthony and said, "The prisoner will stand up. Has the prisoner anything to say why sentence shall not be pronounced?"

Thus far in the trial, Susan B.

Anthony had remained silent. Now, she rose to her feet and said slowly, "Yes, Your Honor, I have many things to say."

Without further preliminaries, she launched into a scathing denunciation of Judge Hunt's conduct of her trial. ". . . In your ordered verdict of guilty," she said, "you have trampled underfoot every vital principle of our government. My natural rights, my civil rights, my political rights, are all alike ignored. Robbed of the fundamental privilege of citizenship, I am degraded from the status of a citizen to that of a subject; and not only myself individually, but all of my sex, are, by Your Honor's verdict, doomed to political subjection under this so-called Republican government."

Judge Hunt reached for his gavel, but Susan B. Anthony refused to be silent.

"May it please Your Honor," she continued. "Your denial of my citizen's right to vote is the denial of my right to a trial by a jury of my peers as an offender against law, therefore, the denial of my sacred rights to life, liberty, property, and—"

"The court cannot allow the prisoner to go on," Judge Hunt cried out.

Susan ignored him and continued her impassioned tirade against the court. Hunt frantically rapped his gavel and ordered her to

sit down and be quiet. But Susan, who must have been taking delight in his consternation, kept on talking. She deplored the fact that she had been denied the right to a fair trial. Even if she had been given such a trial, she insisted, it would not have been by her peers. Jury, judges, and lawyers were not her equals, but her superiors, because they could vote and she could not. Susan was adamant about the fact that she had been denied the justice guaranteed in the Constitution to every citizen of the United States.

Judge Hunt was sufficiently cowed by now to try to defend himself. "The prisoner has been tried according to the established forms of law," he sputtered.

"Yes, Your Honor," retorted Susan, overlooking his blatant lie, "but by forms of law all made by men, interpreted by men, administered by men, in favor of men, and against women; and hence Your Honor's ordered verdict of guilty, against a United States citizen for the exercise of that citizen's right to vote, simply because that citizen was a woman and not a man. But yesterday, the same manmade forms of law declared it a crime punishable with a one-thousand-dollar fine and six months imprisonment, for you, or me, or any of us, to give a cup of cold water, a crust of bread, or a night's shelter to a panting fugitive while he was tracking his way to Canada. And every man or woman in whose veins coursed a drop of human sympathy violated that wicked law, reckless of consequences, and was justified in so doing. As, then, the slaves who got their freedom must take it over, or under, or through the unjust forms of law, precisely so now must women, to get their right to a voice in this government, take it, and I have taken mine and mean to take it at every opportunity."

WORDS
TO
KNOW

denunciation (dĭ-nŭn'sē-ā'shən) *n.* public condemnation; statement of disapproval
tirade (tī'rād') *n.* a long, angry speech, especially one that criticizes
adamant (ăd'ə-mənt) *adj.* not giving in; unyielding
blatant (blăt'nt) *adj.* completely obvious

Judge Hunt flailed his gavel and gave the by now futile order for the prisoner to sit down and be quiet. Susan kept right on talking.

“When I was brought before Your Honor for trial,” she said, “I hoped for a broad and liberal interpretation of the Constitution and its recent

amendments. One that would declare all United States citizens under its protection. But failing to get this justice—failing, even, to get a trial by a jury *not* of my peers—I ask not leniency at your hands—but to take the full rigors of the law.”

With that Susan finally obeyed Judge Hunt’s orders and sat down. Now he had to reverse himself and order her to stand up so he could impose sentence. As soon as he pronounced the sentence—a fine of one hundred dollars plus the costs of prosecuting the trial—Susan spoke up again. “May it please Your Honor,” she said, “I shall never pay a dollar of your unjust penalty. All the stock in trade¹⁵ I possess is a ten-thousand-dollar debt, incurred by publishing my paper—*The Revolution*—four years ago, the sole object of which was to educate all women to do precisely as I have done, rebel against your manmade, unjust, unconstitutional forms of law, that tax, fine, imprison, and hang women, while they deny them the right of representation in the government; and I shall work on with might and main to pay every dollar of that honest debt, but not a penny shall go to this unjust claim. And I shall earnestly and persistently continue to urge all women to the practical recognition of the old Revolutionary maxim, that ‘Resistance to tyranny is obedience to God.’”

Judge Hunt must have had strict orders not only to see that the defendant was convicted, but to do everything he could to prevent the

case from going on to a higher court. He allowed Susan to walk out of the courtroom without imposing a prison sentence in lieu of¹⁶ her unpaid fine. If he had sent her to prison, she could have been released on a writ of habeas corpus¹⁷ and would have had the right to appeal.¹⁸ As it was, the case was closed.

Although she was disappointed that her case would not go to the Supreme Court as she had originally hoped, Susan knew that she had struck an important blow for woman’s suffrage. Henry Selden’s arguments and her own speech at the end of the trial were widely publicized, and Judge Hunt’s conduct of the trial stood as proof that women were treated unjustly before the law.

Susan did not forget the election inspectors who had allowed her to cast her ballot. The men were fined twenty-five dollars each and sent to jail when they refused to pay. In all, they spent about a week behind bars before Susan, through the influence of friends in Washington, obtained presidential pardons for each of them. In the meantime, her followers, who included some of the best cooks in Rochester, saw to it that the men were supplied with delicious hot meals and home-baked pies.

True to her promise, Susan paid the legal expenses for the three inspectors. With the help of contributions from sympathetic admirers, she paid the costs of her own trial. But she never paid that one-hundred-dollar fine. Susan B. Anthony was a woman of her word as well as a woman of courage. ♦

15. **stock in trade:** resources available in a given situation.

16. **in lieu (lōō) of:** in place of.

17. **writ of habeas corpus (hā'bē-əs kōr'pəs):** a legal document requesting that a person appear in court—the document is used to gain the release of a person being held illegally.

18. **appeal:** transfer a case to a higher court for rehearing.