

from
**THE UNITED STATES OF AMERICA
V. SUSAN B. ANTHONY
1873**

Susan B. Anthony (1820–1906) was one of the most visible and influential leaders of the women’s rights and suffrage movements in the second half of the 19th century. In 1872, she challenged women’s disenfranchisement by voting in a congressional election, an action that was then illegal. Anthony was arrested, tried, and convicted. The following excerpt is drawn from transcripts of her trial.

THINK THROUGH HISTORY: Forming and Supporting Opinions

How useful was this tactic in Anthony’s campaign to gain the vote for women? What about it was useful, and what about it was not useful?

Tried at Canandaigua, Tuesday and Wednesday, June 17th and 18th, 1878, before Hon. Ward Hunt, and a jury. Jury impaneled at 2:30 P.M.

Mr. Crowley opened the case as follows:

May it please the Court and Gentlemen of the Jury:

On the 5th of November, 1872, there was held in this State, as well as in other States of the Union, a general election for different officers, and among those, for candidates to represent several districts of this State in the Congress of the United States. The defendant, Miss Susan B. Anthony, at that time resided in the city of Rochester, in the county of Monroe, Northern District of New York, and upon the 5th day of November, 1872, she voted for a representative in the Congress of the United States, to represent the 29th Congressional District of this State, and also for a representative at large for the State of New York, to represent the State in the Congress of the United States. At that time she was a woman. I suppose there will be no question about that. The question in this case, if there be a question of fact about it at all, will, in my judgment, be rather a question of law than one of fact. I suppose that there will be no question of fact, substantially, in the case when all of the evidence is out, and it will be for you to decide under the charge for his honor, the Judge, whether or not the defendant committed the offense of voting for a representative in Congress upon that occasion. We think, on the part of the Government, that there is no question about it either one way or the other, neither a question of fact, nor a question of law, and that whatever Miss Anthony’s intentions may have been—

whether they were good or otherwise—she did not have a right to vote upon that question, and if she did vote without having a lawful right to vote, then there is no question but what she is guilty of violating a law of the United States in that behalf enacted by the Congress of the United States.

We don't claim in this case, gentlemen, that Miss Anthony is of that class of people who go about "repeating." We don't claim that she went from place to place for the purpose of offering her vote. But we do claim that upon the 5th of November, 1872, she voted, and whether she believed that she had a right to vote or not, it being a question of law, that she is within the statute. Congress in 1870 passed the following statute: (Reads 19th Section of the Act of 1870, page 144, 16th statutes at large.) It is not necessary for me, gentlemen, at this stage of the case, to state all the facts which will be proven on the part of the Government. I shall leave that to be shown by the evidence and by the witnesses, and if any question of law shall arise his Honor will undoubtedly give you instructions as he shall deem proper. Conceded, that on the 5th day of November, 1872, Miss Susan B. Anthony was a woman.

* * *

The Court, after listening to an argument from the District Attorney, denied the motion for a new trial.

The COURT: The prisoner will stand up. Has the prisoner anything to say why sentence should not be pronounced?

Miss ANTHONY: Yes, your honor, I have many things to say; for in your ordered verdict of guilty, 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: The Court can not listen to a rehearsal of arguments the prisoner's counsel has already consumed three hours in presenting.

Miss ANTHONY: May it please your honor, I am not arguing the question, but simply stating the reasons why sentence can not, in justice, be pronounced against me. Your denial of my citizen's right to vote is the denial of my right of consent as one of the governed, the denial of my right of representation as one of the taxed, 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—

Judge HUNT: The court can not allow the prisoner to go on.

Miss ANTHONY: But your honor will not deny me this one and only poor privilege of protest against this high-handed outrage upon my citizen's rights. May it please the Court to remember that since the day of my arrest last

November, this is the first time that either myself or any person of my disfranchised class has been allowed a word of defense before judge or jury—

Judge HUNT: The prisoner must sit down; the Court can not allow it.

Miss ANTHONY: All my prosecutors, from the 8th Ward corner grocery politician, who entered the complaint, to the United States Marshal, Commissioner, District Attorney, District Judge, your honor on the bench, not one is my peer, but each and all are my political sovereigns; and had your honor submitted my case to the jury, as was clearly your duty, even then I should have had just cause of protest, for not one of those men was my peer; but, native or foreign, white or black, rich or poor, educated or ignorant, awake or asleep, sober or drunk, each and every man of them was my political superior; hence, in no sense, my peer. Even, under such circumstances, a commoner of England, tried before a jury of lords, would have far less cause to complain than should I, a woman, tried before a jury of men. Even my counsel, the Hon. Henry R. Selden, who has argued my cause so ably, so earnestly, so unanswerably before your honor, is my political sovereign. Precisely as no disfranchised person is entitled to sit upon a jury, and no woman is entitled to the franchise, so, none but a regularly admitted lawyer is allowed to practice in the courts, and no woman can gain admission to the bar—hence, jury, judge, counsel, must all be of the superior class.

Judge HUNT: The Court must insist—the prisoner has been tried according to the established forms of law.

Miss ANTHONY: Yes, your honor, 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 man-made forms of law declared it a crime punishable with \$1,000 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 as 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 possible opportunity.

Judge HUNT: The Court orders the prisoner to sit down. It will not allow another word.

Miss ANTHONY: When I was brought before your honor for trial, I hoped for a broad and liberal interpretation of the Constitution and its recent amendments, that should declare all United States citizens under its protecting ægis—that should declare equality of rights the national guarantee to all persons born or naturalized in the United States. 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 rather the full rigors of the law.

Judge HUNT: The Court must insist—(Here the prisoner sat down.)

Judge HUNT: The prisoner will stand up. (Here Miss Anthony arose again.)
The sentence of the Court is that you pay a fine of one hundred dollars and the costs of the prosecution.

Miss ANTHONY: May it please your honor, I shall never pay a dollar of your unjust penalty. All the stock in trade I possess is a \$10,000 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 man-made, 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: Madam, the Court will not order you committed until the fine is paid.

Source: *The Concise History of Woman Suffrage*, edited by Mari Jo and Paul Buhle (Urbana: University of Illinois Press, 1978), pp. 293–296.

THINK THROUGH HISTORY : ANSWER

Some students may answer that this tactic was useful in Anthony's campaign to gain the vote for women, because it provided her with a public forum in which to make her arguments about why women should have the right to vote. These students may also argue that Anthony's publicized court case probably aroused some public sympathy and gained new supporters for her cause. Other students may answer that this tactic was not useful in Anthony's campaign to gain the vote for women because it ended up reinforcing the existing law. These students may also argue that her deliberate law breaking may have alienated potential supporters of her cause.