

Should the 14th and 15th amendments have been interpreted as granting American women the right to vote?

Do Now: Read the quote in the box below. In the space below the quote, explain what you think the author meant about women in America in the 1880's.

"In marriage she has been a serf [farmer tied to the land of a richer lord or noble - makes little to no money]; as a mother she has been robbed of her children; in public instruction [education] she has been ignored; in labor she has been a menial [inferior], and then inadequately compensated; civilly she has been a minor, and politically she has had no existence. She has been the equal of man only when punishment and the payment of taxes, were in question"

- Mary A. Livermore, *What shall we do with our Daughters?* (Boston, 1883) pp. 10 - 16.

How could women use the 14th and/or 15th Amendment to build an argument about the right to vote?

14th Amendment:

15th Amendment:

Document 1: Susan B. Anthony biography

Born on February 15, 1820, in Adams, Massachusetts, Anthony was raised in a family that encouraged women's education. From an early age, Anthony made her life's work one of justice. Susan B. Anthony devoted her life to fighting for the expansion of civil rights, championing temperance, abolition and African American rights, the rights of labor, and equal pay for women and men. Susan B. Anthony spent part of her career as a teacher, and the rest of her career fighting for the civil rights of women. Anthony was a leader of the women's suffrage movement and a founding member of the American Equal Rights Association. Anthony published *The Revolution*, a radical paper that often called for equality between men and women. The paper's byline was "*Men their rights, and nothing more; women, their rights, and nothing less.*"

1. Based on this short biography of Susan B. Anthony, what do you think she was like? What are some adjectives you might use to describe her?
2. What do you think you should be thinking about when trying to play this role in a historical conversation?

Document 2: US vs. Susan B. Anthony

"Yes, your honor, I have many things to say; for in your ordered verdict of guilty, you have trampled under foot every vital principle of our government. My natural rights, my civil rights, my political rights, my judicial 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 fellow women, are doomed to political subjection under this, so-called, form of government. 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... 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..."

Source: *US. vs. Susan B. Anthony (1873)* - Excerpt of Susan B. Anthony's statement before the court

1. What are two arguments Susan B. Anthony makes in her statements before the court as to why women should be allowed to vote?
2. How could Susan B. Anthony use the 14th Amendment to support her argument that women had the legal right to vote?

Document 1: Henry Selden biography

Selden, from Rochester, was Susan B. Anthony's attorney. He was regarded as one of the finest lawyers in the state of New York. By the 1840s, Selden had become a prominent member of the Rochester community. In 1845, along with his brother Samuel, he assisted in organizing telegraph lines. Soon afterwards they formed the New York & Mississippi Valley Printing Telegraph Co. In 1856 this company gave birth to Western Union. By the 1850s, Selden had achieved statewide prominence. In 1856, he ran for and became New York State's Lieutenant Governor. Selden also pursued many social endeavors, serving as a founder of a school for homeless children. Susan B. Anthony consulted Selden as soon as she succeeded in registering to vote, and he agreed to study the question of her right to vote. He concluded that she did indeed have a constitutional right to vote.

1. Based on this short biography of Henry Selden, what do you think he was like? What are some adjectives you might use to describe him?
2. What do you think you should be thinking about when trying to play this role in a historical conversation?

Document 2: US vs. Susan B. Anthony

"...The 14th and 15th Amendments guarantee Anthony a constitutional and lawful right to vote. The amendments define U.S. citizenship and prohibit states from abridging [shorten] the civil rights and privileges of citizens, and recognize that a right to vote was among those civil rights and privileges....The fourteenth amendment imposes new restrictions on the states with regard to political rights. States can no longer ban U.S. citizens from voting. Under the terms of the Fourteenth Amendment, Ms. Anthony is a citizen of the United States, and New York State is barred from abridging her rights. Among these rights is her right to vote. In this day and age, States retained their right to regulate voting, but the Reconstruction amendments as they have been most recently written, take away state's right to exclude a class of citizens from voting...Historically, the term "citizen" was defined as someone with the right to vote for public officials. The Fifteenth Amendment acknowledged this definition in its opening phrase: The right of citizens of the United States to vote...If the same act had been done by her brother under the same circumstances, the act would have been not only innocent, but honorable and admirable; but having been done by a woman it is said to be a crime. The crime therefore consists not in the act done, but in the simple fact that the person doing it was a woman and not a man, I believe this is the first instance in which a woman has been arraigned in a criminal court, merely on account of her sex...."

Source: *US. vs. Susan B. Anthony (1873)* - Excerpts of Henry Selden's argument before the court

1. Why does Henry Selden believe that Susan B. Anthony is innocent? Cite textual evidence from the trial excerpts included to support your claim.
2. How does Henry Selden use the **14th and 15th amendments** to construct his argument that Susan B. Anthony (and therefore all American women) have the right to vote?

Document 1: Richard Crowley biography

Crowley, U.S. attorney for the Northern District of New York, led the prosecution in Anthony's case from start to finish. He grew up in Niagara County, New York, and, after local schooling and legal training, he began the practice of law in Lockport in 1860. He soon entered politics, serving two years as city attorney and four years as a state senator. Eventually, he was appointed by President Grant to be a US Attorney in New York, a post he served until he was elected to the US Congress. Throughout his career, Crowley proved himself to be a strong lawyer, a patriot who was devoted to defending and interpreting the law.

1. Based on this short biography of Richard Crowley, what do you think he was like? What are some adjectives you might use to describe him?

Document 2: US. vs. Susan B. Anthony

1. Susan B. Anthony did not have the right to vote in New York State; since she casted a vote, she committed a crime:

- "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."

2. New York had the right to restrict women from voting - despite the 14th and 15th amendments:

- "New York's power to limit voting rights to males is well established and untouched by the amendments to the federal Constitution. If the defendant's view of voting rights as a natural right of all citizens was sustained, states would no longer be able to ban children or lunatics from exercising the right. Residence in a state would cease to be a legal qualification for voting there. The absurdity of these consequences demonstrate to use the error of the defense's claim that the 14th and 15th amendment gave Ms. Anthony the right to cast a ballot"
- "...the privileges and immunities of citizens had never been understood to include a right to vote, therefore, section one of the Fourteenth Amendment has no bearing on this case. The Fifteenth Amendment protects voting rights only with respect to race, color, or previous condition of servitude as it reads: *The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude...* therefore, the state of New York has the right to prevent women from casting a ballot..."

3. New York had the right to restrict women from voting - despite the 14th and 15th amendments because there were legal examples for this from other states around the nation.

- "The Supreme Court of Missouri had ruled against Virginia Minor's suit to be registered as a voter; the Supreme Court of Pennsylvania had ruled against Carrie Burnham in her suit to vote after she successfully registered; and the Supreme Court of the District of Columbia had ruled against Sara Spencer and Sarah Webster in their suits to register and vote. In each of these cases, the presiding judge wrote that the Fourteenth Amendment did not prohibit states from limiting the vote to males.... Applying this rule to our situation in New York leads me to logically conclude that New York can ban Ms. Anthony and all women from voting..."

Source: *US. vs. Susan B. Anthony (1873)* - Excerpt of US Attorney Richard Crowley's argument before the court: (adapted from: [FJC - Federal Judicial Center](#) & [University of Missouri Kansas City Law School](#))

1. Richard Crowley argues that Susan B. Anthony is guilty of committing a crime - what is his argument?

2. According to Richard Crowley, what are two reasons why NY State can ban Susan B. Anthony from voting?

Document 1: Justice Ward Hunt biography

Hunt, Associate Justice of the Supreme Court of the United States, presided at the trials of Susan B. Anthony and the inspectors of elections in the U.S. Circuit Court of the Northern District of New York in June 1873. President Ulysses S. Grant appointed Hunt to the Supreme Court of the United States in December 1872, and he joined his colleagues on January 9, 1873. Like all Supreme Court justices, Hunt was assigned to a judicial circuit in which he would preside over sessions of the U.S. circuit courts. The Anthony trial took place during his first session on the circuit court for the northern district of New York. Hunt was born in Utica, New York, and practiced law there after graduating from Union College in 1828.

1. Based on this short biography of Justice Ward Hunt, what do you think he was like?

Document 2: US vs. Susan B. Anthony

1. **Susan B. Anthony was guilty - a belief in the right to vote was not a defense.**
 - “Ignorance of the law excuses no one...”
2. **Justice Ward Hunt ruled that voting rights arose from state citizenship, not U.S. citizenship**
 - “....a right to vote, as opposed to a privilege of voting, does not exist. Individuals acquire this right or privilege from the laws of the states, and not because of citizenship of the United States.”
3. **14th and 15th amendments had no bearing on the case**
 - “The rights of state citizenship are unchanged by the new 14th amendment...the Fourteenth Amendment’s second section, which spells out the sanctions states would suffer if they denied voting rights to any of their male citizens, admits the rights of a state to deny to classes or portions of the male inhabitants the right to vote which is allowed to other male inhabitants. Thus, the 14th amendment itself affirms the right of states to set the qualifications for voting”
 - “The 15th amendment - this is a narrow and precise limit on the states, barring them from the use of only the enumerated standards—race, color, or previous condition of servitude - determining qualifications for voting. Nothing more general about a federal authority over political rights can be found in the amendment, therefore it is not relevant to this case”.
4. **Reconstruction Amendments did not extend voting rights to women**
 - “The state of New York has sole authority to define the voting rights of its citizens, even if the definition assigns different and unequal rights to men and women. Indeed, New York could exclude from voting almost any person it chooses: young, old, a person having gray hair, or who had not the use of all his limbs. None of these categories would violate the Constitution... the absence of the word “sex” from the list of prohibitions in the Fifteenth Amendment is clear, it was never written or proposed to grant women the right to vote...”

Source: *US. vs. Susan B. Anthony (1873)* - Excerpt of Justice Hunt’s decision: (adapted from: [FJC](#))

1. Why does Justice Hunt believe that the 14th and 15th amendments do not extend voting rights to women?
2. What does “ignorance of the law excuses no one...” mean?
 - a. Based on this statement what can you infer about what Justice Hunt thinks of Susan B. Anthony’s innocence or guilt? Why?

Statements as a Historical Figure: When the conversations begin, you will be playing the role of _____. Be prepared to discuss the answers to the following questions as _____.

Introduction

Who are you? Where do you come from? Why are you involved in this case?

Conversation Question 1

Was Susan B. Anthony interpreting the 14th and 15th Amendments correctly? Why or why not?

Conversation Question 2

Should the 14th and/or 15th Amendments have been interpreted as granting American women the right to vote?
Why or why not?

Keeping Track of the Conversation

Use this organizer to take notes as the different historical figures in your group contribute to the conversation. Make sure you can answer the prompts or questions provided to you in the different boxes, and jot down any other pertinent information.

<p>Susan B. Anthony</p> <p>Two arguments Susan B. Anthony makes in favor of granting women the right to vote in the United States:</p>	<p>Henry Selden</p> <p>How can the 14th and 15th Amendments be interpreted in favor of granting women the right to vote?</p>
<p>Richard Crowley</p> <p>Two reasons why New York State can ban women from voting:</p>	<p>Justice Hunt</p> <p>Two reasons why the 14th and 15th Amendments do NOT grant women the right to vote:</p>

Name: _____

Should the 14th and 15th amendments have been interpreted as granting American women the right to vote?

In the space below write in paragraph form an answer to the question above. Make sure you make a claim and support it with evidence.

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