

“An Aristocracy of Sex”: Susan B. Anthony on Trial



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In 1851, on a street in Seneca Falls, New York, two pioneers of the women’s rights movement were introduced to one another by a mutual acquaintance. Thus began a lifelong friendship and partnership between Susan B. Anthony and Elizabeth Cady Stanton that not only infused new vigor into the women’s rights movement but also helped transform the Seneca Falls resolutions in the 1850s and beyond into a powerful force for change.

Anthony, who had labored tirelessly to unify the movements for both black and women’s rights, became enraged at the passage of the Fifteenth Amendment in Congress in 1868. For the first time, Anthony found herself in disagreement on the issue of black suffrage with long time abolitionist friends such as Frederick Douglass. Two years prior, male and female reformers had formed the American Equal Rights Association (AERA) to push for both black and woman suffrage. However, most AERA members concurred with Congressional Republicans that a constituency among male voters favoring woman suffrage did not yet exist and thus settled for black suffrage. These members argued that woman suffrage would have to be put on hold until black suffrage passed and a majority of public opinion supported gender equality.



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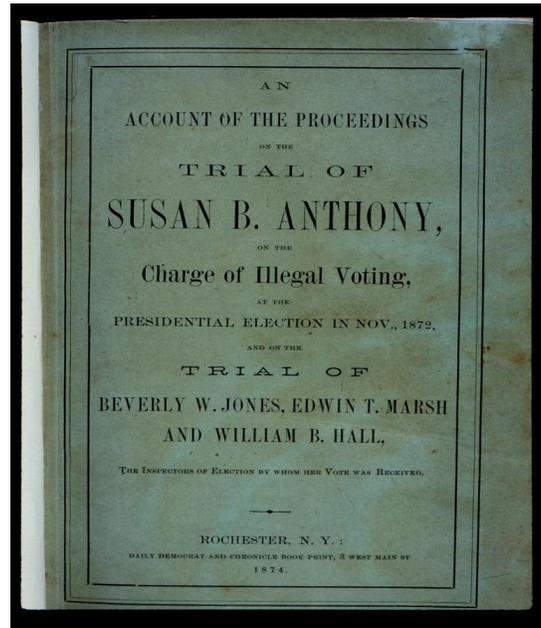
The radical wing of the women's rights platform rejected this line of reasoning, causing a split in the movement. Anthony refused to accept the idea that illiterate southern blacks would be granted the right to vote while educated northern women remained shut out of the process. Stanton protested that it was "infinitely more important to secure the rights of 10 million women than to bring a million more men to the polls." By declaring universal manhood suffrage, thereby imposing gender a basis for voting, Stanton argued, Congress had undermined the democratic process: "This government is not a democracy. It is not a republic. It is an odious aristocracy; ... the most hateful aristocracy ever established on the face of the globe... an aristocracy of sex." Anthony, Stanton, and other radicals walked out of an 1869 AERA convention and founded the National Woman Suffrage Association.

Anthony was not content to write pamphlets and give speeches in her quest for woman suffrage. In November, Anthony tested the system by successfully registering to vote with the inspector of elections in Rochester, New York and voting in the presidential election, casting a ballot for President Ulysses S. Grant.

Two weeks passed before Anthony was arrested by state officials for "knowingly, wrongfully, and unlawfully vot[ing] for a representative to the Congress of the United States." At Anthony's trial seven months later, the judge, setting for his first criminal case, penned his decision prior to hearing the case and discharged the jury stating that there were no questions of fact for them to consider. Thus, Anthony's eloquent defense, based on the recently adopted Fourteenth Amendment, which she argued contained no qualifications based on sex, fell on deaf ears. The judge ruled out imprisonment for Anthony but instead found her guilty for voting illegally fining her \$100. As the judge proceeded to adjourn the court, he made the mistake of asking the defendant if she had anything to say. Anthony seized the moment:

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 sex, are, by your honor's verdict, doomed to political subjection under this, so-called, form of government."



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The judge continued in vain to plea with Anthony to sit down and to refrain from further comment but to no avail.

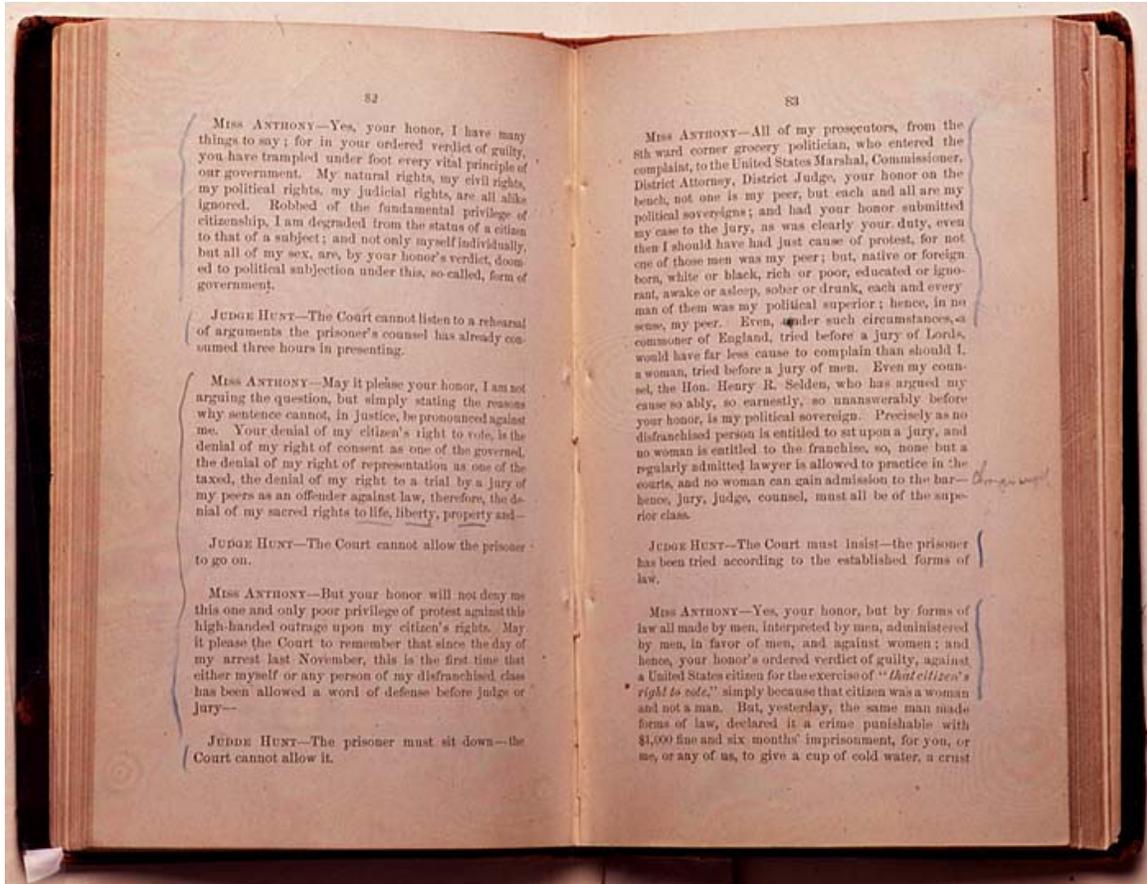
But your honor will not deny me this one and only poor privilege of protest against this high-handed outrage upon my citizen's rights. May it please the Court to remember that since the day of my arrest last November, this is the first time that either myself or any person of my disenfranchised class has been allowed a word of defense before judge or jury.

Again the judge pleaded, "The Court must insist—the prisoner has been tried according to the established forms of law."

Anthony retorted, "Yes, your honor, but by forms of law 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." Anthony insisted that she would never pay a penny of the fine and never did so.

To further spread her arguments in favor of woman suffrage, Anthony penned a petition dated January 12, 1874 and sent it to the members of Congress requesting that her fine be remitted in light of the Court's unjust action that resulted in her conviction.

The trial and subsequent petition to Congress afforded Anthony an opportunity to shed light on the issue of woman suffrage by spreading the case for equal rights to a wide audience.



MISS 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, 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, form of government.

JUDGE HUNT—The Court cannot 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 cannot, 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 cannot 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 cannot allow it.

MISS ANTHONY—All of my prosecutors, from the sixth 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 born, 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 case 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

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To the Congress of the
United States.

The petition of Susan B. Anthony,
of the city of Rochester in the County
of Monroe and state of New York re-
spectfully represents:

That prior to the
late Presidential Election your petitioner
applied to the board of registry in the
Eighth ward of the City of Rochester, in
which city she had resided for more
than 25 years, to have her name placed
upon the register of voters and the
board of registry, after consideration
of the subject, decided that your pe-
titioner was entitled to have her name
placed upon the register, and placed
it there accordingly.

On the day of the Election, your
petitioner, in common with hundreds
of other American citizens, her neigh-
bors, whose names had also been registra-
ed as voters, offered to the inspectors of
election her ballots for electors of Pres-
ident and Vice-President and for
members of Congress, which were re-
ceived and deposited in the ballot

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innocent as the Judge by whom, she
was convicted, she respectfully
asks, inasmuch as the law has
provided no means of review-
ing the decisions of the Judge,
or of correcting his errors, that the
fine imposed upon your peti-
tioner be remitted, as an expres-
sion of the sense of this high
tribunal that her conviction
was unjust.

Dated January 12-1874-

Susan B. Anthony

all

National Archives, Record Group 46

Sources:

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An Account of the Proceedings on the Trial of Susan B. Anthony (1874)

Elizabeth Cady Stanton, *Susan B. Anthony: Correspondence, Writings, Speeches*, ed. by Ellen C. Dubois (1981), 152-165.

Susan B. Anthony, July 4, 1876 speech on the steps of Independence Hall in Philadelphia Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, *The History of Woman Suffrage* Vol. 3 (1886)