Suffragist Susan B. Anthony’s stand on voting sets stage for today

As I recently cast my vote in the latest round of an election, I was reminded that at one time such an action could be the grounds for an arrest and prosecution. In November 1872, Susan B. Anthony was arrested, indicted and convicted for doing just what I did — voting as a woman and casting a ballot.

Anthony believed that the condition of women in society could only be improved when they obtained the power to vote. At that time, a woman’s right to vote was a volatile topic of debate which pivoted upon the then-recently adopted 14th Amendment, which provides that “all persons born and naturalized in the United States ... are citizens of the United States,” and as citizens are entitled to the “privileges” of that citizenship, including the right to vote.

Although some interpreted this post-Civil War Amendment to broaden the franchise only to black men, Anthony consulted with numerous attorneys and thereby took the position that it also gave women the constitutional right to vote in federal elections.

She was also aware that this question would never be resolved by the courts unless a woman actually voted, or had attempted to vote, and was turned away. Anthony decided that she would be that woman.

When Anthony went to her polling place in Rochester, NY, to cast her ballot in the federal congressional election, the ballot inspectors at first disagreed over whether a woman had a right to vote. After discussion, they ultimately allowed her to do so. However, a poll watcher thereafter filed a complaint charging Anthony with casting an illegal vote; a warrant for her arrest was issued.

The case of the United States v. Susan B. Anthony had thus begun. Anthony’s indictment alleged that she “knowingly, wrongfully and unlawfully voted[ed]” in the election, which was “against the peace of the United States of America and their dignity.”

Anthony pleaded not guilty to the charges, raising the defense at trial that she had reasonably believed she had the right to vote, she could not be guilty of the crime of “knowingly” casting an illegal ballot. Although Anthony requested to testify on her own behalf regarding her state of mind at the time of her vote, the prosecutor successfully objected, arguing that because she was a woman, “she is not competent as a witness on her own behalf.”

At the close of evidence, the trial judge held that: “[t]he 14th Amendment gives no right to a woman to vote, and the voting by Miss Anthony was in violation of the law. ... Miss Anthony knew that she was a woman ... and [a]ssuming that [she] believed she had a right to vote, that fact constitutes no defense if in truth she had not the right. She voluntarily gave a vote which was illegal, and thus is subject to the penalty of the law.”

Anthony later described her trial as “the greatest judicial outrage history has ever recorded ... and a mere farce.”

Anthony responded: “Your honor, I shall never pay a dollar of your unjust penalty, and she did not. Not surprisingly, the government made no serious effort to collect the fine.

The case ultimately sentenced Anthony to pay a fine of $100 and the costs of the prosecution. Anthony responded: “May it please your honor, I shall never pay a dollar of your unjust penalty,” and she did not. Not surprisingly, the government made no serious effort to collect the fine.

Anthony’s courage in standing up for her beliefs and subjecting herself to an arrest, trial and conviction moved the women’s suffrage movement forward.

Suffrage movement forward.

However, it would still take nearly half a century more — until 1920 — until women were finally given the right to vote with the passage of the 19th Amendment. Unfortunately, Anthony never saw the result of her courageous act.