

A Major Supreme Court Minor Case

There was no trial or jury. The case was quickly lost in the all-male lower court. It was appealed to the all-male state supreme court that heard the case in its chambers where the lower court ruling was upheld. The case then was appealed to the all-male U.S. Supreme Court that, in a unanimous decision handed down by Chief Justice Morrison R. Waite in 1874, upheld all the lower courts' all-male judicial rulings.

The plaintiff was a native-born citizen, a property owner, and a taxpayer who was denied her citizen's constitutional right to vote as provided in the Constitution and affirmed in the 14th Amendment of 1868.

Had she been a white, male citizen, or a former black "male" slave granted citizenship in the 13th Amendment, she could have registered and voted - but because she was born a free-white female, she was not allowed to vote. She could not even register to vote and this was the crime that led to the infamous *Minor v. Happersett* U.S. Supreme Court case. Here's what happened.

Virginia Minor attempted to register to vote in the 1872 presidential election but was refused by the ward registrar in St. Louis. She sued him, well she and her husband sued him, because as a married woman Virginia was femme covert under the law and under her husband who had legal authority over her legal proceedings. Thus, in the St. Louis Circuit court, Francis and Virginia Minor brought suit in a civil action against the registrar, Reese Happersett.

In 1872 it was rare but was not new for women to vote. Wyoming Territory granted universal suffrage in 1869, and Utah followed suit in 1870. In 1871 a Michigan woman voted because voting officials did not question her rights, and she continued to vote for several years. Women had voted in New Jersey between 1787 and 1807 when a new state constitution made no mention of woman suffrage.

But 1872 was the election year targeted by the National Women's Suffrage Association (NWSA) for a nationwide push to promulgate the issue of woman's suffrage and gain headlines on a national level. Minor's action was part of a nationwide pattern in which hundreds of women across the country attempted to vote.

One of those women, Susan B. Anthony, led a small delegation of women to the polls in Rochester, New York. Anthony cast her vote for Ulysses S. Grant and was arrested on the charge of voting fraud. The arrest of nationally known Anthony was intended as a warning to all women, nationwide.

There was a trial and a jury in Anthony's case but the judge had written his opinion before the trial started, and directed the jury to find a guilty verdict, which it did.

Anthony was ordered to pay a fine of \$100, which she didn't.

When Francis Minor made his presentation to the court in the Minor case, he claimed that denial of suffrage in the states was a matter of practice rather than law and stated that "the plaintiff has sought by this action for the establishment of a great principle of fundamental right, applicable not only to herself but to the class to which she belongs, for the principles here laid down, extend far beyond the limits of the particular suit and embrace the rights of millions of others [females], who are thus represented through her. . . one-half the citizens thereof are forever disenfranchised."

In the unanimous U.S. Supreme Court decision, the courts ducked the issue of defining a woman's place in society, and refrained from discussing the fact that although women were full citizens under the law, they did not enjoy the same rights and privileges of citizenship as men did. The courts merely upheld the right of individual states to decide which citizens could vote within their borders.

After the Minor decision, strategies to confirm women's citizenship and/or the right to the vote now focused on one single issue, that of women's suffrage. Thus, while Virginia lost the battle, she went on to win the war.



Because four years later, Susan B. Anthony wrote the words of what would become the Nineteenth Amendment, and presented it before Congress for the first of forty-two years before its passage and ratification on August 26, 1920. Her amendment 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 sex.

The amendment does not say women may now vote, women have won the vote, or any such redundant statement. What it does say, is that the obstruction of justice set forth in the Constitution that allows citizens to vote, will no longer be tolerated under the law. An amendment thanks in great part to Virginia, her local St. Louis court, her Missouri Supreme Court, and her U.S. Supreme Court proceedings.

The 1872 presidential election will be remembered as the election to catapult women's suffrage to the national level. It was kind of like the social media "like" of its day. A "like" that went viral thanks to the efforts of the Missouri Women's Network Education Fund which launched its 1,000 Strong Campaign to raise \$10,000 for a bronze bust of St. Louis suffragist Virginia Minor to be placed under the dome in the Missouri State Capital rotunda.

In the rotunda it joins the collection of other memorialized Missourians, seven women and 37 men. No trial or jury necessary to affirm this honorable verdict of the people of Missouri.

Sources: <http://www.nps.gov/jeff/historyculture/the-virginia-minor-case.htm>; Amy Weisser, Fall 2014 Issue of St. Louis Women On The Move; <http://www.house.mo.gov/famous.aspx?fm=display>