



From Seneca Falls to the Polling Booth

By Mike Peterson

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CHAPTER FOUR: One Amendment Calls For Another

In the years before the Civil War, the split between abolitionists and suffragists was quiet and mostly friendly. But a serious disagreement came after the war.

Of the seven states that formally announced they were leaving the United States, four said specifically why, and the main reason was that they wanted to keep slavery. It became clear that, if the Union won, slavery would be ended.

The suffrage movement had come to a halt during the war. The suffragists felt it was patriotic to concentrate on the war and save their own struggle for later.

Susan B. Anthony and Elizabeth Cady Stanton even formed “The Woman’s Loyal National League” and presented petitions to President Lincoln with 400,000 signatures urging a victory in the war and an end to slavery.

When the war ended and the slaves were freed, however, there were serious questions to answer as the nation struggled to put itself back together again.

The Thirteenth Amendment had made the slaves free, and now the Fourteenth Amendment was planned in order to guarantee their rights as citizens.

But suffragists had a very serious problem with how it was worded.

The first part of the amendment was fine: It said that all citizens of the United States had the same rights and protections. But the next part included a word that had never been in the Constitution before: It guaranteed the right to vote to the nation's "male inhabitants."

Susan B. Anthony, Elizabeth Cady Stanton and other suffragists were furious.

After all the progress women had made in the various states in finally being allowed to own property and to have a chance for custody of their children in a divorce or if they were widowed, and after all the sacrifices they had made during the war, Anthony wrote, now the federal government was declaring, for the first time ever, that women were lesser citizens than men.

Suffragists began petitions to change "male inhabitants" to "persons," but now the abolitionists objected.

It would be hard enough to get the vote for African-American men, they argued. The states where slavery had existed just a few years ago would never ratify an amendment that might make the combination of African-American men and women a voting majority there.

However you felt about women voting, however you felt about African-American men voting, the abolitionists warned, if the amendment didn't pass, neither would benefit.

Even Horace Greeley, a powerful newspaper publisher who had supported women for years, wrote in an editorial that the important thing now was to ensure that African-American men could vote. "When that is done, we shall be ready to take up the next question."

On July 9, 1868, The Fourteenth Amendment to the Constitution was ratified with the word "male" in it, but the suffragists were not giving up.

The amendment said "all persons born and naturalized in the United States...are citizens of the United States," and New York law didn't specifically say women could not vote.

Susan B. Anthony felt that this meant she had a legal right to vote. So a few days before Election Day in 1872, she and her three sisters went to a polling place in Rochester to register.

The people there weren't sure what to do, so they allowed the women to register, and on Election Day, the women returned. Again, the officials at the polls weren't sure what to do, so they allowed them to vote.

Two weeks later, Susan B. Anthony was arrested.

Historians agree that her trial was not fair. Although she had a jury, they were not allowed to vote on her guilt or innocence: The judge told them they had to find her guilty. Then he read a decision he had written before the trial.

He ordered Anthony to pay a fine of \$100, and she said she would not.

Then the judge did something very clever. If he sent her to jail for refusing to pay her fine, Anthony could go to a higher court and ask it to decide if the judge's ruling was fair.

Instead, he released her without insisting on her paying, which meant that Susan B. Anthony had no chance to go to the Supreme Court and make it decide if the 14th Amendment meant that women had the right to vote.

Meanwhile, however, a suffragist in Missouri found a way to get the Supreme Court to rule on the question.

Virginia Minor tried to register and, when she was told she could not, she sued the registrar. Missouri's courts ruled against her, and so she went to the United States Supreme Court.

But the Supreme Court did not agree with the suffragists' argument that the 14th Amendment meant that all American citizens had to be permitted to vote.

The Court was unanimous that, while the amendment did make it clear that women were citizens, there was nothing in the Constitution that said all citizens had the right to vote. In fact, they said, the original 13 states had all had rules about which citizens could vote and which could not.

If the Founding Fathers had wanted all citizens to be able to vote, the Court wrote, they would have said so, and would not have allowed states to put in restrictions.

Suffragists now had two choices: Either get each state to change its laws and let women vote, or pass an amendment to the Constitution giving them that right.

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