

0. WHO'S THE JUDGE?!? - Story Preface

1. HOW DID SHE GET INTO TROUBLE?

2. EARLY TRAINING

3. STRENGTH OF CONVICTION

4. A WORTHY CANDIDATE?

5. THAT CONVENTION

6. ATTACKS GET PERSONAL

7. SUSAN CASTS HER BALLOT

8. AND GETS ARRESTED

9. WHO'S THE JUDGE?!?

10. THE OUTRAGE WORSENS

11. POST-TRIAL BACKLASH

12. WHEN DID IT END?



This image depicts the artistic impression of Alexandra Wallner as she illustrates an imagined scene from the trial of Susan B. Anthony for “illegal voting” in the Presidential election of 1872. Copyright, Alexandra Wallner, all rights reserved. Image provided here as fair use for educational purposes and to acquaint new viewers with [Wallner’s work](#) (both her books and her art).

Most modern accounts of Susan Anthony's trial merely list her judge as "Ward Hunt." If we trace who Ward Hunt really was, though, we uncover an astonishing fact. When he tried the Anthony case in the U.S. Circuit Court for the Northern District of New York, [Ward Hunt](#) was a Grant-appointed, sitting United States Supreme Court Justice.

Why was he trying a criminal case in Canandaigua, New York? And ... what were the charges against [Susan Anthony](#)? (Follow this link to her copy of the trial, including her notations.) We can summarize the case by using the [words](#) of Richard Crowley, the U.S. District Attorney:

Miss Susan B. Anthony...upon the 5th day of November, 1872...voted...At that time she was a woman.

The [government's case](#) really was that simple. (This link will take you to the [entire trial transcript](#).) Beverly W. Jones, the [registrar](#) and also a defendant, [testified](#) that Miss Anthony had voted. The poll list verified Susan Anthony's name. That was essentially the government's case.

When Anthony's lawyer called her to the stand, the prosecutor objected. Who would object to a defendant giving testimony?

She is not competent as a witness on her own behalf.

After all, women weren't allowed to testify in federal court.

The only defense testimony the court allowed was from her lawyer. (An interesting situation since lawyers can either be lawyers, or witnesses, but they can't be both lawyer and witness in the same trial.) Henry Seldon, chief defense counsel, told the jury:

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 laudable; 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.

Later, a member of the all-male jury said that he was prepared to acquit. (Women—among their other [lack of rights](#)—were not allowed to sit as New York jurors at the time).

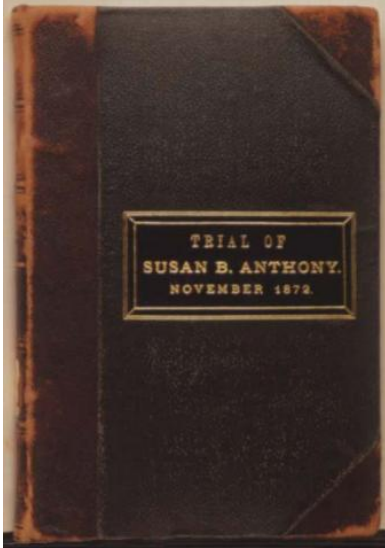
However, jurors were never given the chance to deliberate.

<http://www.awesomestories.com/asset/AcademicAlignment/WHO-S-THE-JUDGE-Susan-Anthony-Guilty-of-Unlawfully-Voting>

See Learning Tasks for this story online at:

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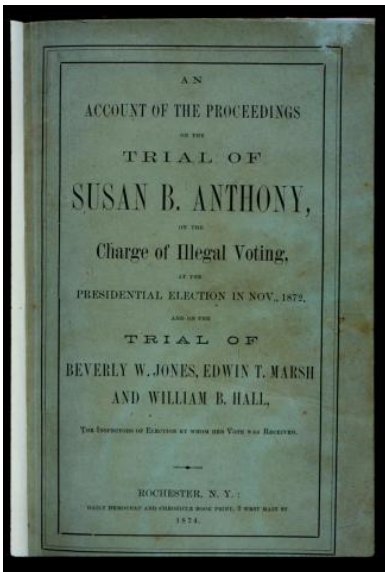


Trial of Susan B. Anthony, November 1872

Online image, Library of Congress.

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Account of Proceedings

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