



0. THE OUTRAGE WORSENS - Story Preface

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In 1895—around 23 years after Susan Anthony and her friends voted in the 1872 election—women in Massachusetts were asked a question requiring their vote. Did they want suffrage for themselves—or, put differently—“Shall woman vote?” Around 4% said “yes”—22,204 affirmative votes out of 575,000 potential voters.

Gordon Grant created this illustration. It accompanied an article called “[Why Women Do not Wish the Suffrage](#),” published in *The Atlantic* during 1903. While people like Susan Anthony were fighting for the right to vote—for all women—other adult females were against it. Why? Because “Woman does not wish to turn aside from her higher work, which is itself the end of life, to devote herself to government, which exists only that this higher work may be done. Can she not do both? No!”

To our 21st-century eyes, such a conclusion seems like a different type of outrage. But that is not how all women viewed the issue near the turn of the century. Image online via the Library of Congress.

Instead of allowing the jury to deliberate the government's case against Susan Anthony, and render its own decision, Justice Hunt read a prepared statement he wrote before final arguments. His actions effectively took the case away from the jurors whom he did not allow to reach an independent verdict.

I have decided as a question of law...that under the Fourteenth Amendment, which Miss Anthony claims protects her, she was not protected in a right to vote...I therefore direct that you find a verdict of guilty.

Judge Selden, Susan's defense counsel, objected (at page 68 of the transcript):

That is a direction no Court has the power to make in a criminal case.

The judge's response?

Take the verdict, Mr. Clerk.

Hunt then denied Selden's request to poll the jury (to ask each juror if that was his verdict). It is the right of the defense counsel to have the jury polled. Of course, if the jury had been polled in the Anthony case, what would they have said?

The Judge could have decided the case as a matter of law—without a jury—had a proper motion been put before him. But no such motion was filed and the result of the case was procedurally defective.

Not surprisingly, the judge denied a motion for new trial and asked Susan Anthony if she had anything to say before he imposed sentence. When she rose to speak, he continued to cut her off. After he imposed a fine of \$100 and court costs, Ms. Anthony said she would not pay it.

At the end of the trial, Justice Hunt did not imprison Susan Anthony when she refused to pay the fine. Superficially, that may sound kind—or lenient. His reason was anything but kind or lenient. Ms. Anthony could not appeal her case unless she were imprisoned. Hunt's actions were intended to cut off all her rights to appeal. Even if she had a chance to appeal her case to the United States Supreme Court, would “the brethren” have reached a different result? This, after all, was the Court which would endorse “Jim Crow” laws.

See Alignments to State and Common Core standards for this story online at:

<http://www.awesomestories.com/asset/AcademicAlignment/THE-OUTRAGE-WORSENS-Susan-Anthony-Guilty-of-Unlawfully-Voting>

See Learning Tasks for this story online at:

<http://www.awesomestories.com/asset/AcademicActivities/THE-OUTRAGE-WORSENS-Susan-Anthony-Guilty-of-Unlawfully-Voting>