

Public Audiences for a Federal Trial—A Primary Sources Activity

For use in conjunction with “The Trial of Susan B. Anthony,” by Ann D. Gordon, available at <http://www.fjc.gov/history/home.nsf>. A unit in the Teaching Judicial History Project, developed by the Federal Judicial Center in partnership with the American Bar Association’s Division for Public Education.

Activity Objectives

Through analysis and discussion of primary sources related to this case, students will understand how Susan B. Anthony mobilized public opinion in support of her effort to gain federal court endorsement of women’s right to vote. Students will also consider the impact of popular opinion on the court proceedings.

Essential Questions

- What did Susan B. Anthony argue was the foundation of a citizen’s right to vote?
- What was the constitutional basis of Susan B. Anthony’s argument in favor of woman suffrage in federal elections?
- Was a criminal defendant entitled to a jury verdict?
- Did the exclusion of women from the voting rolls, and thus from the pool of potential jurors, violate a woman defendant’s right to trial by a jury of her peers?

Legal Issues Raised by the Susan B. Anthony Trial

Susan B. Anthony presented her public audiences and the federal court with her argument that, because the vote was the essential and defining right of citizenship, the recognition of United States citizenship in the Fourteenth Amendment extended to women the right to vote.

Estimated Time Frame

Three to four 50-minute class periods.

Recommended Prep Work

Students will need background on the early years of the woman suffrage movement and the debates over the rights of citizenship as defined by the Fourteenth Amendment. Review “The Trial of Susan B. Anthony,” by Ann D. Gordon, particularly the narrative, (pp. 1–8); What had the federal courts decided in earlier cases involving woman suffrage? (pp. 17–18); Biographies: Susan B. Anthony (pp. 27–28); and Media and Press Coverage (pp. 33–36). (*Note:* All page

citations refer to the PDF version of “The Trial of Susan B. Anthony,” available online at <http://www.fjc.gov>.)

Prepare copies of the following documents and excerpts:

1. The Trial of Susan B. Anthony: A Short Narrative (pp. 1–8)
2. The Judicial Process: A Chronology (pp. 11–14)
3. Media and Press Coverage (pp. 33–36)
4. Susan B. Anthony’s speech to potential jurors (pp. 63–68)
5. Susan B. Anthony’s speech before the circuit court (pp. 45–47)
6. *Rochester Evening Express*, editorial, November 27, 1872 (pp. 62–63)
7. *Worcester Daily Spy*, editorial, May 28, 1873 (pp. 68–69)

Description of the Activity

Activity Overview

Students will analyze two public addresses of Susan B. Anthony and then consider how three newspaper editorials and an editorial cartoon reflected popular opinion about the woman suffrage movement and Anthony’s trial. Finally, students will consider the possible impact of Anthony’s speeches and the press reaction on the legal proceedings and on the woman suffrage movement.

Introduction

Be certain students are familiar with the basic information of the Susan B. Anthony case found in “The Trial of Susan B. Anthony: A Short Narrative” (pp. 1–8); and “Media and Press Coverage” (pp. 33–36). This material can either be adapted as a teacher presentation or assigned to students as homework. Teachers should emphasize that Anthony’s attempt to vote was part of a broader national campaign to bring before the federal courts the claim of women’s right to vote under the recently ratified Fourteenth Amendment and its definition of United States citizenship.

Examining the Primary Sources

Following her indictment, Susan B. Anthony actively sought to educate the public and remarked to Representative Benjamin Butler in May 1873, “I find Judges & Courts are influenced by popular opinion—not a little” (p. 34). Students will examine two of Anthony’s most famous public speeches.

What did Susan B. Anthony tell her audiences?

1. Excerpts from Susan B. Anthony’s speech “Is It a Crime for a U.S. Citizen to Vote?” (pp. 63–68)
2. Susan B. Anthony’s speech before the U.S. Circuit Court (pp. 45–47)

Distribute copies of the speeches and explain that after her indictment in January 1873, Anthony gave the first speech in 29 towns and villages of Monroe County, New York, where she expected her trial to be held. When her trial was moved to another county, she spoke in 21 towns in that county prior to her trial. The speech to the court following her conviction was Anthony's first opportunity to speak before the court.

Divide the students into small groups that will complete the worksheets, and then ask each student to complete the brief writing exercise at the close of the worksheets. Bring the class back together to discuss the worksheet questions.

What were the newspapers telling their readers?

1. *Rochester Evening Express*, editorial, November 27, 1872 (pp. 62–63)
2. *Worcester Daily Spy*, editorial, May 28, 1873 (pp. 68–69)
3. *The Daily Graphic*, “The Woman Who Dared,” June 3, 1873 (p. 33) (see attached copy following final worksheet)

Divide the class into small groups to analyze the newspaper documents and to complete the worksheet. Bring the class back together to debrief and compare their responses. Explore additional information, such as the place of publication of the newspapers, the dates of each printing, and where each publication occurred on the case timeline. Refer to the background information on the *Daily Graphic* cartoon on page 33 in reviewing the students' analyses.

Debrief and Wrap-up

Conclude the activity by discussing the following questions with the students:

- How might the pretrial publicity have affected a jury verdict? If Justice Hunt had not directed a guilty verdict in the case, what decision do you think the jury would have reached?
- How did the publicity benefit the defense? How did it benefit the government? What impact might the publicity have had on the future of the woman suffrage movement?

Students should also be able to discuss the substantive legal arguments presented by Anthony and to answer the essential questions presented at the opening of this curriculum.

Assessment

- Evaluation of student worksheets.
- Student essays on one or more of the essential questions.

Alternative Modalities and Enrichment Activities

Tell students to imagine they are advisors to the prosecuting attorney, Richard Crowley, and they have been asked to identify and develop arguments against the major arguments that Anthony makes in her speech.

Identify some of the challenges presented by (1) using the judicial system and the courts to achieve change, and (2) using the legislative system (state legislatures and Congress) to achieve change.

Discuss the purposes of having juries in a democracy, including such arguments as the purpose to achieve fair and impartial justice, discover the truth, establish the facts of a case, give the people a voice in government, preserve individual liberty, and determine guilt/liability or innocence. Which, if any, was compromised by Justice Hunt's directed verdict?

Have students take the role of reporters who attended one of Anthony's speeches. They should write an article reporting on the event and the speech for both a Republican and a Democratic newspaper.

Simulate one of Anthony's speaking events with a question-and-answer session following the speech. Prior to the reenactment, identify a small group of students to take the role of Anthony and prepare answers to anticipated questions. The others will be audience members and will work in small groups to review her speech and prepare questions to ask.

Involving a Judge

Invite a judge to visit your class to talk about the challenges of managing cases in which there is a great deal of publicity and what the courts do to help ensure that public opinion does not bias trial outcomes. Many observers at the time speculated that a jury might refuse to convict Anthony. Judges might also want to talk about "jury nullification."

Standards Addressed

U.S. History Standards (Grades 5–12)

Era 5—Civil War and Reconstruction (1850–1877)

Standard 3C: The student understands the successes and failures of Reconstruction in the South, North, and West. Therefore the student is able to: Evaluate Reconstruction ideals as a culminating expression of the mid-19th-century impulse of social democratization and perfectionism; and Analyze how the Civil War and Reconstruction changed men's and women's roles and status in the North, South, and West.

Standards in Historical Thinking

Standard 2: Historical Comprehension

- A. Identify the author or source of the historical document or narrative and assess its credibility.
- C. Identify the central question(s) the historical narrative addresses.
- D. Differentiate between historical facts and historical interpretations.

Standard 3: Historical Analysis and Interpretation

- A. Compare and contrast differing sets of ideas, values, etc.
- B. Consider multiple perspectives.
- E. Distinguish between unsupported expressions of opinion and informed hypotheses grounded in historical evidence.

Standard 5: Historical Issues-Analysis and Decision-Making

- A. Identify issues and problems in the past and analyze the interests, values, perspectives, and points of view of those involved in the situation.
- D. Evaluate alternative courses of action, keeping in mind the information available at the time, in terms of ethical considerations, the interests of those affected by the decision, and the long- and short-term consequences of each.
- F. Evaluate the implementation of a decision by analyzing the interests it served; estimating the position, power, and priority of each player involved; assessing the ethical dimensions of the decision; and evaluating its costs and benefits from a variety of perspectives.

Worksheet

Susan B. Anthony's Speech "Is it a Crime for a U.S. Citizen to Vote?"

1. What message does Anthony's title and greeting to her audience convey?
2. How does she defend herself against the charges in her indictment?
3. What does she argue is the basis of the right to vote?
4. What document does she quote in the fourth paragraph?
5. What comparisons does Anthony make between the women of 1873 and the American Revolutionaries?
6. What, according to Anthony, was the intent of the Fourteenth Amendment?
7. What two actions does she argue that the national government must take regarding rights?

8. Anthony concludes by saying “We no longer petition Legislature or Congress.” What governmental institution will now be the focus for the campaign for women’s right to vote?

9. Who does Anthony specifically call on to aid the woman suffrage movement?

10. What is the “line” on which woman suffrage advocates now propose to fight their “battle for the ballot”?

Identify one or two sentences that you find especially powerful and convincing, and describe the significance of that passage in your own words:

Worksheet

Susan B. Anthony's Speech Before the Circuit Court

1. What audience does Anthony address in this speech?
2. What rights does Anthony say were violated in her trial?
3. Why does she think her arrest and prosecution were invalid?
4. To what laws does Anthony compare the laws denying women the right to vote?
5. What does Anthony say she had hoped the court would do?
6. What does Anthony ask the court to do following her conviction?
7. How does Anthony respond to the judge's sentence? What might have been the purpose of her response?

Identify one or two sentences that you find especially powerful and convincing, and describe the significance of that passage in your own words:

Worksheet

Press Commentary on the Trial of Susan B. Anthony

Rochester Evening Express, editorial, November 27, 1872 (pp. 62–63)

Worcester Daily Spy, editorial, May 28, 1873 (pp. 68–69)

The Daily Graphic, “The Woman Who Dared,” June 5, 1873 (p. 33) (attached below)

According to the *Rochester Evening Express*:

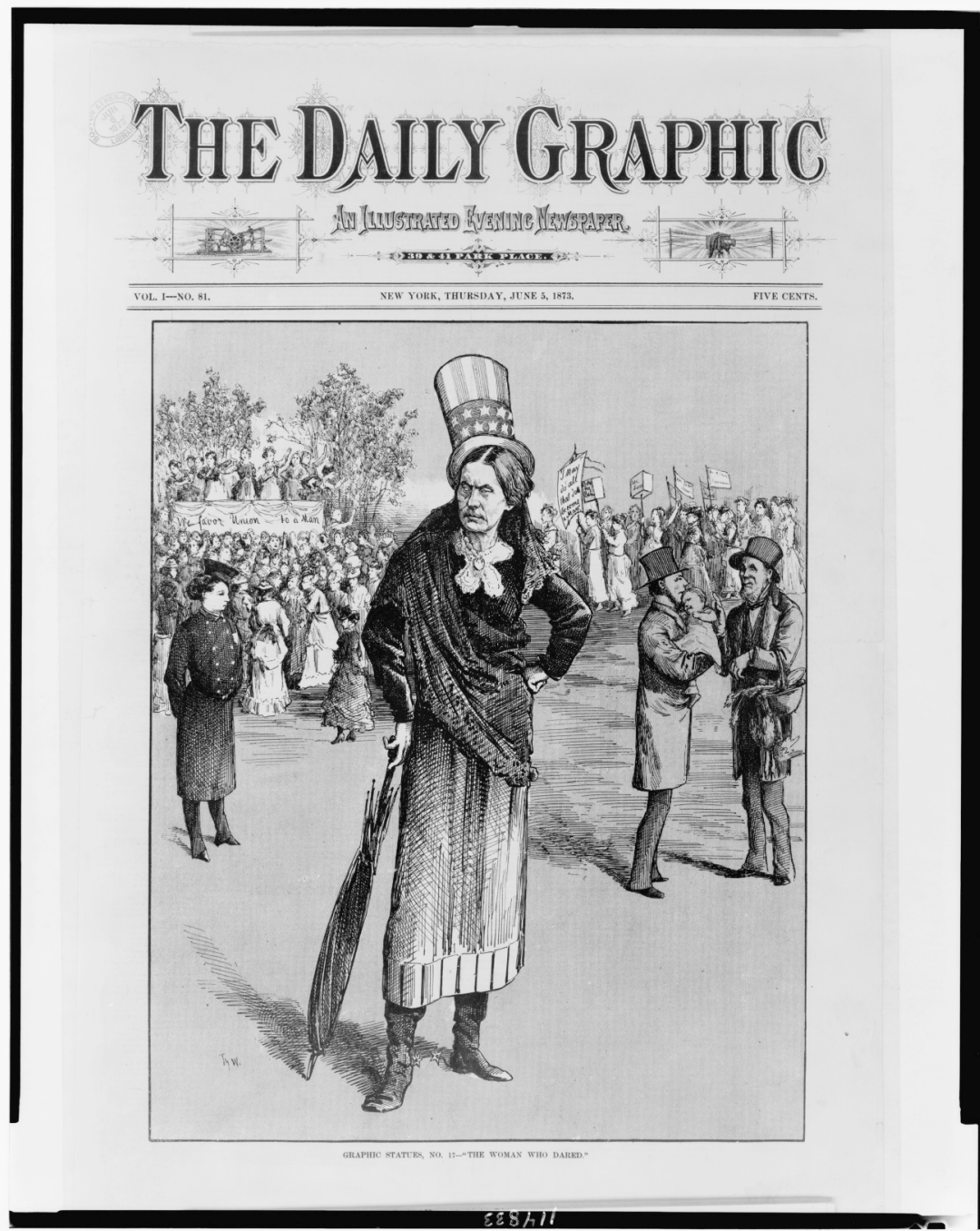
1. Who supports woman suffrage?
2. What are the most important goals and strategies of the suffrage movement?
3. What are the chances for success of the campaign for woman suffrage? What advantage does the movement have?

According to the *Worcester Daily Spy*:

1. How have people responded to Susan B. Anthony’s speaking tour?
2. What is a jury likely to decide in the trial of Anthony?
3. Why do some newspaper editors think that Anthony’s speaking tour has corrupted the judicial process?
4. What does the author of this article think about Anthony’s pretrial speaking?

The Daily Graphic: “The Woman Who Dared”:

1. What is Anthony wearing? What is the artist trying to convey about Anthony?
2. What are the other women wearing and doing?
3. What are the men doing?
4. How is the “world” depicted here different than the “world” at the time of Anthony’s trial?
5. What do you think would be the reaction of readers to this cartoon? In what ways, and with whom, might it advance or hinder the woman suffrage movement?



"The Woman Who Dared"
From the *Daily Graphic*, v. 1, no. 81 (5 June 1873).
Library of Congress, Prints and Photographs Division
[reproduction number LC-USZ62-114833].