

The first women's rights convention was held in Seneca Falls, New York, in 1848. The participants famously proclaimed in a Declaration of Sentiments that, "all men *and women* are created equal." They complained about how women, if married, are civilly dead, even to the wages they earn, and, if divorced, the ex-husband is given custody of the children. The Declaration also issued a demand for women's suffrage, or right to vote.

Susan B. Anthony, along with Elizabeth Cady Stanton, led the women's rights movement during the second half of the 19th century. After her arrest on the charge of voting illegally in Rochester, New York, in the 1872 presidential election, Anthony undertook an extensive speaking tour in the area. Her lecture, given many times before her trial in June 1873, was titled, "Is it a Crime for a Citizen of the United States to Vote?" (She was later found guilty at her trial and was sentenced to pay a fine of \$100. She refused to pay, however, and the authorities let the matter drop.) The following excerpt is from this pre-trial lecture, which was published in a local newspaper. In the address, she dissects the civil and legal status of American women in the early 1870s.

Susan B. Anthony: "Is it a Crime for a Citizen of the United States to Vote?"

...But if you will insist that the fifteenth amendment's emphatic interdiction against robbing United States citizens of their right to vote, "on account of race, color, or previous condition of servitude," is a recognition of the right, either of the United States, or any state, to rob citizens of that right, for any or all other reason, I will prove to you that the class of citizens for which I now plead, and to which I belong, may be, and sure, by all the principles of our government, and many of the laws of the states, included under the term "previous condition of servitude."

First: The married women and their legal status. What is servitude? "The condition of a slave." What is a slave? "A person who is robbed of the proceeds of his labor; a person who is subject to the will of another."

By the law of Georgia, South Carolina, and all the states of the South, the Negro had no right to the custody and control of his person. He belonged to his master. If he was disobedient, the master had the right to use correction. If the Negro didn't like the correction, and attempted to run away, the master had a right to use coercion to bring him back.

By the law of every state in this Union today, North as well as South, the married woman has no right to the custody and control of her person. The wife belongs to her husband; and if she refuses obedience to his will, he may use moderate correction, and if she doesn't like his moderate correction, and attempts to leave his "bed and board," the husband may use moderate coercion to bring her back. The little word "moderate," you see, is the saving clause for the wife, and would doubtless be overstepped should offended husband administer his correction with the "cat-o'-nine-tails," or accomplish his coercion with bloodhounds.

Again, the slave had no right to the earnings of his hands, they belonged to his master; no right to the custody of his children, they belonged to his master; no right to sue or be sued, or testify in the courts. If he committed a crime, it was the master who must sue or be sued.

In many of the states there has been special legislation, giving to married women the right to property inherited, or received by bequest, or earned by the pursuit of any avocation outside of the home; also, giving her the right to sue and be sued in matters pertaining to such separate property; but not a single state of this Union has secured the wife in the enjoyment of her right to the joint ownership of the joint earnings of the marriage co-partnership. And since, in the nature of things, the vast majority of married women never earn a dollar, by work outside of their families, nor inherit a dollar from their fathers, it follows that from the day of their marriage to the day of the death of their husbands, not one of them ever has a dollar, except it shall please her husband to let her have it.

In some of the states, also, there have been laws passed giving to the mother a joint right with the father in the guardianship of the children. But twenty years ago, when our woman's rights movement commenced, by the laws of the State of New York, and all the states, the father had the sole custody and control of the children. No matter if he were a brutal, drunken libertine, he had the legal right, without the mother's consent, to apprentice her sons to rum-sellers, or her daughters to brothel keepers. He could even will away an unborn child, to some other person than the mother. And in many of the states the law still prevails, and the mothers are still utterly powerless under the common law.

I doubt if there is, today, a State in this Union where a married woman can sue or be sued for slander of character, and until quite recently there was not one in which she could sue or be sued for injury of person. However damaging to the wife's reputation any slander may be, she is wholly powerless to institute legal proceedings against her accuser, unless her husband shall join with her; and how often have we heard of the husband conspiring with some outside barbarian to blast the good name of his wife? A married woman cannot testify in courts in cases of joint interest with her husband. A good farmer's wife near Earlville, Ill., who had all the rights she wanted, went to a dentist of the village and had a full set of false teeth, both upper and under. The dentist pronounced them an admirable fit, and the wife declared they gave her fits to wear them; that she could neither chew nor talk with them in her mouth. The dentist sued the husband; his counsel brought the wife as witness; the judge ruled her off the stand; saying, "a married woman cannot be a witness in matters of joint interest between herself and her husband." Think of it, ye good wives, the false teeth in your mouths are joint interest with your husbands, about which you are legally incompetent to speak! If in our frequent and shocking railroad accidents a married woman is injured in her person, in nearly all of the States, it is her husband who must sue the company, and it is to her husband that the damages, if there are any, will be awarded. In Ashfield, Mass., supposed to be the most advanced of any State in the Union in all things, humanitarian as well as intellectual, a married woman was severely injured by a defective sidewalk. Her husband sued the corporation and recovered \$13,000 damages. And those \$13,000 belong to him bona fide; and whenever that unfortunate wife wishes a dollar of it to supply her needs she must ask her husband for it; and if the man be of a narrow, selfish, niggardly nature, she will have to hear him say, every time, "What have you done, my dear,

with the twenty-five cents I gave you yesterday?" Isn't such a position, ask you, humiliating enough to be called "servitude?" That husband, as would any other husband, in nearly every State of this Union, sued and obtained damages for the loss of the services of his wife, precisely as the master, under the old slave regime, would have done, had his slave been thus injured, and precisely as he himself would have done had it been his ox, cow or horse instead of his wife.

There is an old saying that "a rose by any other name would smell as sweet," and I submit it the deprivation by law of the ownership of one's own person, wages, property, children, the denial of the right as an individual, to sue and be sued, and to testify in the courts, is not a condition of servitude most bitter and absolute, though under the sacred name of marriage?

Does any lawyer doubt my statement of the legal status of married women? I will remind him of the fact that the old common law of England prevails in every State in this Union, except where the Legislature has enacted special laws annulling it. And I am ashamed that not one State has yet blotted from its statute books the old common law of marriage, by which Blackstone, summed up in the fewest words possible, is made to say, "husband and wife are one, and that one is the husband."

Thus may all married women, wives and widows, by the laws of the several States, be technically included in the fifteenth amendment's specification of "condition of servitude," present or previous. And not only married women, but I will also prove to you that by all the great fundamental principles of our free government, the entire womanhood of the nation is in a "condition of servitude" as surely as were our revolutionary fathers, when they rebelled against old King George. Women are taxed without representation, governed without their consent, tried, convicted and punished without a jury of their peers. And is all this tyranny any less humiliating and degrading to women under our democratic-republican government today than it was to men under their aristocratic, monarchical government one hundred years ago? There is not an utterance of old John Adams, John Hancock or Patrick Henry, but finds a living response in the soul of every intelligent, patriotic woman of the nation. Bring to me a commonsense woman property holder, and I will show you one whose soul is fired with all the indignation of 1776 every time the tax-gatherer presents himself at her door...