Virginia Minor & Francis Minor

V

Reese Happersett

List of Characters

In Order of Appearance

**Narrator**

**Bailiff**

**Judge, Horatio M. Jones**

**Clerk**

**John Henderson, Lawyer for the Plaintiff, Virginia Minor**

**John Krum, Henderson’s Assistant**

**Smith P. Galt, Lawyer for the Defendant, Reese Happersett**

**Jury Members**

**Virginia Minor, Plaintiff**

**Francis Minor, Husband of Plaintiff**

**Reese Happersett**

**NARRATOR** *(stands in front of audience)*: We are about to reenact one of the most important trials in the history of St. Louis’ Old Courthouse and the whole United States. In 1873, in a room on the second floor of the Old Courthouse, Virginia Louisa Minor and her husband Francis Minor sued to win the right to vote. Our mock trial today will give us a good idea of what the case was like at the Old Courthouse. We are now ready for the trial to begin. (*returns to seat*)

**BAILIFF** *(stands*): The Circuit Court of St. Louis County is now in session. The honorable Judge Horatio M. Jones presiding. Will everyone please rise?

**JUDGE** (enters and sits down at the bench): You may be seated. The clerk will call the next case.

**CLERK** (*stands*): Case number 23934, your honor. Virginia Minor and Francis Minor, Plaintiffs, versus Reese Happersett, Defendant. (*sits*)

**JUDGE**: Are the lawyers ready to present their cases?

**HENDERSON** (stands): John Krum, and myself, John Henderson, for the Plaintiffs, Virginia Louisa Minor and Francis Minor. We are ready for trial. (*sits*)

**GALT** (*stands*): Smith P. Galt, for the Defendant, Reese Happersett. I am ready, your honor. (*sits*)

**JUDGE**: Very well. The Clerk of the Court will swear in the Jury.

**CLERK** (*stands*): The members of the Jury will rise, and raise their right hands. (*Jury members stand, and raise their right hands*) Do you swear as citizens of St. Louis County that you will reach a verdict based only upon what you have heard in this Court today?

**JURY**: I do. (*Jury members and Clerk all sit*)

**JUDGE**: May we have the opening statements, beginning with the Plaintiffs.

**HENDERSON**: (*stands*) Yes, your honor. (*moves to stand in front of Jury*) Virginia Minor, and her husband Francis Minor are bringing this case to court because the defendant (*points to Happersett*) did not allow her to register to vote in the State of Missouri. We will prove that the Fourteenth Amendment of the United States Constitution grants women the right to vote, and the State of Missouri cannot take that right away. We ask that the defendant be ordered to register Virginia Minor to vote and that damages of $10,000 be awarded to Mrs. Minor and her husband due to Mr. Happersett’s actions. (*sits*)

**JUDGE**: Now we will hear the defendant’s opening statement.

**GALT**: (*moves to stand in front of Jury*) The law of the State of Missouri clearly states that MALE citizens who are 21 years old or more have the right to vote. I will show you, the Jury, that the Fourteenth Amendment to the United States Constitution was meant to make sure that blacks are citizens of the United States, and has nothing to do with this case. Even if it did, voting does not have to be a part of being a citizen. Since women do not have the right to vote, Virginia Minor has no right to register. Mr. Happersett was only doing his job. He should be found NOT GUILTY, and no damages at all be awarded in this case. (*sits*)

**JUDGE**: The Plaintiffs will begin by calling their first witness.

**KRUM** (*stands*): Yes, your honor. We call Virginia Louisa Minor to the stand.

**BAILIFF** (*stands*): Virginia Louisa Minor to the stand. (*Virginia Minor walks over and stands in front of witness chair*)

**CLERK**: (*stands*) Raise your right hand. Do you swear that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

**VIRGINA MINOR**: I do.

**CLERK**: You may be seated. (*all sit*)

**KRUM**: (*walks over to stand near witness*) What is your name?

**VIRGINIA MINOR**: Virginia Louisa Minor.

**KRUM**: Please tell the court why you feel you should have the right to vote.

**VIRGINIA MINOR**: I was born in the State of Virginia but have lived here

St. Louis, Missouri for more than twenty years. That is long enough to be a citizen of the State of Missouri and to have the right to vote.

**KRUM**: Mrs. Minor, what happened to cause you to begin this case in court?

**VIRGINIA MINOR**: Last October 15th, I went to the Election Office in St. Louis and tried to register to vote. I believe the 14th Amendment to the United States Constitution gives women the right to vote, but I was not allowed to register.

**KRUM**: Please point out to the Court who did not allow you to register.

**VIRGINIA MINOR**: Mr. Happersett, over there (*points to him*).

**KRUM**: Let the record show that Mrs. Minor correctly pointed to Mr. Happersett, who refused to register her to vote.

**JUDGE**: Clerk, please include that in the record of this trial. Please continue with the case.

**KRUM**: I have no more questions. Thank you, Mrs. Minor. (*sits*)

**JUDGE**: Mr. Galt, do you wish to cross-examine the witness?

**GALT**: (*stands*) Yes, your honor. Did Mr. Happersett explain why he wouldn’t let you register to vote?

**VIRGINIA MINOR**: He said that he could not register me because the state law of Missouri states that only male citizens have the right to vote.

**GALT**: Of course it does. And you, Mrs. Minor, are a FEMALE citizen of Missouri, are you not?

**VIRGINIA MINOR**: Of course. But, if I could explain….

**GALT** (*interrupts*): That will be all, Mrs. Minor. (*sits*)

**JUDGE**: You may step down from the stand. (*Virginia Minor returns to her seat at the lawyers’ table*) Are there any more witnesses for Mrs. Minor?

**HENDERSON**: (*stands*) Yes, your honor. We call Mr. Francis Minor to the witness stand.

**BAILIFF**: Francis Minor, please come to the stand. (*Francis Minor walks up and stands in front of witness chair*)

**CLERK**: (*stands, and faces witness*) Raise your right hand. Do you swear that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

**FRANCIS MINOR**: I do.

**CLERK**: You may be seated. (*all sit*)

**HENDERSON**: (*moves to stand near witness*) What is your name?

**FRANCIS MINOR**: Francis Minor.

**HENDERSON**: Please tell us about yourself and what you have to do with this case.

**FRANCIS MINOR**: I am Virginia Minor’s husband. Under the law of Missouri, I am required to join her as plaintiff in order for her to bring this case to court. I am a lawyer in the City of St. Louis, and I believe in my wife and in her fight for the right to vote.

**HENDERSON**: Why do you think your wife has the right to vote?

**FRANCIS MINOR**: The Fourteenth Amendment of the United States Constitution states that anyone born in this country is a citizen, and no state can take away any part of being a citizen.

**HENDERSON**: Thank you, Mr. Minor. I have no more questions. (*sits*)

**JUDGE**: Mr. Galt, would you like to cross-examine the witness?

**GALT**: (*stands*) Yes, your honor. (moves to stand near witness) Now Mr. Minor, as an attorney yourself, you are aware of the Dred Scott case, which began right here in the Courthouse, are you not?

**FRANCIS MINOR**: Yes, of course.

**GALT**: In the Supreme Court’s Dred Scott decision, the Court decided that a black person could not be a citizen of the United States, didn’t they?

**FRANCIS MINOR**: Yes, that was part of the decision.

**GALT**: So since the 14th Amendment came right after the Civil War and slavery ended, wasn’t it really written to overturn the Dred Scott decision and say that from then on, a black person WAS a citizen, and had nothing to do with women?

**FRANCIS MINOR**: The Amendment says all PERSONS born in this country, men AND women, are citizens, and that no state can take away any of the parts or citizenship from them.

**GALT**: Does the 14th Amendment state anything about voting being part of being a citizen?

**FRANCIS MINOR**: No sir, it does not.

**GALT**: Thank you. I have no more questions. (*sit*)

**JUDGE**: The witness may step down from the stand. (*Francis Minor steps down and returns to seat at lawyers’ table*) Does the plaintiff have any more witnesses?

**HENDERSON**: (*stands*) No, Your Honor. We rest our case. (*sits*)

**JUDGE**: Very well. Does the defense have any witnesses in this case?

**GALT**: (*stands*) Yes, your honor. I call the defendant.

**BAILIFF**: Will Reese Happersett please come to the stand? (*Happersett walks up and stands in front of witness chair*)

**CLERK**: (*stands*) Please raise your right hand. Do you swear that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

**HAPPERSETT**: I do.

**CLERK**: You may be seated. (*both Clerk and Happersett sit*)

**GALT**: (*walks over to stand near witness*) What is your name and what is your job at the Courthouse

HAPPERSETT: My name is Reese Happersett, and I register people to vote in the City of St. Louis.

**GALT**: What happened at your office on October 15, 1872?

**HAPPERSETT**: Mrs. Virginia Minor came up to me and asked that her name be added to the list of registered voters. I could not allow her to register because the laws of the State of Missouri state that only male citizens have the right to vote. I would have been breaking the law if I had done anything else.

**GALT**: I have no more questions, Your Honor. (*sits*)

**JUDGE**: Do the plaintiffs wish to cross-examine the witness?

**HENDERSON**: (*walks over to stand near witness*) Tell me sir, do you pay taxes or vote in the State of Missouri? Are you a citizen of Missouri?

**HAPPERSETT**: Of course I do.

**HENDERSON**: Don’t you think that it is unfair that you have the right to vote and that Mrs. Minor does not?

**HAPPERSETT**: My opinion is my own. Missouri law states who has the right to vote, and I have to follow the laws that they make.

**HENDERSON**: I have no more questions. (*sits*)

**JUDGE**: The witness may step down from the stand. *(Happersett returns to seat at lawyers’ table*) Does the defense have any other witnesses?

**GALT**: (*stands*) No, Your Honor. (*sits*)

**JUDGE**: Are there any closing arguments?

**KRUM**: (*stands*) Yes, Your Honor. (*moves to stand in front of Jury*) Members of the Jury, a few years ago, the late President, Abraham Lincoln, said that the United States has a government of the people, by the people, and for the people. Voting is the most important part of “government by the people.” The 14th Amendment to the United States Constitution states that all PERSONS, not just men, born in this country, or those who are naturalized, are citizens. It also says that no states can take away any of the rights of citizenship. Since we all agree that Mrs. Minor is a citizen, she must have the right to vote. Members of the Jury, you must order Mr. Happersett to add Virginia Minor’s name to the list of registered voters. Since he did not allow Mrs. Minor to register to vote in the election last year, you also must award the plaintiffs, Virginia Minor and Francis Minor, the sum of ten thousand dollars in damages. Thank you. (*sits*)

**GALT**: (*moves to stand in front of jury*) We do agree that Mrs. Minor is a citizen of the State of Missouri and of the United States. But that has nothing to do with voting. Ever since we became a country, each state has decided who has the right to vote inside it. States have decided how old someone can be and how long they have to live there before they can vote. At times, states have also decided that people have to know how to read, own property, or pay taxes in order to be able to vote. The 14th Amendment does NOT give Virginia Minor the right to vote, because voting has never been part of being a citizen. Also, the 14th Amendment was written right after the Civil War and was clearly talking about the end of slavery. Since Missouri has decided to only allow men to vote, Mr. Happersett was only doing what he was supposed to do when he did not allow Virginia Minor to register. You must find the defendant, Reese Happersett, not guilty, and not award any damages in this case. Thank you for your close attention in this case. (*sits*)

**JUDGE**: (*speaks loudly and clearly to Jury*) Members of the Jury, it is time for you to make your decision. Remember that your decision must be made based upon ONLY what you heard in this Court today, not on anything else. If you believe that the defendant, Mr. Happersett, broke the laws of the State of Missouri or the 14th Amendment by not letting Mrs. Minor register to vote, you should vote GUILTY. A guilty vote means that Virginia and Francis Minor would receive ten thousand dollars in damages. If you do not believe that Mr. Happersett broke any laws, you should vote NOT GUILTY. Bailiff, take the Jury members outside to make their decision.

**RANGER**: (*explains Jury deliberation and voting. Jury comes to a decision*)

**JUDGE**: Has the Jury reached a verdict?

**JURY FOREPERSON**: (*stands*) Yes, Your Honor.

**JUDGE**: Will the Defendant, Reese Happersett, please stand and face the Jury? Foreperson, what is the Jury’s verdict?

IF GUILTY:

**JURY FOREPERSON**: We the Jury, find the Defendant, Reese Happersett, GUILTY of depriving Mrs. Virginia Minor of her right to vote. Damages are awarded to Virginia and Francis Minor in the amount of ten thousand dollars. (*sits*)

**JUDGE**: The Jury has found the Defendant guilty. Judgment is entered in favor of the plaintiffs in the amount of ten thousand dollars. This Court is adjourned. (*hits gavel twice*)

IF NOT GUILTY:

**JURY FOREPERSON**: We the Jury, find the Defendant, Reese Happersett, NOT GUILTY. (*sits*)

**JUDGE**: The Jury has found the Defendant not guilty. Judgment is entered in favor of the defendant, and no damages will be awarded in this case. This Court is adjourned. (*hits gavel twice*)

**NARRATOR**: (*stands in front of audience*) The Virginia Minor v. Happersett trial was held before the Circuit Court of St. Louis County, in what is now the Park Library in St. Louis’ Old Courthouse. Virginia and Francis Minor lost, but they appealed to the Supreme Court of the State of Missouri, which met in what is now the Park Administration offices. This means that the appeals court would review the decision made by the lower court. The final appeal was to the Supreme Court of the United States, in Washington D.C. in 1875. The Supreme Court ruled that the Fourteenth Amendment did not give women the right to vote because voting did not have to be part of being a citizen. Each state had to decide who could vote in their own state.

Although Virginia and Francis lost the trial and appeals, Virginia Minor kept up the fight until the end of her life, in 1894. Thanks to her efforts and the work of people like her, people slowly began to change their minds. One by one, the states, beginning with Wyoming, gave women the right to vote. Finally, in 1920, the Nineteenth Amendment was added to the United States Constitution. It gave women the right to vote throughout the country.