



Minor v. Happersett

Supreme Court Case Summary

Appellant

Virginia Minor

Citation

88 US 162 (1875)

Argued

February 9, 1875

Appellee

Reese Happersett

Decided

March 29, 1875

Facts of the Case

Virginia Minor, of Missouri, was a women's suffrage movement leader. In 1872, she attempted to register to vote in St. Louis County, Missouri, but was refused by the registrar, Reese Happersett. The reason given was that, as a woman, Minor was barred by the Missouri state constitution, which allowed only men to vote. Minor's husband, Francis, was a lawyer and assisted her in filing suit in state court against Happersett.

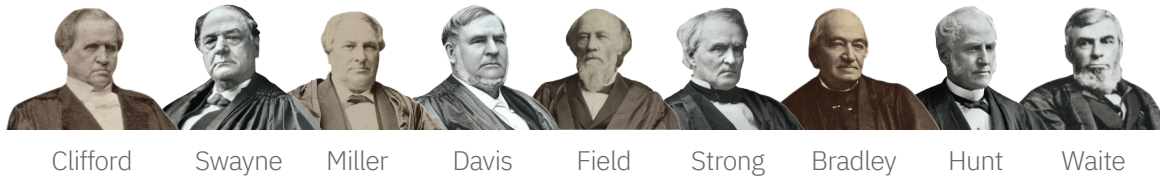
She argued that citizenship entailed voting rights, and that the Privileges or Immunities Clause of the 14th Amendment—"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States..."—made Missouri's restriction of voting to only male citizens unconstitutional. Following the Missouri Supreme Court ruling against Minor, she appealed to the United States Supreme Court.

Question

Does the Constitution guarantee the right to vote for all citizens? Does the 14th Amendment guarantee that right for women?

You can read the full decision at: <https://supreme.justia.com/cases/federal/us/88/162/>

Conclusion



Justices ordered
by seniority,
from left to right.

Unanimous Decision for Happersett • Majority Opinion by Morrison Waite

The majority held that Missouri’s voting restrictions on women were constitutional, and further decided voting was not inherent in the rights of citizenship. The ruling states, “...the Constitution of the United States does not confer the right of suffrage upon anyone.” As the Constitution neither granted nor forbade voting rights for women, leaving the issue to the states, the 14th Amendment did not invalidate such state laws as those in Missouri.

The court did accept that Minor was a citizen of the United States, regardless of her gender. The decision did, however, note that the Constitution “does not, in words, say who shall be natural-born citizens,” but instead relied on common law. “It was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also,” wrote Chief Justice Morrison Waite.

The decision, instead, focused on whether the right to vote was one of the “privileges or immunities of citizens of the United States” when the 14th Amendment was adopted. Ultimately, the court concluded it was not.

In a later case, *Ex parte Yarbrough* (1884), the court clarified its reasoning from *Minor v. Happersett*, stating “the Constitution adopts as the qualification for voters of members of Congress that which prevails in the State where the voting is to be done; therefore... the right is not definitely conferred on any person or class of persons by the Constitution alone, because you have to look to the law of the State for the description of the class. But the court did not intend to say that when the class or the person is thus ascertained, his right to vote for a member of Congress was not fundamentally based upon the Constitution.”