

= Minor v. Happersett =

Minor v. Happersett , 88 U.S. 162 (1875) , is a United States Supreme Court case in which the Court held that the Constitution did not grant women the right to vote . The Supreme Court upheld state court decisions in Missouri , which had refused to register a woman as a lawful voter because that state 's laws allowed only men to vote .

The Minor v. Happersett ruling was based on an interpretation of the Privileges or Immunities Clause of the Fourteenth Amendment . The Supreme Court readily accepted that Minor was a citizen of the United States , but it held that the constitutionally protected privileges of citizenship did not include the right to vote .

The Nineteenth Amendment , which became a part of the Constitution in 1920 , effectively overruled Minor v. Happersett by prohibiting discrimination in voting rights based on gender . Minor v. Happersett continued to be cited in support of restrictive election laws of other types until the 1960s , when the Supreme Court started interpreting the Fourteenth Amendment 's Equal Protection Clause to guarantee voting rights .

= = Background = =

Virginia Minor , a leader of the women 's suffrage movement in Missouri , attempted to register to vote on October 15 , 1872 , in St. Louis County , Missouri , but was refused on the grounds that she was a woman . With the assistance of her husband , Francis Minor (a lawyer) , she brought an action in state courts against Reese Happersett , the registrar who had rejected her application to register to vote , alleging that the provisions of the Missouri state constitution which allowed only men to vote were in violation of the United States Constitution , and specifically the Fourteenth Amendment . The key to the Minors ' argument was that citizenship entailed voting rights ? an assertion with enough rhetoric on both sides to make it an open question .

The Missouri Supreme Court ruled in favor of the registrar and against Minor . The state court observed that the " almost universal practice of all of the States ... from the adoption of the Constitution to the present time " was to restrict voting rights to men only ; and , additionally , that the clear intent of the Fourteenth Amendment was to give the rights of citizenship to the former slaves , and not to force other changes in state laws . The court noted , in particular , that the second section of the Fourteenth Amendment (penalizing states which denied the right to vote to any of its citizens) referred specifically to male citizens , and concluded that " this clearly recognizes the right , and seems to anticipate the exercise of the right , on the part of the States to restrict the right of suffrage to the male inhabitants . "

Minor appealed the Missouri ruling to the United States Supreme Court , presenting the same arguments before the Supreme Court as had been unsuccessfully put forth before the state court , and additionally proposing that women 's suffrage was consistent with the original intent of the framers of the Constitution . The Supreme Court observed that the sole point at issue was whether the Constitution entitled women to vote despite state laws limiting this right to men only . The state of Missouri did not send counsel to defend its decision before the Supreme Court , choosing instead to justify its decision in a three @-@ sentence demurrer .

= = Opinion of the Court = =

The Supreme Court unanimously upheld the Missouri voting legislation , saying that voting was not an inherent right of citizenship , that the Constitution neither granted nor forbade voting rights for women , and that allowing only male citizens to vote was not an infringement of Minor 's rights under the Fourteenth Amendment .

The opinion (written by Chief Justice Morrison Waite) first asked whether Minor was a citizen of the United States , and answered that she was , citing both the Fourteenth Amendment and earlier common law . Exploring the common @-@ law origins of citizenship , the court observed that " new citizens may be born or they may be created by naturalization " and that the Constitution " does not ,

in words , say who shall be natural @-@ born citizens . " Under the common law , according to the court , " it was never doubted that all children born in a country of parents who were its citizens became themselves , upon their birth , citizens also . These were natives , or natural @-@ born citizens , as distinguished from aliens or foreigners . " The court observed that some authorities " include as citizens children born within the jurisdiction without reference to the citizenship of their parents " ? but since Minor was born in the United States and her parents were U.S. citizens , she was unquestionably a citizen herself , even under the narrowest possible definition , and the court thus noted that the subject did not need to be explored in any greater depth .

The court then asked whether the right to vote was one of the " privileges or immunities of citizens of the United States " at the time of the Fourteenth Amendment 's adoption in 1868 . Citing a variety of historical sources , it found that it was not . The court reasoned that the Constitution of the United States did not explicitly give citizens an affirmative right to vote and that , throughout the history of the nation from the adoption of the Constitution , a wide variety of persons ? including women ? were recognized as citizens but denied the right to vote . For example , at the time of the adoption of the Constitution , none of the original Thirteen Colonies gave all citizens the right to vote , all attaching restrictions based on factors such as sex , race , age , and ownership of land . The opinion continues that " it cannot for a moment be doubted that if it had been intended to make all citizens of the United States voters , the framers of the Constitution would not have left it to implication . So important a change in the condition of citizenship as it actually existed , if intended , would have been expressly declared . "

= = Subsequent history = =

The Nineteenth Amendment to the Constitution , ratified in 1920 , prohibited sex @-@ based denial or abridgment of any United States citizen 's right to vote ? thus effectively overruling the key holding in *Minor v. Happersett* . In some later voting rights cases , however , *Minor* was cited in opposition to the claim that the federal Constitution conferred a general right to vote , and in support of restrictive election laws involving poll taxes , literacy tests , and the role of political parties in special elections .

In the 1960s , the Supreme Court started to view voting as a fundamental right covered by the Equal Protection Clause of the Fourteenth Amendment . In a dissenting opinion of a 1964 Supreme Court case involving reapportionment in the Alabama state legislature , Associate Justice John Marshall Harlan II included *Minor* in a list of past decisions about voting and apportionment which were no longer being followed .