

The Right to Vote



**The Case of
Virginia
Minor
versus Reese
Happersett**

A Reader's Theater

Preparation

Welcome to our reader's theater presentation of *Virginia Minor v. Reese Happersett*. This engaging activity will take us back to the 1870s, a pivotal time in the fight for women's suffrage in the United States.

Background: Virginia Minor was a courageous advocate for women's rights who challenged the legal system by attempting to register to vote in St. Louis, Missouri. When she was denied, she and her husband, Francis Minor, took the case to court, arguing that the 14th Amendment granted women the right to vote. Although the trial court, the Supreme Court of Missouri, and the United States Supreme Court ultimately ruled against her, Virginia Minor's case was a significant milestone in the suffrage movement, highlighting the legal and societal barriers women faced.

This case was brought in state court because states were responsible for regulating voting. It was heard in the Old Courthouse located on the grounds of the Gateway Arch National Park. Unlike this readers' theater, there was not a jury or a trial. The case was decided by a judge based on briefs submitted by both parties. The outcome is accurately represented in this mock trial.

Purpose of the Mock Trial: This mock trial aims to:

- **Educate** students about the historical context and significance of Virginia Minor's case.
- **Encourage** critical thinking and public speaking skills as students take on various roles in the trial.
- **Develop** oral reading and listening comprehension skills.
- **Foster** an understanding of the judicial process and the importance of civic engagement.

Roles and Preparation: Students will be assigned roles such as Virginia Minor, her husband Francis Minor, the judges, lawyers, and jurors. Each participant will read their parts with expression and conviction, bringing the historical figures and courtroom drama to life. Teachers are encouraged to guide students in reading their roles and understanding the arguments presented during the trial. Students will benefit from a basic understanding of the three branches of government and key vocabulary like Constitution and Amendment.

During your visit to the courthouse, we will perform this reader's theater in an actual courtroom. The jurors will have an opportunity to deliberate and reach a conclusion about the case. We will also conduct a mock vote during Scene 3.

We hope this readers' theater will be an enlightening and inspiring experience for all participants. Let's step into the shoes of these historical figures and explore the courageous fight for voting rights through the lens of Virginia Minor's landmark case.

Cast of Characters

Narrator*

Courtroom Clerk*

Judge Ephram Ewing*

Virginia Minor (Plaintiff)*

John M. Krum (Plaintiff's Attorney)*

Francis Minor (Plaintiff's Attorney)*

John B. Henderson (Plaintiff's Attorney)*

Reese Happersett (Defendant)*

Smith P. Galt (Defendant's Attorney)*

Jury Foreperson*

Jurors

Judge Vories, Missouri Supreme Court*

(*Optional*) 4 Additional MO Supreme Court Judges

Chief Justice Morrison R. Waite*

(*Optional*) 8 Additional Supreme Court Justices

Senators & Representatives (*audience*)

*Indicates Speaking Part

Act I – The Trial

Scene 1 – Introduction

The Narrator, Virginia, Francis, and Reese stand facing the audience.

- Narrator: Voting is one of the most important things we do in the United States. When we vote, we make choices about our community. Adults who are 18 years old or older can register to vote. This means they put their names on a list that shows who can vote. A long time ago, only some people could register and vote, but many thought that was not fair. One woman wanted to change that rule and went to court. Now, I will let her tell the story.
- Virginia: My name is Virginia Minor. I was born in Virginia in 1824. When I was young, women could not vote. I did not think that was fair! My husband, Francis, agreed with me. I worked hard to try to help women get the right to vote.
- Francis: Virginia and I got married in 1843. We moved west and bought a farm in St. Louis. I also worked as a lawyer, so I could help Virginia with her court case.
- Reese: My name is Reese Happersett. I live in St. Louis and have a very important job. When people want to register to vote, I check if they can sign up on the list.
- Narrator: There was not a trial or a jury in real life, but there was a court hearing with a judge. It happened here

in St. Louis at the Old Courthouse. Let's get ready to listen and find out what happened.

Scene 2 – The Trial

Readers in this scene take their places.

Deputy Clerk: All Rise. (*everyone stands*) This court is now in session. The honorable Judge Ewing is here.

Judge Ewing: (*Enter and sit down*) You may be seated. (*everyone sits*)

Judge Ewing: The clerk will call the first case.

Deputy Clerk: The case of Virginia Minor versus Reese Happersett, Your Honor.

Judge Ewing: Are the lawyers ready?

All Lawyers: We are, Your Honor.

Judge Ewing: The Clerk will swear in the Jury

Deputy Clerk: (*Stand*) The Jury will stand and raise their right hands.

Jury: (*All Stand*)

Deputy Clerk: Do you promise to listen carefully and decide on what you hear today?

Jury: (*All*) I do.

Deputy Clerk: You may be seated (*Jury and Deputy Clerk sit down*)

Judge Ewing: Do the lawyers for Virginia Minor have an opening statement?

John Krum: *(Standing)* Yes, Your Honor. *(Move to stand in front of the Jury)*

Members of the Jury, this is a simple case. The United States Constitution says that all citizens should have the same rights. Virginia Minor is a citizen. She tried to register to vote but was told no for only one reason: she is a woman. The law of Missouri goes against the U.S. Constitution. It will be up to you to fix this problem. *(Return to your seat)*

Smith Gault: *(Move to stand in front of the Jury)* Members of the Jury, my client, Mr. Happersett has a job to do. He told Ms. Minor no because the law in Missouri says that only men can vote. Mr. Krum and I agree on one thing. This is a simple case. It is a case about obeying the law. Mr. Happersett does not make the law. This court does not make the law. Your job here today, is to follow the law. *(Return to seat)*

Judge Ewing: The lawyers for the plaintiff may call their first witness.

Mr. Henderson: *(Standing)* Thank you, Your Honor. We call Virginia Minor to the stand.

Deputy Clerk: *(Standing. Virginia moves to the witness stand)*
Raise your right hand. Do you promise to tell the truth today?

Virginia: I do.

Deputy Clerk: You may be seated. *(Both sit)*

Mr. Henderson: *(Moves to the podium)* What is your name?

Virginia: Virginia Minor.

Mr. Henderson: Where were you born?

Virginia: I was born in Virginia.

Mr. Henderson: Is Virginia a state in the United States?

Virginia: Yes, it is.

Mr. Henderson: So you are a United States citizen?

Virginia: Yes, I am.

Mr. Henderson: Where do you live now?

Virginia: After I got married, my husband and I moved to Mississippi. Then we bought a farm in St. Louis Missouri. We have lived here since 1844.

Mr. Henderson: So you have a home in Missouri?

Virginia: Yes, I do.

Mr. Henderson: What happened on October 15, 1872.

Virginia: Well, I went to my district registrar, Reese Happersett. I asked to sign the voter list so that I could vote.

Mr. Henderson: What did Mr. Happersett say?

Virginia: He said no. He refused to let me sign.

Mr. Henderson: Thank you. No further questions, Your Honor.
(Return to seat)

Judge Ewing: Does the defense wish to cross examine this witness?

Mr. Gault: *(standing)* Yes, thank you, Your Honor. Ms. Minor, you are a woman, right?

Virginia: Yes, I am.

Mr. Gault: I have no other questions, Your Honor.

Judge Ewing: Thank you. You may step down Ms. Minor. *(Virginia returns to her seat)*. Does the plaintiff have any other witnesses?

Mr. Henderson: No, Your Honor. We rest our case.

Judge Ewing: Then the defense may begin its case. Please call your first witness.

Mr. Gault: We call Reese Happersett to the stand.

Deputy Clerk: *(Standing. Reese moves to the witness stand)* Raise your right hand. Do you promise to tell the truth today?

Reese: I do.

Deputy Clerk: You may be seated. *(Both sit)*

Mr. Gault: *(Moves to the podium)* What is your name?

Reese: Reese Happersett

Mr. Gault: What is your job?

Reese: I am the Registrar for the Sixth District.

Mr. Gault: And what do you do at your job?

Reese: I check to make sure people can vote.

Mr. Gault: And what does the law say about who can vote in Missouri?

Reese: Missouri law is very clear. It says “Every male citizen of the United States is allowed to vote.”

Mr. Gault: Did you make this law?

Reese: No, the law was made by the state Senators and Representatives. I work for the Governor.

Mr. Gault: So you were just enforcing the law.

Reese: Yes sir.

Mr. Gault: Thank you, I have no further questions, Your Honor.
(*Return to your seat*)

Judge Ewing: Does the plaintiff want to ask questions?

Mr. Henderson: (*standing*) Yes, thank you, Your Honor. Mr. Happersett, are you familiar with this book? (*holds up Constitution*)

Reese: Yes. It is the United States Constitution.

Mr. Henderson: Please read the part that is underlined.

Reese: This Constitution shall be the supreme law of the land.

Mr. Henderson: Thank you, I have no more questions.

Judge Ewing: Thank you. You may step down Mr. Happersett.
(*Reese returns to his seat*). Does the defense have any other witnesses?

Mr. Gault: No, Your Honor. We rest our case.

Judge Ewing: Are there any closing arguments?

John Krum: (*Stand*) Yes, Your Honor. (*Move and face the Jury to speak*). The US Constitution says that citizens should have the same rights, but Ms. Minor does not have the same rights as men. Mr. Happersett stopped her from voting just because she is a woman. Mr. Happersett said it himself. The Constitution is the supreme law of the land. Missouri's law is wrong. What you need to do today is clear. You must allow Virginia Minor to register to vote.

Mr. Gault: (*Move and face the Jury to speak*) Members of the Jury. Whether you agree with the law or not, it is the law. Of course, the Constitution is the supreme law of the land. But the Constitution says that voting is left up to the states. That means Missouri is in charge of who votes in the state. The law in Missouri says that only men are allowed to vote. We cannot change that here today. You must decide for Reese Happersett, a man who was just doing his job. Thank you. (*return to seat*)

Judge Ewing: Members of the Jury, it is now time for you to decide who should win. Your decision should only be based on what you heard in court today.

Jury: *(Discuss the case and vote for which side should win.)*

Narrator: At the time of this case, women were not allowed to be on a jury either! It took almost one hundred years before women were allowed to be on a jury. It looks like the jury is back.

Judge Ewing: Has the Jury reached a verdict?

IF THE JURY DECIDES FOR VIRGINIA MINOR

Foreperson: Yes, Your Honor. We, the Jury, say that the law in Missouri is wrong and Virginia Minor can vote.

Judge Ewing: The Jury has made a decision. Mr. Happersett, you must register Ms. Virginia Minor to vote. This court is adjourned.

Deputy Clerk: *(Stand)* All rise

IF THE JURY DECIDES FOR REESE HAPPERSETT

Foreperson: Yes, Your Honor. We say Mr. Happersett was following the law and only men can vote.

Judge Ewing: The Jury has made a decision. Ms. Virginia Minor cannot vote in Missouri. This court is adjourned.

Deputy Clerk: *(Stand)* All rise

Act II – The Appeal

Narrator: In real life, Virginia and Francis lost. They took the case to the Supreme Court of Missouri and asked five new judges to think about it again.

Francis Minor: May it please the Court. I am here today to ask you to allow Virginia Minor to vote. The 14th Amendment to the Constitution promises equal rights to all citizens. In Missouri, men can vote, but not women. That is not fair or equal.

Judge Vories: You are right that the Constitution is the Supreme Law of the Land. But the 14th Amendment is not about women, it is about the end of slavery. States get to decide who votes and Missouri says that only men can vote.

Narrator: Even though they lost again, Virginia and Francis did not give up. They took the case to the United States Supreme Court. Chief Justice Waite gave the opinion.

C.J. Waite: Yes. Women are citizens, but not all citizens can vote. States get to make the rules about voting and no state allows women to vote. Our job is to decide what the law is, not change it. If the law is wrong, then you need to ask the Legislative Branch to change it.

Act III – An Amendment

Virginia and the Narrator stand and speak to the audience.

Narrator: Even though they lost in court, Virginia kept fighting for her right to vote.

Virginia: In 1889, I went to the United States Senate to ask them to change the laws about voting. One of the most important things about our Constitution is that we can change it when it is wrong! Let's try it. You be Congress. I think we should make a new law that says that all women have the right to vote. Raise your hand if you agree. (*Count the votes*) Raise your hand if you think only men should vote. (*Count the votes*)

Narrator: In 1919, Congress voted on the new law to fix the Constitution. It was approved by the states in 1920 and the 19th Amendment was added to our Constitution. Virginia Minor never got to vote, but because of her, and the people who helped her, women can register to vote today.

The End