

Elizabeth Van Lew (excerpt)

by Kate Dickinson Sweetser

Down the aisles of the hastily converted hospitals and into dim prison cells came almost daily a little woman with a big smile, always with her hands full of flowers or delicacies, and with a basket swinging from her arm. As she walked she hummed tuneless airs, and her expression was such a dazed and meaningless one that the prison guards and other soldiers paid little heed to the coming and going of “Crazy Bet” as she was called. “Mis’ Van Lew-poor creature, she’s lost her balance since the war broke out. She’ll do no harm to the poor boys, and maybe a bit of comfortin’. A permit? Oh yes, signed by General Winder himself. Let her be!” Such was the verdict passed from sentry-guard to sentry in regard to “Crazy Bet,” who wandered on at will humming her ditties and ministering to whom she would.

One day a cautious guard noticed a strange dish she carried into the prison. It was an old French platter with a double bottom in which water was supposed to be placed to keep the food on the platter hot. The dish roused the guard’s suspicions, and to a nearby soldier he muttered something about it. Apparently unheeding him, “Crazy Bet” passed on beyond the grim, gray walls, carrying her platter; but she had heard his words. Two days later, she came to the prison door again with the strange dish in her hand, wrapped in a shawl. The sentry on guard stopped her.

“I will have to examine that,” he said.

“Take it!” she said, hastily unwrapping it and dropping it into his hands. It contained no secret message that day as it had before—only water scalding hot, and the guard dropped it with a howl of pain and turned away to nurse his burned hands. “Crazy Bet” went on into the prison, smiling a broad and meaningless smile.

Well did the Spy play her role as months went by; more loudly she hummed, more vacantly she smiled, and more diligently she worked to obtain information regarding the number and placing of Confederate troops-information she sent on at once to Federal headquarters. Day by day she worked, daring loss of life and spending her entire fortune, for the sake of the cause that was dearer to her than a good name or riches-the preservation of the Union and the abolishing of slavery.

From the windows of the Libby and from Belle Isle, the prisoners could see passing troops and supply-trains and give shrewd guesses at their strength and destination, making their conjectures from the roads by which they saw the Confederates leave the town. Also they often heard scraps of conversations between surgeons or prison guards, which they hoarded like so much gold to pass on to “Crazy Bet,” and so repay her kindness and her lavish generosity, which was as sincere as her underlying motive was genuine. Meals at the Van Lew mansion grew less and less bountiful, even meager. Not one article did either Elizabeth Van Lew or her loyal mother buy for themselves, but they spent their ample fortune without stint on the sick and imprisoned in their city. There was never an hour of her time that the Federal Spy gave to her own concerns. If there was nothing else to be done, she was writing a home letter for some heartsick prisoner from the North, and secretly carrying it past the censors to be sure that it should reach the anxious family eagerly awaiting news of a loved one.

“Crazy Bet” loaned many books to the prisoners. They returned them with a word or sentence or a page number faintly underlined here and there. In the privacy of her own room, the Spy would piece them together and read some important bit of news which she instantly sent to Federal headquarters by special messenger as she had ceased using the mails in the early stages of the war. Or a

friendly little note would be handed to her with its hidden meaning impossible to decipher except by one who knew the code.

Important messages were carried back and forth in her baskets of fruit and flowers in a way that would have been dangerous had not “Crazy Bet” established such a reputation for harmless kindness. She had even won over Lieutenant Todd, brother of Mrs. Lincoln, who was in charge of the Libby, by the personal offerings she brought him of delectable buttermilk and gingerbread. Clever Bet!

So well did she play her part now, and with such assurance, that she would sometimes stop a stranger on the street and begin a heated argument in favor of the Union. The person who did not know her simply looked on the outspoken little woman with a mixture of admiration and contempt. At that time her lifelong persecution, by those who had before been her loyal friends, began. Where before she had been met with friendly bows and smiles, there were now averted glances or open insults. She encountered dislike, even hatred, on every side, but at that time it mattered little to her, for her heart and mind were occupied with bigger problems.

The old Van Lew house, in its capacity of Secret Service station, was a hive of industry, which was carried on with such smooth and silent secrecy that no one knew what went on in its great rooms. And watching over all those who came and went on legitimate business—or as agents of the Federal Government on secret missions—was a woman, alert of body and keen of mind, standing at her post by day and by night. After all members of her household were safely locked in their rooms for the night, the Spy would creep down, barefooted, to the big library with its ornamented iron fireplace. On either side of this fireplace were two columns, on each of which was a small, carved figure of a lion. Possibly by accident, probably by design, one of these figures was loosened so that it could be raised like a box-lid. And in the darkness of the night, the swift, silent figure of the Spy would steal into the big room, lift the carved lion, deftly slip a message in cipher into the cavity beneath the figure and cautiously creep away, with never a creaking board to reveal her coming or going.

With equal caution and swift dexterity, early the next morning an old Negro servant would steal into the room, duster and broom in hand, to do his cleaning. Into every corner of the room he would peer, to be sure there were no watching eyes. Then he would slip over to the fireplace, lift the lion, draw out the cipher message, and place it sometimes in his mouth, sometimes in his shoe. As soon as his morning chores were done he would be seen plodding down the dusty road leading to the farm, where someone was eagerly waiting for the tidings he carried. Well had the Spy trained her messengers!

Elizabeth Van Lew was indeed a Spy working against the city of her birth and the friends of her love and loyalty—a traitor in one sense of the word. But above all, she was tireless in working for her highest ideals, and so is she worthy of respect and honor wherever the Stars and Stripes float free over united America.

One day a cautious guard noticed a strange dish carried by Crazy Bet into the prison. It was an old French platter with a double bottom in which water was supposed to be placed to keep the food on the platter hot. The dish roused the guard's suspicions, and to a nearby soldier he muttered something about it.

Model Practice 1 (adapted from the original)

The Trial of Susan B. Anthony

from The Life and Work of Susan B. Anthony

written by Ida Husted Harper 1899

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The trial opened the afternoon of June 17, at the lovely village of Canandaigua, Associate-Justice Ward Hunt on the bench, U.S. District-Attorney Richard Crowley prosecuting, Hon. Henry R. Selden and John Van Voorhis, Esq., defending. Miss Anthony, most of the ladies who had voted with her, and also Mrs. Gage, were seated within the bar. On the right sat the jury. The courtroom was crowded, many prominent men being present, among them ex-President Fillmore. Judge Hall, of Buffalo, was an interested spectator and Miss Anthony's counsel endeavored to have him try the case with Judge Hunt in order that, if necessary, it might go to the Supreme Court, which was not possible with only one judge, but he refused.

It was conceded that Miss Anthony was a woman and that she voted on November 5, 1872. Judge Selden, for the second time in all his practice, offered himself as a witness, and testified that he advised her to vote, believing that the laws and Constitution of the United States gave her full authority. He then proposed to call Miss Anthony to testify as to the intention or belief under which she voted, but the Court held she was not competent as a witness in her own behalf. After making this decision, the Court then admitted all the testimony, as reported, which she gave on the preliminary examination before the commissioner, in spite of her counsel's protest against accepting the version which that officer took of her evidence. The prosecution simply alleged the fact of her having voted. Mr. Selden then addressed the judge and jury in a masterly argument of over three hours' duration, beginning:

The defendant is indicted under the 19th Section of the Act of Congress of May 31, 1870 (16th St. at L., 144), for "voting without having a lawful right to vote." The words of the statute, so far as they are material in this case, are as follows:

"If at any election for representative or delegate in the Congress of the United States, any person shall knowingly ... vote without having a lawful right to vote ... every such person shall be deemed guilty of a crime ... and on conviction thereof shall be punished by a fine not exceeding \$500, or by imprisonment for a term not exceeding three years, or by both, in the discretion of the Court, and shall pay the costs of prosecution."

The only alleged ground of illegality of the defendant's vote is that she is a woman. If the same act had been done by her brother under the same circumstances, the act would have been not only innocent but honorable and laudable; but, having been done by a woman, it is said to be a crime. The crime therefore consists not in the act done but in the simple fact that the person doing it was a woman and not a man. I believe this is the first instance in which a woman has been arraigned in a criminal court merely on account of her sex.

Women have the same interest that men have in the establishment and maintenance of good government; they are to the same extent as men bound to obey the laws; they suffer to the same ex-

tent by bad laws and profit to the same extent by good laws; and upon principles of equal justice, as it would seem, should be allowed, equally with men, to express their preference in the choice of law-makers and rulers. But however that may be, no greater absurdity, to use no harsher term, could be presented, than that of rewarding men and punishing women for the same act, without giving to women any voice in the question which should be rewarded and which punished.

I am aware, however, that we are here to be governed by the Constitution and laws as they are, and that if the defendant has been guilty of violating the law, she must submit to the penalty, however unjust or absurd the law may be. But courts are not required to so interpret laws or constitutions as to produce either absurdity or injustice, so long as they are open to a more reasonable interpretation. This must be my excuse for what I design to say in regard to the propriety of female suffrage, because with that propriety established there is very little difficulty in finding sufficient warrant in the Constitution for its exercise. This case, in its legal aspects, presents three questions which I propose to discuss.

1. Was the defendant legally entitled to vote at the election in question?
2. If she was not entitled to vote but believed that she was, and voted in good faith in that belief, did such voting constitute a crime under the statute before referred to?
3. Did the defendant vote in good faith in that belief?

He argued the case from a legal, constitutional, and moral standpoint and concluded:

One other matter will close what I have to say. Miss Anthony believed, and was advised, that she had a right to vote. She may also have been advised, as was clearly the fact, that the question as to her right could not be brought before the courts for trial without her voting or offering to vote, and if either was criminal, the one was as much so as the other. Therefore she stands now arraigned as a criminal, for taking the only step by which it was possible to bring the great constitutional question as to her right before the tribunals of the country for adjudication. If for thus acting, in the most perfect good faith, with motives as pure and impulses as noble as any which can find place in your honor's breast in the administration of justice, she is by the laws of her country to be condemned as a criminal, she must abide the consequences. Her condemnation, however, under such circumstances, would only add another most weighty reason to those which I have already advanced, to show that women need the aid of the ballot for their protection.

The district-attorney followed with a two hours' speech. Then Judge Hunt, without leaving the bench, delivered a written opinion to the effect that the Fourteenth Amendment, under which Miss Anthony claimed the authority to vote, "was a protection, not to all our rights, but to our rights as citizens of the United States only; that is, the rights existing or belonging to that condition or capacity." At its conclusion he directed the jury to bring in a verdict of guilty.

Miss Anthony's counsel insisted that the Court had no power to make such a direction in a criminal case and demanded that the jury be permitted to bring in its own verdict. The judge made no reply except to order the clerk to take the verdict. Mr. Selden demanded that the jury be polled. Judge Hunt refused, and at once discharged the jury without allowing them any consultation or asking if they agreed upon a verdict. Not one of them had spoken a word. After being discharged, the jurymen talked freely and several declared they should have brought in a verdict of "not guilty."

The next day Judge Selden argued the motion for a new trial on seven exceptions, but this was denied by Judge Hunt. The following scene then took place in the courtroom:

Judge Hunt.—(Ordering the defendant to stand up). Has the prisoner anything to say why sentence shall not be pronounced?

Miss Anthony.—Yes, your honor, I have many things to say; for in your ordered verdict of guilty, you have trampled under foot every vital principle of our government. My natural rights, my civil rights, my political rights, my judicial rights are all alike ignored. Robbed of the fundamental privilege of citizenship, I am degraded from the status of a citizen to that of a subject; and not only myself individually, but all of my sex are, by your honor's verdict, doomed to political subjection under this so-called republican form of government.

Judge Hunt.—The Court can not listen to a rehearsal of argument which the prisoner's counsel has already consumed three hours in presenting.

Miss Anthony.—May it please your honor, I am not arguing the question, but simply stating the reasons why sentence can not, in justice, be pronounced against me. Your denial of my citizen's right to vote is the denial of my right of consent as one of the governed, the denial of my right of representation as one of the taxed, the denial of my right to a trial by a jury of my peers as an offender against law; therefore, the denial of my sacred right to life, liberty, property and—

Judge Hunt.—The Court can not allow the prisoner to go on.

Miss Anthony.—But your honor will not deny me this one and only poor privilege of protest against this high-handed outrage upon my citizen's rights. May it please the Court to remember that, since the day of my arrest last November, this is the first time that either myself or any person of my disfranchised class has been allowed a word of defense before judge or jury—

Judge Hunt.—The prisoner must sit down—the Court can not allow it.

Miss Anthony.—Of all my prosecutors, from the corner grocery politician who entered the complaint, to the United States marshal, commissioner, district-attorney, district-judge, your honor on the bench—not one is my peer, but each and all are my political sovereigns; and had your honor submitted my case to the jury, as was clearly your duty, even then I should have had just cause of protest, for not one of those men was my peer; but, native or foreign born, white or black, rich or

poor, educated or ignorant, sober or drunk, each and every man of them was my political superior; hence, in no sense, my peer. Under such circumstances a commoner of England, tried before a jury of lords, would have far less cause to complain than have I, a woman, tried before a jury of men. Even my counsel, Hon. Henry R. Selden, who has argued my cause so ably, so earnestly, so unanswerably before your honor, is my political sovereign. Precisely as no disfranchised person is entitled to sit upon a jury, and no woman is entitled to the franchise, so none but a regularly admitted lawyer is allowed to practice in the courts, and no woman can gain admission to the bar—hence, jury, judge, counsel, all must be of the superior class.

Judge Hunt.—The Court must insist—the prisoner has been tried according to the established forms of law.

Miss Anthony.—Yes, your honor, but by forms of law all made by men, interpreted by men, administered by men, in favor of men and against women—and hence your honor’s ordered verdict of guilty, against a United States citizen for the exercise of the “citizen’s right to vote,” simply because that citizen was a woman and not a man. But yesterday, the same man-made forms of law declared it a crime punishable with \$1,000 fine and six months’ imprisonment to give a cup of cold water, a crust of bread or a night’s shelter to a panting fugitive tracking his way to Canada; and every man or woman in whose veins coursed a drop of human sympathy violated that wicked law, reckless of consequences, and was justified in so doing. As then the slaves who got their freedom had to take it over or under or through the unjust forms of law, precisely so now must women take it to get their right to a voice in this government. And I have taken mine and mean to take it at every opportunity.

Judge Hunt.—The Court orders the prisoner to sit down. It will not allow another word.

Miss Anthony.—When I was brought before your honor for trial, I hoped for a broad and liberal interpretation of the Constitution and its recent amendments, which should declare all United States citizens under its protecting aegis—which should declare equality of rights the national guarantee to all persons born or naturalized in the United States. But failing to get this justice—failing, even, to get a trial by a jury not of my peers—I ask not leniency at your hands but rather the full rigor of the law.

Judge Hunt.—The Court must insist—[Here the prisoner sat down.] The prisoner will stand up. [Here Miss Anthony rose again.] The sentence of the Court is that you pay a fine of \$100 and the costs of the prosecution.

Miss Anthony.—May it please your honor, I will never pay a dollar of your unjust penalty. All the stock in trade I possess is a debt of \$10,000, incurred by publishing my paper—The Revolution—the sole object of which was to educate all women to do precisely as I have done, rebel against your man-made, unjust, unconstitutional forms of law, which tax, fine, imprison and hang women, while denying them the right of representation in the government; and I will work on with might and main to pay every dollar of that honest debt, but not a penny shall go to this un-

just claim. And I shall earnestly and persistently continue to urge all women to the practical recognition of the old Revolutionary maxim, "Resistance to tyranny is obedience to God."

Judge Hunt.—Madam, the Court will not order you to stand committed until the fine is paid.

Thus ended the great trial, "The United States of America vs. Susan B. Anthony." From this date the question of woman suffrage was lifted from one of grievances into one of Constitutional Law.

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Model Practice 1
