

Minor v. Happersett

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Opinion: Waite (unanimous)

Basic info:

- Minor said right to vote is a privilege pertaining to citizenship

Waite:

1. historical- citizenship and voting do not necessarily go hand in hand
2. consequentially- citizenship is not a prerequisite of voting either
3. text- if 14th amendment prohibited abridging rights to vote, than the 15th amendment would be superfluous, but it is not. Therefore the 14th must not include voting.

Waite quotes:

"There is no doubt that women may be citizens."

"Sex has never been made one of the elements of citizenship in the United States. In this respect men have never had an advantage over women. The same laws precisely apply to both"

"The Constitution does not define the privileges and immunities of citizens... in this case we need not determine what they are, but only whether suffrage is necessarily one of them."

"If suffrage is necessarily part of citizenship, then the citizens of each State must be entitled to vote in the Several States precisely as their citizens are."