



WESTERN LEGAL HISTORY

A Publication of Ninth Judicial Circuit Historical Society

Volume 30, Numbers 1&2



The Women's Vote: How the West Led the Way



The Ninth Judicial Circuit Historical Society

WESTERN LEGAL HISTORY

THE JOURNAL OF THE
NINTH JUDICIAL CIRCUIT HISTORICAL SOCIETY



THE WOMEN'S VOTE: HOW THE WEST LED THE WAY

VOLUME 30, NUMBERS 1&2 2019



WESTERN LEGAL HISTORY

A Publication of Ninth Judicial Circuit Historical Society

Western Legal History is published semiannually, in spring and fall, by the Ninth Judicial Circuit Historical Society, 125 S. Grand Avenue, Pasadena California 91105, (626) 229-7476. The journal explores, analyzes, and presents the history of law, the legal profession, and the courts, particularly the federal courts, in Alaska, Arizona, California, Hawai'i, Idaho, Montana, Nevada, Oregon, Washington, Guam, and the Northern Mariana Islands.

Western Legal History is sent to members of the NJCHS as well as members of affiliated legal historical societies in the Ninth Circuit. Membership is open to all. Membership dues (individuals and institutions): Patron, \$1,000 or more; Steward, \$750-\$999; Sponsor, \$500-\$749; Grantor, \$250-\$499; Sustaining, \$100-\$249; Advocate, \$50-\$99; Subscribing (nonmembers of the bench and bar, lawyers in practice fewer than five years, libraries, and academic institutions), \$25-\$49. Membership dues (law firms and corporations): Founder, \$3,000 or more; Patron, \$1,000-\$2,999; Steward, \$750-\$999; Sponsor, \$500-\$749; Grantor, \$250-\$499. For information regarding membership, back issues of *Western Legal History*, and other society publications and programs, please write or telephone the editor.

POSTMASTER:

Please send change of address to:

Editor

Western Legal History

125 S. Grand Avenue

Pasadena, California 91105

Western Legal History disclaims responsibility for statements made by authors and for accuracy of endnotes.

Copyright ©2019, Ninth Judicial Circuit Historical Society

ISSN 0896-2189

The Editorial Board welcomes unsolicited manuscripts, books for review, and recommendations for the journal. Manuscripts (three copies, and one disk in Microsoft Word for Windows, if possible) should be sent to the Editor, *Western Legal History*, 125 S. Grand Avenue, Pasadena, California 91105. Texts, including quotations and endnotes, must be double spaced. Notes must be numbered consecutively and appear in a separate section at the end of the text. Authors are requested to follow the style for citations used in the journal. Manuscripts that are no more than thirty pages in length, not counting notes, charts and tables, and photographs, are preferred. Also preferred are manuscripts not concurrently under consideration by another journal.

Whether because of prejudice or custom, writers in earlier times often used language considered strange or offensive today. Because *Western Legal History* publishes articles that present the historical record as accurately as possible, it occasionally publishes quotations containing such language. The publications of such is not to be construed as representing the attitudes of either the authors or *Western Legal History*.

Communication with the editor is encouraged before submission of any manuscript. At that time, other guidelines for the preparation and publication of an article may be discussed. Consultation about punctuation, grammar, style, and the like is made with the author, although the editor and the Editorial Board are the final arbiters of the article's acceptance and appearance.

Articles published in this journal are abstracted and indexed in *America: History and Life*; *Historical Abstracts*; the *Index to Legal Periodicals*; and the *Legal Resources Index*.



WESTERN LEGAL HISTORY

A Publication of Ninth Judicial Circuit Historical Society

BOARD OF DIRECTORS

RITA M. HAEUSLER, ESQ.

Chair

DEBORA KRISTENSEN GRASHAM, ESQ.

Vice Chair

SONIA R. MARTIN, ESQ.

Treasurer

JEFF PORTNOY, ESQ.

Treasurer

GARETH T. EVANS, ESQ.

Immediate Past Chair

Seth Aronson, Esq.

Hon. Stanley Bastian

Hon. Marsha S. Berzon

Ryan W. Bounds, Esq.

Jerome L. Braun, Esq.

John Carson, Esq.

Hon. David O. Carter

David S. Casey, Jr., Esq.

Hon. Richard R. Clifton

Dale A. Danneman, Esq.

Robert H. Fairbank, Esq.

Jeffrey M. Fisher, Esq.

Margaret G. Foley, Esq.

Donald L. Gaffney, Esq.

Gersham Goldstein, Esq.

Kiry K. Gray

Hon. Michael Daly Hawkins

Kenneth N. Klee, Esq.

Hon. M. Margaret McKeown

Ron Maroko, Esq.

Hon. Mary H. Murguia

Hon. William H. Orrick, III

Kathleen M. O'Sullivan, Esq.

Hon. Virginia A. Phillips

Jeffrey R. Portnoy, Esq.

Hon. Manuel L. Real

Heather L. Richardson, Esq.

Hon. Mary M. Schroeder

Marc M. Seltzer, Esq.

Hon. Milan D. Smith, Jr.

Hon. Christina A. Snyder

Hon. Sidney R. Thomas

Gail Migdal Title, Esq.

Dean A. Ziehl, Esq.

ADVISORY COUNCIL

J. Bruce Alverson, Esq.

Cathy Catterson, Esq.

A. Marisa Chun, Esq.

Hon. Steve Cochran

Daniel P. Collins, Esq.

Hon. Morrison C. England, Jr.

Avalon Fitzgerald, Esq.

Angel Garganta, Esq.

Peter F. Habein, Esq.

Ernest A. Hoidal, Esq.

Hon. Procter R. Hug, Jr.

Robert James, Esq.

Hon. Robert J. Johnston

Professor Colin Jones

Robert D. Lowry, Esq.

Sean McAvoy

Diane M. Meyers, Esq.

Hon. Randall J. Newsome

Robert Pfister, Esq.

Nora M. Puckett, Esq.

Hon. Richard G. Seeborg

Joy Shoemaker, M.L.S., J.D.

David S. Steuer, Esq.

Lilian Tsai, Esq.

Claire Wong Black, Esq.

Douglas R. Young, Esq.

Meryl L. Young, Esq.

Kelly A. Zusman, Esq.

BOARD EMERITUS

Hon. Christine W. Byrd

Thomas J. McDermott, Jr., Esq.

Hon. Diarmuid F. O'Scannlain

Hon. Paul G. Rosenblatt

Robert S. Warren, Esq.



WESTERN LEGAL HISTORY

A Publication of Ninth Judicial Circuit Historical Society

VOLUME 30

Editor-in-Chief

Hon. Michael Daly Hawkins
Ninth Circuit Court of Appeals

Administrative Assistant

Laura Ferguson

Copy Editor

Pamela Marshall

Ninth Circuit Archivist

Rollins Emerson

Editorial Board

ARIELA GROSS

USC Gould School of Law

PETER L. REICH

UCLA School of Law

ARTHUR D. HELLMAN

University of Pittsburgh School of Law

HARRY N. SCHEIBER

Berkeley Law

S. DEBORAH KANG

California State University,
San Marcos

REUEL E. SCHILLER

University of California
Hastings College of the Law

JACQUELYN KASPER

University of Arizona College of Law
Library (Ret.)

HON. G. MURRAY SNOW

United States District Court for the
District of Arizona

SARA MAYEUX

Vanderbilt Law School

Book Review Editor

CHARLES MCCLAIN, JR.

University of California
Berkeley Law

Production Editor

ROBYN LIPSKY



WESTERN LEGAL HISTORY

A Publication of Ninth Judicial Circuit Historical Society

VOLUME 30

INTRODUCTION	
<i>Michael Daly Hawkins</i>	1
HOW THE WOMAN'S VOTE WAS WON IN THE WEST: AN OVERVIEW	
<i>Rebecca J. Mead</i>	5
BREAKIN' THROUGH: WYOMING'S TRAILBLAZING PATH TO WOMEN'S SUFFRAGE	
<i>M. Margaret McKeown</i>	17
BALANCING ACT: IDAHO'S CAMPAIGN FOR WOMEN'S SUFFRAGE	
<i>Rebecca Scofield and Katherine G. Aiken</i>	33
WINNING, LOSING, AND REGAINING THE FRANCHISE: THE LONG ROAD TO VOTING EQUALITY IN WASHINGTON	
<i>Morgan Christen</i>	45
THE LONG OREGON TRAIL TO WOMEN'S SUFFRAGE	
<i>Susan P. Graber</i>	59
WINNING CALIFORNIA: THE 1911 SUFFRAGE VICTORY	
<i>Gayle Gullett</i>	71
ARIZONA'S WOMAN SUFFRAGE MOVEMENT	
<i>Heidi J. Osselaer</i>	81
ALASKA NATIVE WOMEN'S LONG ROAD TO SUFFRAGE	
<i>Morgan Christen</i>	89
EVOLVING TOWARD EQUALITY: MONTANA'S WOMAN SUFFRAGE STORY	
<i>Mary Sheehy Moe</i>	101
NEVADA'S CAMPAIGNS FOR WOMAN SUFFRAGE	
<i>Joanne Goodwin</i>	115
BOOK REVIEWS	125
MEMBERSHIPS, CONTRIBUTIONS AND GRANTS	

Introduction

[I]f anyone should ask me what I think the chief cause of the extraordinary prosperity and growing power of this nation, I should answer that it is due to the superiority of their women.

—Alexis de Tocqueville, *Democracy in America* (1835)¹

Women, we might as well be dogs baying the moon as petitioners without the right to vote!

—Susan B. Anthony, speech of November 16, 1895²

This issue of *Western Legal History* addresses the right to vote, surely one of the most important underpinnings of democratic citizenship, but one that was denied to half of Americans in the Declaration of Independence, where Thomas Jefferson's towering words "all men are created equal" undoubtedly meant white men who owned property. It would remain that way for nearly 150 years, until the ratification of the Nineteenth Amendment, in August 1920. There was, without doubt, a reluctance in many parts of the nation to extend the right to vote to women. But in a number of territories and states in the American West, from Wyoming Territory in 1869 to Nevada and Montana in 1914, the franchise was extended to women prior to the nationwide adoption of the right. This issue focuses on six of those states and two territories, all of which except Wyoming are within the current boundaries of the Ninth U.S. Judicial Circuit.

The articles that follow, written by a unique combination of writers from the academy and the bench, explore the events that propelled those states to extend the right to vote to women. The obstacles to women's suffrage were substantial and real. Both major political parties opposed the idea. Saloonkeepers and their liquor industry suppliers, correctly anticipating that giving women the right to vote would usher in Prohibition, were adamant in their opposition. Some Southerners saw the push for equal suffrage for women as "the thin edge" in the expansion of civil rights to African

1. J. P. Mayer, ed., *Democracy in America*, vol. 2, *Influence of Democracy on Progress of Opinion in the United States* (New York: Doubleday, 1971), 600–603.

2. Allan J. Lichtman, *The Embattled Vote in America: From the Founding to the Present* (Cambridge, MA: Harvard University Press, 2018), 99.

Americans.³ When suffragists sought the backing of the Progressive Party, those supporters made it clear that the voting equality that the women sought would not apply to Native Americans or African Americans.⁴

Many of the western states that entered the Union in the Progressive Era (1880–1920) adopted constitutions that, in many respects, were considered quite progressive; none, however, extended the franchise to women as part of their original charter. Many of those constitutions, did provide women with a vehicle to reach their goal, though. That took the form of the initiative process, which enabled women to put the issue directly to the voting population with proposals to expand the right. But even that avenue proved no easy path to success. Arizona women, after failing to persuade the state's constitutional convention or initial legislature to extend the franchise, had to gather the signatures of more than three thousand male voters in the broiling August sun. In Washington and Oregon, multiple attempts were required to reach the goal of gender voting equality.

This reality should not discredit the role of all men in the march to voting equality. After all, men did sign those initiative petitions to put the issue on the ballot, and their votes were necessary to gain passage. And women were not without support from many male political leaders of the day. Democratic senator Henry Fountain Ashurst of Arizona observed that “women want the ballot; the ballot needs women even more.”⁵

The rights and responsibilities that would seem to flow naturally from having the right to vote, even after ratification of the Nineteenth Amendment, did not fall easily into place. Women were routinely excluded from jury pools. It took a quarter century for the Supreme Court to finally address the systematic exclusion of women from jury pools, in *Ballard v. United States*.⁶ And it would take another almost thirty years to determine that the exclusion of women from jury pools violated a criminal defendant's due process rights.⁷

Why the West? Perhaps its wide-open spaces, where settlers had to brave all manner of hostile elements, where the contributions of women were necessary to survival itself, had something to do with it. Judge Morgan Christen's fine piece on Alaska Territory describes early-twentieth-century editorials that regarded women not as “pampered dolls” but as “brave and noble” partners in the development of the frontier. Arguments of that day

3. David Reynolds, *America, Empire of Liberty: A New History of the United States* (New York: Basic Books, 2009), 253.

4. Jill Lepore, *These Truths: A History of the United States* (New York: W. W. Norton, 2018), 343–44.

5. *Arizona Gazette*, Sept. 30, 1912.

6. 329 U.S. 187, 195 (1946).

7. *Taylor v. Louisiana*, 419 U.S. 522, 535–36 (1975).

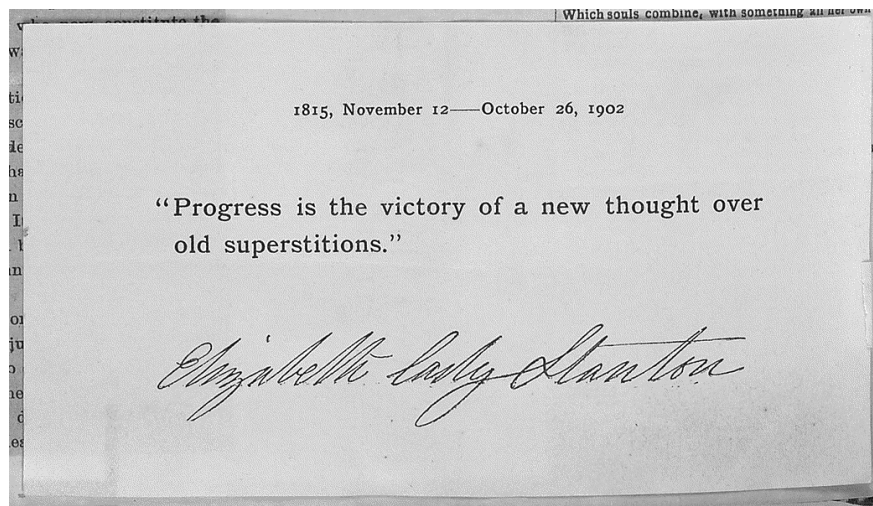
against extending the franchise seem, on reflection, arcane, if not downright foolish.⁸

There continues to be some debate about how much the adoption of woman's suffrage in the West influenced the ratification process of the Susan B. Anthony amendment. One fact is very hard to argue against: the process of achieving the goal of gender voting equality in the western states took place over fifty-one years and involved a myriad of obstacles and setbacks. The ratification of the Nineteenth Amendment took just four months, from the Senate vote that sent the proposed amendment to the states for ratification to Tennessee's becoming the thirty-sixth and final state necessary to ratify.⁹ As Heidi Osselaer points out, Arizona, which blocked the passage of voting equality at every step until the voters stepped in, ratified the Susan B. Anthony amendment by unanimous vote in a one-day special session of the state legislature.

We choose to discuss the subject of women's suffrage now because next year America will celebrate the centennial of the ratification of the Nineteenth Amendment, which extended the franchise nationwide. More than a half century earlier, beginning with Wyoming, the West understood that bringing women into the voting booth was a fundamental part of the governance of a free society. It remains something of a wonder that one-half of the American continent got it so right so much earlier. How and why that happened is eloquently explored in the writings that follow.

8. A leaflet circulated during the ratification debate by the Women's Anti-Suffrage Association of Massachusetts told women: "Housewives! You do not need a ballot to clean out your sink spout. A handful of potash and some boiling water will suffice. Good cooking lessens alcoholic craving quicker than a vote on a prohibition measure. Clean houses and good homes, which cannot be provided by legislation, keep children happier than any number of laws." Aileen S. Kraditor, *The Ideals of the Women's Suffrage Movement, 1890-1920* (New York: W. W. Norton, 1981), 24-25.

9. John R. Vile, *Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2002* (Santa Clara, CA: ABC-CLIO, 2003), 324-26.





Rebecca J. Mead, Ph.D.*

How the Woman's Vote Was Won in the West: An Overview

This special issue addresses the processes that produced a remarkable achievement by the end of 1914: almost every western state and territory had enfranchised its female citizens, creating a new voting population of four million women. The situation in the West stands in profound contrast to the East, where few women voted until after the ratification of the Nineteenth Amendment (1920), and to the South, where the disfranchisement of African-American men was widespread. Yet earlier suffrage histories have neglected these developments, focusing instead on anomalous nineteenth-century successes or generally failing to explain adequately how this precocious region broke the national stalemate in the early twentieth century. The reasons for early western victories include the unsettled nature of regional politics, the cultivation of alliances between suffragists and farmer-labor-progressive reformers, the complex nature of western race relations, and the sophisticated activism of western women. The contributions in this special issue provide insight into these factors (and others) through examination of the achievement of women's suffrage in specific states.¹

* Dr. Rebecca Mead is a professor of history at Northern Michigan University. She earned her PhD at UCLA. Her doctoral dissertation was published by New York University Press in 2004 as *How the Vote Was Won: Women Suffrage in the Western United States, 1868-1914*.

1. There are few historical syntheses on this topic. The most recent is my book, *How the Vote Was Won: Woman Suffrage in the Western United States, 1868–1914* (New York: New York University Press, 2004), and there is an earlier work by Beverly Beeton, *Women Vote in the West: The Woman Suffrage Movement, 1869–1896* (New York: Garland, 1986). Articles with a more comprehensive approach include Rebecca Edwards, "Pioneers at the Polls: Woman Suffrage in the West," in *Votes for Women*, ed. Jean H. Baker (New York: Oxford University Press, 2002), and Sandra L. Myres, "Suffering for Suffrage: Western Women and the Struggle for Political, Legal, and Economic Rights," in Sandra L. Myres, *Westering Women and the Frontier Experience, 1800–1915* (Albuquerque: University of New Mexico Press, 1982). Otherwise, most articles relate to the history of individual states, beginning with early

Some of these developments were evident elsewhere, but the question remains as to why this breakthrough happened earlier and spread so rapidly in the West. The answer is not that western men “gave” women suffrage in appreciation for their hard work in home- and community-building during the settlement process. Certainly many individual men acknowledged these contributions, but this explanation is insufficient because repeated lobbying efforts and referenda campaigns for the most part failed, and it also obscures the challenges suffragists faced, as well as their dedication, hard work, and persistence.²

Why was it such a long and difficult process?³ First, it is important to understand that voting is not a “right” of national citizenship guaranteed by the U.S. Constitution but a “privilege.” Immediately after the Civil War, woman suffragists tried to use the new Fourteenth Amendment to argue that voting was a U.S. citizen’s “right,” but the United States Supreme Court shut them down in the *Minor v. Happersett* decision (1875), explicitly stating that it was not. Furthermore, in giving the states the authority to define their electorates and structure their electoral proceedings, the Constitution created a decentralized system that was resistant to reform.⁴ Second, female suffrage was a radical concept for several reasons. It challenged the Anglo-American legal principle of coverture, which eliminated a married woman’s independent political and legal identity by defining her as “covered” by her husband’s. As one California woman observed, “it was all right enough for a man to eat a meal, but that meal did the woman no good, and so it was with

accounts published in six volumes, *The History of Woman Suffrage*, edited by Elizabeth Cady Stanton, Susan B. Anthony, Matilda Joslyn Gage, and Ida Husted Harper. (repr., Salem, NH: Ayer, 1985).

2. There is a parallel argument about the passage of the federal amendment being a reward for female contributions during World War I, but it overlooks how that process just barely squeaked through Congress and during ratification by the states.

3. In 1916, Carrie Chapman Catt, the formidable president of the National American Woman Suffrage Organization, counted 480 state legislative campaigns, 277 efforts to get endorsements from state party conventions and 30 national appeals, 19 congressional campaigns, and 41 state referenda, almost all of which failed—except in the West. National American Woman Suffrage Association, *Victory: How Women Won It: A Centennial Symposium, 1840–1940* (New York: H. W. Wilson, 1940), 53, 72–73.

4. A recent book by Allan J. Lichtman, *The Embattled Vote in America: From the Founding to the Present* (Cambridge, MA: Harvard University Press, 2018), clarifies that the failure to establish voting as a national citizenship right (“the fatal flaw”) resulted from conscious decisions by the Constitution’s creators. Lichtman also argues that the corollary devolution of authority to the states has been a source of trouble ever since, primarily through the exclusion of certain populations from voting.

political rights.”⁵ Votes for women also challenged prevailing gender norms that defined women as superior moral beings deserving protection from the corruption of partisan politics (ideas heavily utilized by both male and female anti-suffragists).

Eventually, decades of suffrage agitation and socioeconomic changes stimulated public awareness, education, and debate about women’s rights, economic roles, class and race relations, and political reform. By 1900, increasing numbers of women in the workforce and in public life provided incontrovertible evidence of their intelligence and abilities and supported their demands for equal political rights. Growing female involvement in voluntary associations (including middle-class women’s clubs, political groups, and labor unions) encouraged the development of women’s organizational skills and experience. Many suffragists joined forces with contemporaneous reform movements and parties of the period such as populism and Progressivism. A younger generation of the “New Woman” rejected conservative Victorian models about “proper” female behavior (the “True Woman”) and began adopting direct action tactics, including parades, public meetings, and rallies. New outreach methods utilized such popular culture and modern technologies as media, advertising, movies, and autos—and even airplanes! Ultimately, the revitalization of the movement depended on the ability of suffragists to organize sophisticated public campaigns, develop mass-based appeals but also target specific constituencies, and reject (or at least stifle) overt elitist, racist, and nativist arguments to overcome the opposition of urban labor, religious, and racial-ethnic groups.

By 1900, racist and racist attitudes permeated American thought and justified discriminatory practices. The fact and methods of widespread voter suppression of African Americans in the South is well known, but similar measures were used in the West well into the twentieth century. By the 1890s, western nonwhite racial-ethnic groups were geographically, culturally, and politically marginalized, so no one group of people of color presented a clear threat to white political supremacy in the region as a whole.⁶ Members of these groups were involved in suffrage agitation, but they usually organized and worked independently among their own people. Gradually mainstream suffragists began to realize that organizational

5. *San Francisco Call*, May 10, 1896.

6. In the West, African-American populations remained small and concentrated in urban areas, while federal laws or treaties governed aspects of the citizenship status of Native Americans, Mexican-Americans, and Asian-Americans. Citizenship for Native Americans was inconsistent until the Indian Citizenship Act of 1924; the Mexican-American population had been guaranteed full citizenship rights under the Treaty of Guadalupe Hidalgo (1848); and the Chinese Exclusion Act of 1882 defined non-native-born Chinese persons as permanently ineligible for naturalization.

decentralization could be a strength that allowed activists to employ approaches and arguments designed to persuade specific groups, a strategy that proved to be highly effective.

What is specifically “western” about any of these factors? Besides the composition and distribution of racial-ethnic populations previously mentioned, the West was more highly urbanized. Western women had more education than their eastern counterparts and were more often wage earners.⁷ Furthermore, the rapid economic and political “incorporation of the West” involved significant (and often violent) conflict that stimulated the formation of vigorous protest and political reform movements and organizations, including Nationalism, Populism, Socialism, and Progressivism. The farmer-labor-progressive movement included significant numbers of women activists who were also suffragists, while male reformers often supported woman suffrage (although not necessarily wholeheartedly) as a way to broaden their base and provide another democratization tool. Similarly, labor groups were also supportive (at least in theory); the American Federation of Labor endorsed women’s suffrage from its founding in 1886. Over time, the increasing presence of women in the workforce, growing evidence of their organizational abilities, the growing dissociation of suffrage from temperance and nativism, and especially the suffrage advocacy of working-class women convinced many working-class men to support the cause.⁸

Nationally, there were three distinct periods of the suffrage struggle, with regional differences as well as similarities. After the Civil War, suffragists and suffrage organizations were few and scattered, so activists often relied on women’s rights newspapers and traveling speakers, such as Abigail Scott Duniway in the Pacific Northwest, for information and connection. In both the East and the West, suffragists took advantage of constitutional conventions to pursue voting rights for women, but there were more of these opportunities as western territories became states. None of these efforts achieved the ultimate goal because there were concerns that such a radical measure would doom congressional approval or voter ratification. In addition, western legislators also refused to pass the measure on their own, but effective lobbying efforts sometimes persuaded them to allow a “consolation prize” (for example, allowing tax-paying women to vote, usually in matters relating to schools). Even less often, they authorized a constitutional referendum—“let the people decide”—in which case

7. Mary Lou Locke, “Out of the Shadows and into the Western Sun: Working Women of the Late Nineteenth Century Urban Far West,” *Journal of Urban History* 16, no. 2 (Feb. 1990): 175–204.

8. *The History of Woman Suffrage*, 4:334. See Susan Englander, *Class Coalition and Class Conflict in the California Woman Suffrage Movement, 1907–1912: The San Francisco Wage Earners’ Suffrage League* (Lewiston, NY: Mellen Research University Press, 1992).

suffragists had to organize public campaigns, which they invariably lost in these early years. In the few cases where small western territorial legislatures passed the measure (Wyoming in 1869, Utah in 1870, and Washington in 1883), each was due to unique circumstances and all faced subsequent challenges. In Wyoming and Utah, women's suffrage ultimately survived through the statehood process, but in Washington State, the territorial court invalidated the women's suffrage law after a series of legal cases.⁹

These developments alarmed some influential interests and constituencies, however, often because early suffragists were also temperance advocates, and they relied heavily upon the largest female voluntary organization of the time, the Women's Christian Temperance Union (WCTU) as a major organizational vehicle. Suffragists routinely identified their opposition as being rooted in the liquor industry, but it also included urban machine politicians and businesspeople who feared reform measures that would target their practices. The involvement of urban women voters in reform campaigns and elections solidified the opposition's determination to ensure that woman suffrage did not become permanent with statehood, so test cases began to appear before the Washington territorial court. Finally, in 1888 the court decided a "Territorial Legislature had no right to enfranchise women" (ignoring the fact that Wyoming and Utah had done just that).¹⁰

In the West, the second period of the struggle is connected to the farmer-labor-populist movements, a major factor in the passage of woman suffrage in Colorado (1893) and Idaho (1896), but this support was not enough to carry referenda in several other states. Like the Knights of Labor, the Grange, and the Farmers' Alliance, the Populists sought to develop a family-based, cooperative "movement culture" by actively recruiting and encouraging female participation. Founding People's Party state conventions often included mixed-gender delegations and representatives from local suffrage and temperance organizations as well as labor and

9. In Washington, male legislators accepted that women's suffrage might work as a lure to attract female settlers to the territory, describing it as a "novelty" and a "good time to try an experiment," noting that if it failed, the problem could be corrected during the statehood process. Well aware that women's suffrage was "now on trial," the public followed subsequent developments closely; many observers reported high turnouts among women, more orderly elections, and cleaner candidates. In 1884, both Republican and Democratic conventions endorsed the practice, conceding that "ethics had become a factor in politics." *Olympia Washington Standard*, Oct. 19 and Nov. 16, 1883; *Puget Sound Weekly Courier*, Nov. 20, 1883; Clarence B. Bagley, *History of Seattle: From the Earliest Settlement to the Present Time* (Chicago: S. J. Clarke Publishing Co., 1916), 2:488–89.

10. Mead, *How the Vote Was Won*, 47–50.

agrarian groups, but as the political stakes increased, women and their issues were marginalized.¹¹ Hoping to take advantage of the political climate, Susan B. Anthony worked tirelessly on the 1896 California campaign, later joined by both the women who would succeed her as president of the National American Woman Suffrage Association (NAWSA), Carrie Chapman Catt and Anna Howard Shaw. Under Anthony's leadership, suffragists made efforts to obtain endorsements or platform planks in every party platform, courted the working-class and ethnic press as well as the state's major dailies, and delivered noontime suffrage speeches at "factories, foundries, and mills." This type of open (or "hurrah") public campaign also tried to disconnect suffrage from all other issues, especially Prohibition and nativism, but controversial associations between suffragists and the American Protective Association alienated the heavily Catholic working class. The measure lost but revealed that the strongest support was in small towns, rural areas, and middle-class and stable working-class urban districts, while most of the opposition clustered at both ends of the social scale.¹²

In the Pacific Northwest, the Washington State Populist movement was sufficiently powerful to carry the state for William Jennings Bryan, elect a Populist governor, make significant gains in the legislature, and authorize a ballot referendum in 1897. These developments help revive discouraged suffragists, but they were not prepared for the challenge of a massive public campaign, and the measure lost badly. Abigail Scott Duniway, who dominated the movement in the Northwest, preferred what she called the "still hunt" approach, which emphasized low-key lobbying and campaigning, partly because an open campaign facilitated the mobilization of opposition. She offended other suffrage leaders from the local to the national level for various reasons as well. Oregon suffragists hoped that winning passage of an initiative and referendum act in 1902 would facilitate their goal, and they did obtain ballot measures every two years, but they were without success until 1912, when a group of younger women eased Duniway out of control.¹³

The third and final phase of the suffrage movement occurred during the early-twentieth-century Progressive period, a movement that also had deep, although not exclusively western, antecedents and consequences. Populists and suffragists continued their efforts in conjunction with this new reform movement, and they achieved a swift series of victories in

11. Marilyn P. Watkins, *Rural Democracy: Family Farmers and Politics in Western Washington, 1890–1925* (Ithaca: Cornell University Press, 1995); Maryjo Wagner, "Farms, Families, and Reform: Women in the Farmers' Alliance and Populist Party" (PhD diss., University of Oregon, 1986); Michael Lewis Goldberg, *An Army of Women: Gender and Politics in Gilded Age Kansas* (Baltimore: Johns Hopkins University Press, 1997).

12. Mead, *How the Vote Was Won*, 91–92.

13. *Ibid.*, 97–118.

Washington State (1910), California (1911), Arizona, Alaska Territory, and Oregon (1912), and Montana and Nevada (1914). By this time, most of the older generation of suffragists had passed on, so the younger “New Women” moved into leadership positions and implemented new ideas that invigorated the movement. By 1906, this younger generation of activists included many college alumnae and professional women, many of whom had labor or working-class sympathies through their involvement in social work and reform. The campaigns of the 1890s had taught western suffragists that they needed the support of at least a solid minority of urban working-class voters to win a referendum. Once they realized that no constituency was too small or insignificant to insult freely or dismiss safely, racist and elitist arguments diminished (at least in public), and cooperative efforts increased. Dissociating suffrage from Prohibition and expanding outreach efforts to working-class and racial-ethnic communities became standard practices.

In Washington in 1910, suffragists won using moderate public tactics; the following year, California suffragists implemented a full-scale mass campaign supplemented by the innovative utilization of modern media and technology, popular culture and imagery, and advertising. Automobiles facilitated urban mass meetings and rural speaking tours. These techniques were extremely effective but also controversial for women due to their direct, public nature. When one young man observed a suffrage street speaker and remarked that she should be at home with her children, his female companion responded testily: “She has to do that. She can’t make you men listen any other way.”¹⁴ Working-class suffragists received assistance from the powerful San Francisco Bay Area labor movement in the north, and the Socialist Party, especially in the Southern California area, particularly in Los Angeles.¹⁵ They appealed to male union pride and labor solidarity, discussed female trade unionism, and explained how the vote could help advance working-class interests, citing the recent passage of an eight-hour workday law for women as an example. Labor endorsement of the women’s suffrage referendum also granted the women permission to enter a suffrage float in the Labor Day parade. American Federation of Labor (AFL) president Samuel Gompers, in the city for labor’s biggest annual event, stated, “I am one of those who believe that union labor will never reach its best until we give the franchise to women. ‘Equal wage for equal work—equal voting voice with men!’” Realizing that religious institutions had great influence among

14. College Equal Suffrage League of Northern California, *Winning Equal Suffrage in California* (San Francisco, Press of the James H. Barry Co., 1913), 62.

15. Sherry J. Katz, “A Politics of Coalition: Socialist Women and the California Woman Suffrage Movement, 1900–1911,” in *One Woman, One Vote: Rediscovering the Woman Suffrage Movement*, ed. Marjorie Spruill Wheeler (Troutdale, OR: NewSage Press, 1995), 245–62.

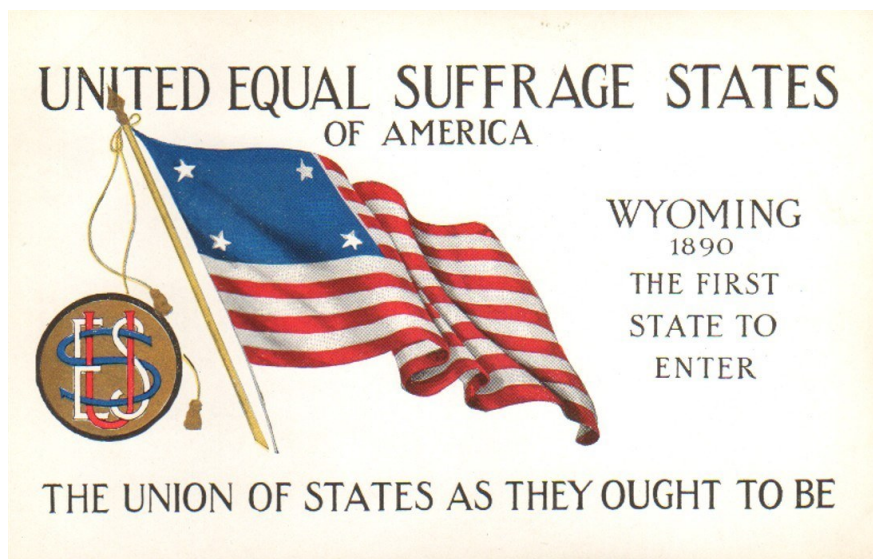
the working class, suffragists actively leafleted churches, spoke to congregations, and solicited endorsements from local clergy, including Catholic and Jewish leaders.

Using simple yet striking designs, colors, and text, suffragists created visually appealing campaign materials that blossomed forth in California poppy yellow all summer on thousands of banners, posters, stickers, postcards, and leaflets. They plastered posters, billboards, and electric and other signs on every vacant space they could find. They wrote and produced plays, pageants, concerts, and a popular stereopticon presentation. On Election Day, approximately one thousand volunteer poll watchers were at their posts by six a.m. to guard against fraud, but that evening, when early returns (largely from urban districts) were unfavorable, some suffragists began to blame immigrant voters for their apparent defeat. It was a very close vote: out of almost 150,000 ballots cast, the amendment passed by fewer than 3,500 votes. As anticipated, San Francisco and Oakland rejected the amendment, but it passed in Los Angeles by a small margin. In the cities, the less affluent districts proved consistently more supportive than the wealthy areas.¹⁶

These breakthrough victories invigorated the movement regionally and nationally. Although eastern suffragists were also experimenting with modern methods, the Washington State and California victories proved their effectiveness. The California success in particular showed that suffrage could pass in a large, economically complex state with powerful industrial interests and large urban immigrant populations. Each western victory was useful in demonstrating the benefits of the innovation and disproving the dire predictions of opponents. Western suffragists pitched in to help their comrades in other western states and then moved east. Several eastern states scheduled referenda, although these were not successful until New York State passed the measure in 1917, and many western women worked diligently in support of the federal amendment. By this time, no large suffrage parade was complete without delegations of western women *voters*.

The impact that the enfranchisement of four million western women on the state level by 1915 had on the struggle for the national amendment needs further exploration. Yet standard suffrage histories continue to focus on the efforts of eastern activists and leaders, especially the struggle between the NAWSA and the National Woman's Party under the leadership of Alice Paul. While there is still much work to be done to understand the significance of the West in U.S. woman suffrage history, the reintegration of this important region into national suffrage history will eventually help to better explain the ultimate success of this radical reform.

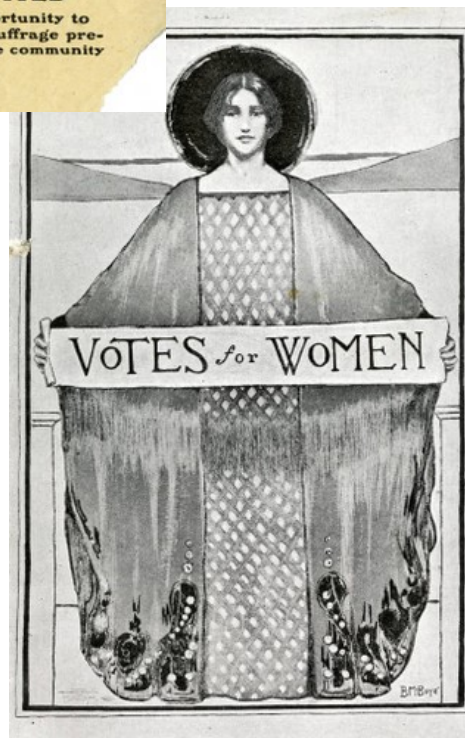

16. Mead, *How the Vote Was Won*, 119–49.



LAST
Suffrage Rally
OF THE CAMPAIGN UNDER AUSPICES OF
VOTES-FOR-WOMEN CLUB
AT
CALIFORNIA CLUB HALL
CLAY ST., NEAR POLK
SATURDAY, OCT: 7th 8 P. M.

SPEAKERS
Dr. David Starr Jordan
Rev. Jacob Nieto
Mr. Thos. E. Hayden

THE PUBLIC INVITED
Admission Free. Last Opportunity to
hear the question of Equal Suffrage pre-
sented by ablest speakers of the community





University of Wyoming Breakin' Through statue by D. Michael Thomas.
Image courtesy of Ted Brummond, University of Wyoming Photo Services.



Esther Hobart Morris statue.
Image courtesy of Architect of the capitol.



M. Margaret McKeown*

Breakin' Through: Wyoming's Trailblazing Path to Women's Suffrage

In the history of women's rights, the Equality State has many firsts to its name. In 1869, Wyoming became the first U.S. territory to grant women the right to vote. In 1870, it was home to the first female judicial officer, first female bailiff, and first female jurors. In 1890, upon being admitted as the forty-fourth state in the Union, Wyoming became the first state with women's suffrage. When Wyoming elected Nellie Tayloe Ross as its governor in 1924, it was the first time a woman held that office in our nation's history.¹ Yet, in 1869, when the first of these glass ceilings was shattered, Wyoming was a land of boomtowns, miners, saloons, and brothels, where almost 80

* M. Margaret McKeown is a United States Circuit Judge for the Ninth Circuit. She is a Wyoming native and graduate of the University of Wyoming. She received her law degree at Georgetown and practiced intellectual property and antitrust law in Seattle and Washington, DC. She chairs the American Bar Association's Rule of Law Initiative and the Ninth Circuit Workplace Environment Committee and is a member of the Federal Judiciary Workplace Conduct Working Group. She is working on a book about the environmental legacy of another westerner, Justice William O. Douglas. In this volume, she writes on Wyoming, the first state to embrace the right to vote for women in 1869.

The author thanks Beau Tremiere (Northwestern School of Law, 2017) and Jesse O'Sullivan (University of San Diego School of Law, 2019) for their invaluable assistance. She is also grateful to D. Claudia Thompson at the American Heritage Center at the University of Wyoming for her archival assistance.

1. TEVA J. SCHEER, *GOVERNOR LADY: THE LIFE AND TIMES OF NELLIE TAYLOE ROSS* (2005). The *New York Times* noted her first appearance before the state legislature with the following headline: *Mrs. Ross Wears Hat Before Legislature; Wyoming Executive Appears in Street Attire, Urges Tax Equalization*, N.Y. TIMES, Jan. 16, 1925.

percent of the population was male.² This begs the questions of how and why this frontier bastion of masculinity became an early pioneer in advancing the cause of women's rights.

Regrettably, the record from this era in Wyoming's history is lacking in detail. Suffrage campaigns in the East lasted decades, were led by such household names as Susan B. Anthony and Elizabeth Cady Stanton, and left behind extensive historical records. In California, the suffrage campaign spanned more than forty years and entangled powerful liquor, temperance, and labor interests.³ By contrast, Wyoming's initial path to suffrage was remarkably short and marked by little fanfare. Before 1869, there was relatively little public suffrage advocacy, and the political and social circumstances of the time raise some interesting (though inevitably unanswerable) questions about the motives of key actors. The structural biases of the era and scanty formal recordkeeping resulted in scarce and largely secondhand documentation of the contributions of women in securing and defending the franchise. But even so, the contributions of several women stand out, among them Esther Hobart Morris, Amalia Post, and Therese Jenkins.⁴

The Right to Vote in the Wyoming Territory

On November 27, 1869, William H. Bright, the president of Wyoming's Council, the upper chamber of its legislature, introduced a bill to enfranchise women in the territory.⁵ Both chambers of the legislature approved the measure, and on December 10, 1869, territorial Governor John Campbell signed it into law.⁶ However, the apparent motivations of the male governor and all-male legislature to take this unprecedented (though long overdue)

2. U.S. CENSUS BUREAU, THE STATISTICS OF THE POPULATION OF THE UNITED STATES 606 (Ninth Census, 1872).

3. See Susan Scheiber Edelman, *A Red Hot Suffrage Campaign: The Woman Suffrage Clause in California*, 2 CAL. SUP. CT. HIST. SOC'Y Y.B. 49 (1995).

4. Some sources refer to Ms. Jenkins as "Therese," while others refer to her as "Theresa." Compare Sidney Howell Fleming, *Solving the Jigsaw Puzzle: One Suffrage Story at a Time*, 62 ANNALS WYO. 23, 58 (1990), with Victoria Lamont, "More Than She Deserves": *Woman Suffrage Memorials in the "Equality State,"* 36 CAN. REV. AM. STUD. 17, 25 (2006).

5. COUNCIL JOURNAL OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF WYOMING, 1st Sess., at 110 (1870).

6. Michael A. Massie, *Reform Is Where You Find It: The Roots of Woman Suffrage in Wyoming*, 62 ANNALS WYO. 2, 8–9 (1990); Act of Dec. 10, 1869, ch. 31, 1869 Wyo. Terr. Laws 371.

step toward socio-political equality are at odds with the popular (and appealing) notion of suffrage as inspired by enlightened progressivism alone.⁷

By the late 1860s, the concept of women's suffrage was not an entirely foreign notion for many in Wyoming. Legislation granting women the right to vote had recently been defeated in Washington, Nebraska, and Dakota, and many Wyoming residents were recent transplants from these and other states and territories publicly debating the "woman question."⁸ In the months before Bright introduced his bill, at least two lecturers advocated for suffrage in the territory. Anna Dickson's address at the Cheyenne courthouse drew more than two hundred attendees, including Governor Campbell himself.⁹ Soon after, the Wyoming Tribune reported that Redelia Bates made the case for suffrage to a "large and appreciative audience" in the legislative chamber, though it is unclear how many, if any, legislators attended.¹⁰ But there was no discernable social movement or sustained campaign for suffrage;¹¹ although the newspapers weighed in on the issue, the press and street corners lacked the torrent of impassioned calls for progress and histrionic pleas for tradition seen elsewhere.¹² To boot, the intellectual and organizational leaders of the national movement seemingly paid little attention to this frontier outpost.¹³ Given the absence of mass social pressure typically associated with landmark reform, scholars have long pondered why Governor Campbell, Bright, and other legislators took this momentous step.

Some scholars have credited Esther Hobart Morris, a recent Illinois émigré who later served as the first female judicial officer in American history, for shepherding the law into existence. In this telling, Morris hosted a tea party for the two candidates from South Pass City who were seeking a seat in the Council in the upcoming election, Bright and H.G. Nickerson.¹⁴ In this quaint (and conveniently traditional) setting, Morris earned the pledge of both men to introduce women's suffrage legislation during the

7. See Fleming, *supra* note 4 at 43; see also Cristina M. Rodríguez, *Clearing the Smoke-Filled Room: Women Jurors and the Disruption of an Old-Boys' Network in Nineteenth-Century America*, 108 YALE L.J. 1805, 1810–11 (1999).

8. Massie, *supra* note 6 at 7; T.A. Larson, *Petticoats at the Polls: Woman Suffrage in Territorial Wyoming*, 44 PAC. N.W. Q. 74 (1953); see Reva B. Siegel, *Text in Context: Gender and the Constitution from a Social Movement Perspective*, 150 U. PA. L. REV. 297, 341 (2001).

9. Fleming, *supra* note 4 at 29–30; Massie, *supra* note 6 at 7.

10. Fleming, *supra* note 4 at 29–30; Massie, *supra* note 6 at 7.

11. Massie, *supra* note 6 at 7–8.

12. Marcy Lynn Karin, *Esther Morris and Her Equality State: From Council Bill 70 to Life on the Bench*, 46 AM. J. LEGAL HIST. 300, 307–09 (2004).

13. *Id.*; Massie, *supra* note 6 at 7.

14. Lamont, *supra* note 4 at 18–19.

first legislative session.¹⁵ Bright, a saloon owner whose quest for gold brought him to the territory, was elected, and in keeping with his purported pledge, he introduced the bill.¹⁶ While appealing, this story is, historians generally agree, probably apocryphal¹⁷: the earliest mention of the tea party surfaced fifty years later by none other than Nickerson.¹⁸ It hardly seems a coincidence that this revelation occurred once Congress was debating the Nineteenth Amendment, Wyoming newspapers were commemorating the origin of territorial suffrage, and Nickerson was the only surviving attendee of the purported gathering.¹⁹

Setting aside the provenance of this particular story, there is credence to the claim that Morris played an important role. In 1889, a delegate to the Wyoming constitutional convention credited Morris with presenting the bill to Bright and urging him to usher it through the legislature.²⁰ Records suggest that Morris and her son Robert congratulated Bright on passage of the legislation upon his return to South Pass City in 1870.²¹ At least once in the 1870s, and with greater frequency during and after the 1889 constitutional convention, local newspapers acknowledged and commemorated Morris's role in making suffrage a reality.²²

15. *Id.*

16. *Id.*; Massie, *supra* note 6 at 6–8.

17. *E.g.*, Lamont, *supra* note 4 at 18–19.

18. H.G. Nickerson, *Historical Correction*, WYO. ST. J., Feb. 14, 1919.

19. Lamont, *supra* note 4 at 18–19.

20. JOURNAL AND DEBATES OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF WYOMING 352 (1893).

21. Fleming, *supra* note 4 at 41.

22. Katy Morris, 'More Reputation Than She Deserves': Remembering Suffrage in Wyoming, 21 RETHINKING HIST. 48, 58–59, 62 (2017).



Governor Nellie Tayloe Ross

Divining whether and to what extent Morris influenced Bright sheds little light on the motives of other politicians for their support of the legislation. One theory is that their support was farcical, a joke among boys gone awry.²³ In October 1870, Edward Lee, a leading Republican, wrote in the Wyoming Tribune that "[o]nce, during the session, amid the greatest hilarity, and after the presentation of various funny amendments, and in full expectation of the gubernatorial veto, an act was passed Enfranchising the Women of Wyoming."²⁴ Around this time, some Democrats also embraced this gloss

23. Fleming, *supra* note 4 at 43–45, 59.

24. *Id.* at 54 (quoting WYO. TRIB., Oct. 8, 1870).

on their party's prior support for the bill.²⁵ However, the bill's passage through the legislature casts serious doubt on this explanation: there was extensive, substantive debate over the measure in the lower chamber, including vocal opposition from another South Pass City legislator, and, after the hard-fought passage in the lower chamber, the upper chamber again approved the bill with the minor amendment added below.²⁶

The fact that there was no mention of this explanation until 1870 suggests it was conveniently crafted after the fact by opportunistic partisans. Governor Campbell was a Republican appointed by President Ulysses S. Grant, while all members of the legislature in 1869 were Democrats. In the first election with women voters, Democrats suffered unexpected losses throughout the territory.²⁷ It is likely that Democrats, worried when, to their surprise and chagrin, these new voters supported their Republican opponents. They then recast their party's prior support for suffrage as a mere farce and to explain their newfound opposition and advocate for repeal.²⁸ Republicans, such as Edward Lee, probably sought to win over more newly enfranchised female voters by downplaying any credit Democrats deserved for enfranchising them.²⁹ Given the nakedly partisan interests at play here, we can comfortably assume the bill was not passed in jest. What, then, led to its passage?

Racial animus seems to have been a significant, though unfortunate, factor. Frustration was widespread in Wyoming, as it was elsewhere, over the passage and imminent ratification of the Fifteenth Amendment and the enfranchisement of former slaves and other black Americans.³⁰ Many found it unfair that black men could now vote, but white women could not.³¹ In April 1870, the Cheyenne Daily Leader candidly commented:

Women who want to vote will be interested to know that the following speech, delivered in the Wyoming legislature, was the clincher that caused the passage of the Act which accorded them the right to vote. A member arose and said: "Damn it, if you are

25. *Id.*

26. Massie, *supra* note 6 at 8–9.

27. Fleming, *supra* note 4 at 54–55.

28. *Id.* at 54–55. Framing the position as a "joke" neatly tied in with another story, giving it a slightly different slant: In 1897, Judge John W. Kingman recounted that Democrats had passed the bill so that when the Republican governor vetoed it, they could claim to be the more liberal party. *Id.* at 44, 46.

29. *See id.* at 52. Lee also tried to claim credit for persuading Bright to introduce the bill and Governor Campbell to sign it into law. *Id.*

30. *See* Karin, *supra* note 12 at 317 & n.95; Fleming, *supra* note 4 at 27.

31. Fleming, *supra* note 4 at 27.

going to let the niggers and pigtails³² vote, we will ring in the women, too." And they were immediately "rung in."³³

In this vein, Bright chaired a local meeting in South Pass City and welcomed only Democrats who "repudiated the Reconstruction policy of Congress, negro suffrage, and the principles espoused by the Radical Republican party."³⁴

Although it is difficult to deny the role of racial animus in this history, it was hardly the only motivating force behind the suffrage legislation. Local newspapers noted that one goal of the law was to advertise the territory and promote immigration, especially of women.³⁵ And, at least one legislative supporter expressly justified his vote on these grounds.³⁶ With a meager population that was overwhelmingly male,³⁷ the hope was that bringing more women into social and civic life would elevate the morals of the territory and alleviate crime and drunkenness.³⁸ There was also, to be sure, a hope that among those new settlers would be many future wives for the territory's overabundance of bachelors.³⁹

Notwithstanding these demographic and political influences, it would be wrong not to acknowledge that a belief in the righteousness of women's suffrage also played a role. In the months preceding the vote, the legislature enacted other progressive measures strengthening women's property rights, protecting the individual rights of married women, and, remarkably for the age, providing equal compensation for male and female teachers.⁴⁰

Amalia Post, a suffrage activist who went on to gain prominence in the national suffrage movement,⁴¹ was one of several people who personally (and successfully) lobbied Governor Campbell to sign the measure that many had assumed he was set to veto.⁴² To what extent sincere beliefs in equality motivated the passage of this legislation will remain a mystery. The

32. This is a reference to persons of Chinese descent.

33. N.A. Baker, *Red Cloud on a New Trail*, CHEYENNE DAILY LEADER, Apr. 28, 1870.

34. Massie, *supra* note 6 at 5 (quoting SWEETWATER MINES, May 30, 1868).

35. Fleming, *supra* note 4 at 46–47.

36. *Id.* at 44.

37. U.S. CENSUS BUREAU, *supra* note 2 at 606.

38. Fleming, *supra* note 4 at 47.

39. *Id.* at 48.

40. Karin, *supra* note 12 at 317–19.

41. See D. Claudia Thompson, *Amalia Post, Defender of Women's Rights*, WYO. STATE HISTORICAL SOC'Y (Nov. 8, 2014), <https://www.wyohistory.org/encyclopedia/amalia-post-defender-womens-rights>.

42. See Larson, *supra* note 8 at 76; Massie, *supra* note 6 at 10.

moral imperative of women's suffrage may not have been readily apparent to Bright, Campbell, and other powerful men in 1869, but, as noted below, it would not take long for the righteousness of this cause to be firmly entrenched into Wyoming's civic and political identity.

The Expansion of Rights Beyond the Ballot Box

The collateral social and political consequences of suffrage were not readily apparent in the immediate days after its enactment.⁴³ Yet, barely two months after Governor Campbell signed the bill, three Wyoming women were appointed to serve as justices of the peace: Morris, Caroline Neil, and Francis Gallagher.⁴⁴ The historical record is bereft of information regarding the service of Neil and Gallagher.⁴⁵ That leaves Morris, who has been widely celebrated as the first female judicial officer in American history.⁴⁶ The praise seems quite well founded. Although she served in the position for less than a year, Morris made a significant impression on her community.⁴⁷ Holding court from "a slab bench in her log cabin," she presided over nearly thirty cases in eight months, most involving disagreements over debts.⁴⁸ Of those cases, twelve were criminal, including three for assault with intent to kill.⁴⁹

A few weeks after Morris's appointment to the bench, for the first time in American history, women were summoned for jury duty, and another, Martha Symons Boies Atkinson, was appointed as their bailiff.⁵⁰ If newspaper coverage is any indication of public sentiment, opinion varied widely on the wisdom of the new jury policy. Some ridiculed women and insisted they were constitutionally unfit to serve on juries, urging honorable women to refuse to serve,⁵¹ while others celebrated that women would use their natu-

43. T.A. Larson, *Woman Suffrage in Wyoming*, 56 PAC. NW. Q. 57, 61 (1965).

44. *Id.* at 61 & n.9.

45. *See id.* at 61 n.9; Massie, *supra* note 6 at 14–15.

46. Jessica Anderson, *Overlooked No More: She Followed a Trail to Wyoming. Then She Blazed One*, N.Y. TIMES (May 23, 2018), <https://www.nytimes.com/2018/05/23/obituaries/overlooked-esther-morris.html>.

47. Larson, *supra* note 43 at 61.

48. Karin, *supra* note 12 at 323, 331–33.

49. *Id.* at 331.

50. Rick Ewig, *Wyoming Scrapbook: Wyoming Women Jurors*, 62 ANNALS WYO. 140, 140–42 (1990); Karin, *supra* note 12 at 339. *See generally* Rodríguez, *supra* note 7.

51. Rodríguez, *supra* note 7 at 1814–17. Some newspapers ridiculed female jurors as "sharp-nosed spinsters" and published personal details about them. Sarah Wallace Pease, *Women as Jurors*, 1 WYO. HISTORICAL COL-

ral inclinations toward morality and purity to bring justice to deserving criminals.⁵² The Chief Justice of the Wyoming Supreme Court, John H. Howe, believed that male jurors often acquitted guilty defendants because the jurors themselves were “lawless and desperate men.”⁵³ He hoped that permitting women to serve as jurors would remedy this problem, and convict they did, despite concerns that they would be too soft-hearted to do so.⁵⁴ As Amalia Post described in a letter, “I was the Foreman of the Jury, & the man was condemned & sentenced to be hung. We found him guilty of murder in the first degree as found in indictment.”⁵⁵ Upon Chief Justice Howe’s departure from the bench, women were no longer permitted to serve on juries, and decades would pass before Wyoming empaneled another mixed jury.⁵⁶

The Failed Attempt to Repeal Territorial Suffrage

As noted, Wyoming Democrats sustained significant and unanticipated losses in the 1870 election. A Republican was elected as the territory’s lone delegate to Congress, and full Democratic control of the legislature came to an abrupt end.⁵⁷ Two of thirteen seats in the lower chamber went Republican, and a third-party candidate won another seat.⁵⁸ In the upper chamber, the Republicans held three of nine seats, and a third-party candidate won a seat there too.⁵⁹ This electoral shift was attributed to the newly enfranchised women, both as the direct consequence of their votes and indirectly, “because, for a change, there was order at the polls and men who stayed

LECTIONS (1897) (on file with the American Heritage Center). The *Cheyenne Daily Leader* wrote that “[t]he feminine mind is too susceptible to the influence of the emotions to allow the supreme control of the reason. . . . Many women are so constituted that they cannot easily comprehend an abstraction. . . . With woman, no logic, law or precedent would avail.” *Females in the Jury Box*, CHEYENNE DAILY LEADER, Mar. 1, 1870. The paper further opined that the “tiresome legal harangues” and “impudent stare of hundreds of masculine loafers” involved in jury service “must be repulsive to a sensitive lady and a pure wife.” *Id.*

52. Rodríguez, *supra* note 7 at 1817–19.

53. Pease, *supra* note 51; *see also* Rodríguez, *supra* note 7 at 1812.

54. Rodríguez, *supra* note 7 at 1812, 1818–19.

55. D. Claudia Thompson, *Amalia and Annie: Women’s Opportunities in Cheyenne in the 1870s*, ANNALS WYO., Summer 2000, at 4 (minor alterations omitted).

56. Larson, *supra* note 8 at 77.

57. Massie, *supra* note 6 at 15–16.

58. *Id.* at 16.

59. *Id.*

away from drunken shoot-em-ups came to vote.”⁶⁰ Democrats were not pleased, and saloon owners grew increasingly worried that suffrage would only further bolster the burgeoning temperance movement.⁶¹ Support for women’s suffrage grew in South Pass City, likely in no small part due to Esther Morris’s exemplary public service, but support waned elsewhere in the territory.⁶²

Only a single legislator who voted on the bill in 1869 was still in office when the newly constituted legislature convened in 1871. Benjamin Sheeks had led the opposition in 1869, and he immediately orchestrated a repeal effort with his newly elected colleagues.⁶³ Nine days into the new legislative session, repeal legislation was introduced, and it passed both chambers, with all Democrats voting to repeal suffrage and all others voting to protect it.⁶⁴ Governor Campbell emphatically vetoed the measure, insisting that there was nothing but “conjecture, prejudice, and conservatism opposing this reform.”⁶⁵

Along partisan lines, the lower chamber voted to override the veto.⁶⁶ In the upper chamber, six votes were needed to override the veto. With the five Democrats supporting repeal and the three Republicans opposing it, the deciding vote was John Fosher, a member of the People’s Party who now occupied Bright’s former South Pass City seat.⁶⁷ When Fosher showed signs of wavering on the override vote, a Republican colleague arranged for a meeting with Post, who once again made the case for suffrage, just as she had done two years before.⁶⁸ As before, Post proved persuasive—Fosher voted against repeal, narrowly sustaining the veto and protecting Wyoming’s landmark reform.⁶⁹ From that point on, no serious effort was ever made to repeal the hard-fought progress that Post, Morris, and others ushered in and defended.⁷⁰

60. *Id.* at 15; Fleming, *supra* note 4 at 54.

61. Massie, *supra* note 6 at 15.

62. *Id.* at 16.

63. Larson, *supra* note 43 at 62.

64. Massie, *supra* note 6 at 16–17.

65. Message of Governor Campbell to the Legislature of Wyoming, Dec. 4, 1871 (on file with the American Heritage Center). He added: “If . . . each ballot be the declaration of the individual will of the person casting it, as to the relative merit of opposed measures or men, surely the ability to judge and determine,—the power of choice,—does not depend on sex, nor does womanhood deprive of personality.” *Id.*

66. Massie, *supra* note 6 at 17.

67. *Id.* at 16–17.

68. Larson, *supra* note 8 at 76; Massie, *supra* note 6 at 10, 16–17.

69. Massie, *supra* note 6 at 17.

70. *Id.*

A New Normal

In the following years, Post and others continued their relentless push for greater equality and opportunity in Wyoming and beyond. Over the objections of her husband,⁷¹ Post attended a suffrage convention in Washington, D.C., where she “was made more of than any other lady in the convention” because of her jury service and relationship with the esteemed Esther Morris.⁷² Post presented a letter written by Morris describing her experiences on the bench and reflecting on the fight for equality; with a hint of understated defiance, Morris wrote that women “shall be able to sustain the position which has been granted us.”⁷³ In 1872, Morris attended a suffrage convention in San Francisco, giving her fellow suffragettes a chance to see firsthand the trailblazing legal pioneer.⁷⁴

Therese Jenkins, another Wyoming suffragist lecturer, was renowned for her wit and humor and spent time on suffrage campaigns in Colorado and Kansas.⁷⁵ In the mid-1880s, one of Jenkins’s friends, Fannie Foss of Chugwater, Wyoming, was selected as a delegate to the county Republican convention.⁷⁶ Foss’s husband urged her to skip the convention, but Jenkins convinced her to attend.⁷⁷ Foss and Jenkins, the only women present, boldly nominated a woman candidate for county superintendent of schools.⁷⁸ Years later, Jenkins reflected on the moment: “Had a bomb from an aeroplane dropped there could not have been more surprise.”⁷⁹ The men were shocked and appalled, and they “discussed us and cussed us.”⁸⁰ Spurned but undeterred, Jenkins attended the Democratic county convention, where she successfully nominated a woman to run for the same seat.⁸¹ In a stroke of poetic justice, the Democratic nominee prevailed over her male Republi-

71. In a letter to her sister, Post wrote, “I am intending to vote this next election [and it] makes Mr. Post very indignant as he thinks a woman has no rights.” Letter from Amalia Post to A.P. Kilbourn (Apr. 4, 1870) (on file with the American Heritage Center).

72. See Lamont, *supra* note 4 at 25.

73. *Id.*

74. *Id.*

75. *Id.*

76. REBECCA EDWARDS, *ANGELS IN THE MACHINERY: GENDER IN AMERICAN PARTY POLITICS FROM THE CIVIL WAR TO THE PROGRESSIVE ERA* 134 (1997).

77. Lamont, *supra* note 4 at 26.

78. *Id.*

79. *Id.*

80. *Id.*

81. *Id.*

can opponent,⁸² and Jenkins was rewarded for her commitment to principle over party.

Enshrining Suffrage in the Constitution

By 1889, Wyoming was eager to transition from territory to statehood, and a convention was scheduled to debate and draft the inaugural state constitution.⁸³ Some worried that constitutionalizing women's suffrage might jeopardize Wyoming's case in Congress, given that none of the current forty-three states permitted women to vote.⁸⁴ Sensing the most serious threat to their rights since the 1871 repeal effort, women throughout the territory mobilized. Attending a meeting of activists, Post urged all women to participate in primaries to ensure anti-suffragists would not serve as delegates to the convention, warning that "eternal vigilance was the price of suffrage."⁸⁵ A month before the convention, a delegation of over one hundred women demonstrated at the capitol in Cheyenne to demand that the new constitution expressly guarantee their right to vote.⁸⁶

While the all-male composition of the convention did not suggest as much, it appeared that attitudes toward women had progressed markedly since 1869. Some delegates eagerly boasted their support of women's rights, with one claiming to have been supportive of women's rights ever since he was a boy and noting his concerns about gender-based wage discrimination.⁸⁷ Another delegate took an equally strong stand:

[B]elieving that woman's suffrage is right, this convention has the courage, and this state has the courage, to go before congress and the world with this suffrage plank in its constitution, and if they will not let us in with this plank in our constitution we will stay out forever.⁸⁸

The main threat to suffrage was a proposal that would have omitted suffrage from the constitution and punted the question to the voters.⁸⁹ Some delegates were indignant at the idea, but their concerns were short-

82. *Id.*

83. Phil Roberts, *Wyoming Becomes a State: The Constitutional Convention and Statehood Debates of 1889 and 1890 — and Their Aftermath*, WYO. STATE HISTORICAL SOC'Y (Nov. 8, 2014), <https://www.wyohistory.org/encyclopedia/wyoming-statehood>.

84. See JOURNAL AND DEBATES, *supra* note 20 at 354–55.

85. Lamont, *supra* note 4 at 25.

86. Morris, *supra* note 22 at 57.

87. JOURNAL AND DEBATES, *supra* note 20 at 351.

88. *Id.* at 356–57; see also *id.* at 355 ("[W]e would rather remain out of the union until a sentiment of justice shall prevail.").

89. See *id.* at 345–67.

lived—the proposal was decisively rejected.⁹⁰ In September 1889, the convention approved, and several weeks later the men and women of Wyoming ratified, a constitution that commanded that “all members of the human race are equal” and that “[s]ince equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of . . . sex.”⁹¹ These were eloquent and elegant statements of equality.

Concerns about congressional wariness toward Wyoming’s stance on women’s rights were justified; suffrage was cited often in opposition to statehood, and the vote in the House of Representatives passed by a narrow margin.⁹² However, Wyoming’s principled stance was rewarded, and on July 23, 1890, it celebrated admission as the forty-fourth state.⁹³ Jenkins opened the festivities with a rousing speech, Morris presented the flag to the governor, and Post gave an address and received a ceremonial copy of the state constitution on behalf of the women of Wyoming.⁹⁴ In her remarks, Jenkins waxed eloquent: “Bartholdi’s statue of liberty enlightening the world is fashioned in the form of a woman and placed upon a pedestal carved from the everlasting granite of the New England hills, but the women of Wyoming have been placed upon a firmer foundation and hold a more brilliant torch.”⁹⁵

Conclusion

As the Equality State, Wyoming is represented by Esther Hobart Morris in the National Statuary Hall in the U.S. Capitol.⁹⁶ It is also fitting that the University of Wyoming campus prominently features a massive sculpture of a woman and her horse breaking through a wall of sandstone, called

90. *Id.*

91. WYO. CONST. of 1889, art. I, §§ 2, 3.

92. Roberts, *supra* note 83.

93. CHEYENNE DAILY SUN, July 24, 1890, at 1, 4 (on file with the Wyoming State Library: Wyoming Newspapers).

94. *Id.*

95. Therese Jenkins, Address at the Wyoming Statehood Celebration (July 23, 1890) (reproduced in 62 ANNALS WYO. 73, 73 (1990)).

96. *Esther Hobart Morris*, ARCHITECT OF THE CAPITOL (Apr. 29, 2016), <https://www.aoc.gov/art/national-statuary-hall-collection/esther-hobart-morris>. Wyoming’s other statue is of Chief Washakie, a highly respected Native American leader. *Washakie*, ARCHITECT OF THE CAPITOL (Apr. 29, 2016), <https://www.aoc.gov/art/national-statuary-hall-collection/washakie>.

Breakin' Through.⁹⁷ Half a century before the passage of the Nineteenth Amendment, Wyoming made history by enfranchising women, empaneling female jurors, and asking a woman to take the bench, forever redefining the civil and political rights of women in Wyoming. Even though the historical record is incomplete, pioneering women—chief among them, Esther Hobart Morris, Therese Jenkins, and Amalia Post—and some courageous men deserve credit for these unparalleled steps in the direction of political equality and for the successful defense of progress in the face of regression and small-mindedness.

97. 'Breakin' Through' Revealed at UW, UNIV. OF WYO. (May 14, 2015), <http://www.uwyo.edu/uw/news/2015/05/breakin-through-revealed-at-uw.html>.



Gathering outside of State Constitutional Convention in 1889.



Annette Bowman, Photo
Courtesy of University of Idaho.



*Rebecca Scofield and Katherine G. Aiken**

Balancing Act: Idaho's Campaign for Women's Suffrage

While Idaho was an early adopter of women's suffrage, passing a constitutional amendment in 1896, historians of the state have tended to give the topic only perfunctory attention. According to the most recent historical study of Idaho, "If they mention women at all, these hefty books make only passing reference to white women pioneers, wives, and/or suffragists."¹ Indeed, the brevity of the state's campaign and its lack of vocal opposition imply an easy path toward victory. Yet, the intersection of the state's most im-

* Dr. Katherine Aiken is the dean of the College of Letters, Arts, and Sciences and a professor emeritus of history at the University of Idaho. She is the author of *Idaho: The Heroic Journey* (2006), was the program director for "Women's Suffrage in Idaho" (1990 and 1997), and chaired the workshop "Suffrage and Prohibition" (2004). She holds a PhD from Washington State University. Her co-author Dr. Rebecca Scofield, is a Harvard PhD and assistant professor of history at the University of Idaho.

1. Laura Woodworth-Ney and Tara A. Rowe, "Defying Boundaries: Women in Idaho History," in *Idaho's Place: A New History of the Gem State*, ed. Adam Sowards (Seattle: University of Washington Press, 2014), 138. For examples of these histories, see James Hawley, *History of Idaho: The Gem of the Mountains* (Chicago: S. J. Clarke, 1920); Hiram T. French, *History of Idaho: A Narrative Account of Its Historical Progress, Its People, and Its Principal Interests* (Chicago: Lewis Publishing Company 1914); William J. McConnell, *Early History of Idaho* (Caldwell, ID: Caxton Printers, 1913); C. J. Brosnan, *History of the State of Idaho* (New York: Charles Scribner's Sons, 1918); Merle Wells and Arthur Hart, *Idaho: Gem of the Mountains* (Northridge, CA: Windsor Publications, 1985). Brosnan, for example, devotes about the same amount of space to the Idaho state flower as to votes for women (176, 201). Two recent standard Idaho histories—Leonard J. Arrington, *History of Idaho* (Moscow: University of Idaho Press, 1994), and Carlos A. Schwantes, *In Mountain Shadows: A History of Idaho* (Lincoln: University of Nebraska Press, 1991)—devote slightly more attention to the topic. Suffrage works on the West, including Rebecca Mead, *How the Vote Was Won: Woman Suffrage in the Western United States, 1868–1914* (New York: New York University Press, 2004), also devote very little interpretive analysis to the Idaho campaign.

portant early industry—mining—and Church of Jesus Christ of Latter Day Saints (LDS) immigrants, the influence of both temperance-minded reformers and anti-temperance agitators, and the combined efforts of both national and local activists, made for a complex story. The suffrage amendment was in fact on the ballot in one of the state's most heated elections, and it led to an unusual Supreme Court case, making the Idaho story worthy of further examination.

Idaho's first territorial legislative assembly (1863–1864) limited the vote to “all white male inhabitants, over the age of twenty-one years.”² On December 29, 1870, Dr. Joseph Williams Morgan introduced House Bill 64 to enfranchise women. In front of a large crowd, Morgan argued that a woman “ranked as a person, a citizen” and that “women were qualified by judgment and capacity.” Most important, he stated that government derived power “from the consent of the governed—that is, all who were governed....”³ It is not a coincidence that Morgan hailed from Malad City, an LDS stronghold. Mormon women outnumbered male church members—meaning, women's suffrage would increase the political clout of the church. In contrast, Morgan's most vocal opponent, W. H. Van Slyke, lived in Silver City, Owyhee County—a mining district. Reiterating traditional anti-suffrage arguments, he explained that “woman rules us through her love, and her chiefest power over us is through her graceful impulsiveness of heart and fancy, well enough around the fireside, but dangerous guides in the halls of legislation.” He continued, women's “weakness was her very strength, appealing constantly to the manly instincts and gallantry of the other sex.”⁴ Mining districts were typically male-dominated, and many miners feared that women voters would approve temperance laws. The vote on the bill was 11–11—a tie signifying defeat. By 1879, however, unmarried, tax-paying women were allowed to vote in school tax elections and, in 1885, all women could vote in school elections and hold elected school offices.⁵

These legislative debates and victories transpired without an equal suffrage organization or campaign in Idaho. Joining temperance, a key issue in the state, with suffrage in 1872, Carrie F. Young delivered the first-known Idaho lecture on woman suffrage.⁶ The Women's Christian Temperance Un-

2. 1863–64 Idaho Territorial Session Laws.

3. *Idaho Tri-Weekly Statesman* (Boise), Jan. 10, 1871. Morgan may have been a Mormon, since he first immigrated to Salt Lake City from Wales.

4. *Ibid.*

5. An Act to Establish a Public School System, 1879 Idaho Session Laws 21; an Act to Amend an Act to Establish a Public School System, 1885 Idaho Session Laws, 194.

6. The *Idaho Tri-Weekly Statesman*, June 11, 1872, described the speech as “highly entertaining.”

ion (WCTU) came to Boise in 1883.⁷ By 1887, Idaho boasted seven such unions. As was true for temperance workers across the nation, Idaho WCTU members came to believe that gaining the vote would allow them to better pursue their goals.

The most vocal suffrage advocate in the territory was Abigail Jane Scott Duniway, who began occasional visits to Idaho in 1876, lecturing across the state in places like Boise, Weiser, Caldwell, Shoshone, Ketchum, Bellevue, Idaho City, Placerville, Silver City, Lewiston, Grangeville, and Moscow between 1876 and 1881.⁸ An active member of and frequent speaker for the National American Woman Suffrage Association (NAWSA), she had been working for women's voting rights in the Pacific Northwest for twenty years, editing *The New Northwest*, a suffrage paper. She had crossed Idaho, mostly on foot, as a seventeen-year-old girl when her family traveled on the Oregon Trail in 1852.⁹ In 1887, Duniway moved to the Lost River country in Custer County and lived in Idaho until 1894. She delivered an invited address to the Idaho legislature on January 11, 1887. The *Idaho Statesman* criticized Duniway for failing to emphasize the role of women as "good citizens" who could galvanize reform if they received the franchise.¹⁰ Duniway no doubt intentionally made this omission because she believed that women should argue for the ballot as a right, not for reform-specific reasons. Her colorful personality and national influence, along with her penchant for self-promotion, have resulted in a singular focus on Duniway in most accounts of the Idaho suffrage story.¹¹

The WCTU's reform agenda alongside Duniway's rights-based argument illustrated the breadth of positions held by suffragists in Idaho as they

7. Suzanne Sermon, "Early Women's Organization in Boise," *Idaho Yesterdays* 41 (fall 1997): 20.

8. T. A. Larson, "The Woman's Rights Movement in Idaho," *Idaho Yesterdays* 16 (spring 1972): 2–15, has long been the standard work on the suffrage movement in Idaho. He charted Duniway's Idaho appearances through accounts in *The New Northwest*, *The Oregonian*, and local Idaho newspapers; see p. 4. Also see Kelly W. May, "'There Are a Few Choice Spirits Among Them': The Role of Local Women in the Idaho Woman Suffrage Campaign, 1896," (master's thesis, Utah State University, 1996), for a critical examination of local club women's contributions to the campaign.

9. See Susan P. Graber's contribution to this issue of *Western Legal History*, "The Long Oregon Trail to Women's Suffrage."

10. *Idaho Tri-Weekly Statesman*, Jan. 13, 1887.

11. See Ruth Barnes Moynihan, *Rebel for Rights: Abigail Scott Duniway* (New Haven: Yale University Press, 1983), 189–92. Duniway wrote more than twenty novels, including three set in Idaho. *Edna and John* (1876), *Blanche LeClerq* (1886), and *Margaret Rudson* (1896) chronicle Idaho women's increasing political power. See Beverly Beeton, *Women Vote in the West: The Woman Suffrage Movement, 1869–1896* (New York: Garland Publishing, 1986), 118.

catered to competing constituencies. Many women's suffrage advocates, Duniway among them, feared that comingling the campaign for women's votes and the temperance movement would be detrimental to the cause. This was especially true in Idaho, where extractive industries dominated the economy and the male workers fought any limits on their access to liquor. When the news that the WCTU had requested and had been granted the right to address the Idaho Constitutional Convention came to equal suffrage workers in Boise, they sent an emergency letter to Duniway: "They have arranged a hearing before the convention, in advance of ours, asking for a clause in the new Constitution to prohibit the liquor traffic. They won't get it, of course, but they will prohibit us from getting a Woman Suffrage plank, if you don't come!" Duniway made a rough eighty-mile ride to the nearest train and rushed to Boise.

Forty members of Boise's WCTU escorted the state's association president, Henrietta Skelton, when she addressed the Idaho Constitutional Convention on July 10, 1889. She assured the delegates, "[W]e trust to your justice, to the chivalry of the men of the nineteenth Century, and your generous hearts as fathers representing this great territory and laying the foundation for its future eminence." She claimed that women, as "the weaker vessels," could help to further Idaho's development and urged them to give women the vote so that they could "protect our homes." With Prohibition her priority, she asked the convention delegates to "[h]elp us, to build a wall around this state—put out strong drink." She concluded, "We thank you from all the kindness of woman's heart," presented the presiding officer with a bouquet of flowers, and invited the delegates to a WCTU-sponsored ice cream social.¹²

Two days later, Duniway, having analyzed Skelton's speech and claiming that she spoke on behalf of the NAWSA, argued that white, native-born women deserved suffrage as American citizens.¹³ Like Morgan, she reminded the delegates that governments needed the consent of the governed and "that taxation and representation are co-existent factors in all just governments." Yet, as race, religion, immigration, and imperialism dominated the national conversation around citizenship and voting rights, Duniway adeptly appealed to Idahoan delegates' specific prejudices regarding "foreign-born voters," "ignorant and prejudiced voting classes of men," and "the demon of polygamy."¹⁴ Needless to say, she did not offer flowers or ice cream, but con-

12. *Proceedings and Debates of the Constitutional Convention of Idaho, 1889* (Caldwell: Caxton Printers, 1912), 1:89–91.

13. Abigail Scott Duniway, *Path Breaking: An Autobiographical History of the Equal Suffrage Movement in Pacific Coast States* (Portland, OR: James, Kearns, and Abbott Co., 1914), 114.

14. The literature on white suffragists' use of race and nativism is quite extensive. Grounded in Aileen Kraditor's foundational notions of "justice" and "expediency" in *The Ideas of the Woman Suffrage Movement, 1890–90* (New

cluded her remarks with the words “there is no dogma that dies so hard as any species of tyranny.”¹⁵ She spoke for almost an hour—about four times longer than Skelton had—in what the authority on the Idaho proceedings termed “by many criteria the best oration of the entire convention.”¹⁶ The *Idaho Daily Statesman* described Duniway’s speech as a “calm, logical and at times deeply eloquent plea for suffrage for her sex” and noted that “hearty applause” followed.¹⁷

Despite these appeals, the convention chose not to include women’s suffrage in the state’s 1890 constitution. Some historians have suggested that the suffrage debate could have slowed the statehood process, as seen in Washington and Wyoming. Idahoans recognized that they already faced Democratic opposition due to Mormon disenfranchisement. Once the Idaho State Constitution was ratified, only a constitutional amendment could grant votes to women, and that required a two-thirds approval in both houses of the legislature and the support of a majority of voters in a general election.¹⁸

Without a single suffrage association in Idaho, the suffrage campaign had been waged from the 1870s until the 1890s. While Henrietta Skelton had urged the then twenty-five local Idaho unions to form franchise departments in 1889, there was little interest among WCTU members for suffrage work.¹⁹ Idaho political parties took the lead as both the Republican and the Populist 1894 platforms favored a women’s suffrage amendment to the state constitution. As members of these two parties were victorious in the election, it is

York: Columbia University Press, 1965), scholars have increasingly argued that racial, ethnic, and religious hierarchies and “civilizing missions” were always central to American women’s political activism, but ongoing questions of empire, immigration, and native peoples continued to shift the contours of the movement. See Ann Gordon, “Woman Suffrage (Not Universal Suffrage) by Federal Amendment,” in *Votes for Women! The Suffrage Movement in Tennessee, the South, and the Nation*, ed. Marjorie Spruill Wheeler (Knoxville: University of Tennessee Press, 1996); Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote, 1850–1920* (Bloomington: Indiana University Press, 1998); Louise Newman, *White Women’s Rights: The Racial Origins of Feminism in the United States* (New York: Oxford University Press, 1999); and Allison Sneider, *Suffragists in an Imperial Age: U.S. Expansion and the Woman Question, 1870–1929* (New York: Oxford University Press, 2008).

15. *Proceedings and Debates*, 1:89–91.

16. Dennis C. Colson, *Idaho’s Constitution: The Tie That Binds* (Moscow: University of Idaho Press, 1991), 144.

17. *Idaho Daily Statesman*, July 18, 1889. See “As We Were: Abigail Scott Duniway Addresses the Idaho Constitutional Convention,” *Idaho Yesterdays* 34 (summer 1990), 21–27.

18. See Larson, “The Woman’s Rights Movement.”

19. *Ibid.*, 8.

not surprising that in January 1895 the Idaho Senate voted 16–0 and the House 33–2 to include a woman suffrage amendment on the ballot for the November 1896 election.²⁰

While Duniway hoped to lead the campaign efforts in Idaho, her husband's failing health and an order from Susan B. Anthony combined to keep her from doing so.²¹ Following the directions of Carrie Chapman Catt, NAWSA Organization Committee Chair, Emma Smith DeVoe came to Idaho in the summer of 1895 to rally support for the amendment. The NAWSA could count on DeVoe to maintain good relations with the WCTU and to follow the national organization's policy of not identifying with any political party as she organized suffrage clubs across Idaho.²² The Idaho Equal Suffrage Association, first organized in 1895, came to include approximately one thousand women members in a state where the adult female population was approximately fifteen thousand. Carrie Chapman Catt visited Idaho in August 1896 and addressed the conventions of all four political parties—Republican, Democratic, Populist, and Silver Republicans. Each party endorsed the woman suffrage amendment, providing major victories and momentum for activists.²³

While earlier debates had created a tense framework between an explicit temperance agenda and rights-based rhetoric, the entire Idaho suffrage campaign was a fairly mild-mannered affair. Notedly, by avoiding the WCTU and Duniway's strident positions and by keeping the campaign non-partisan, local activists were able to conduct the campaign quickly and avoid rousing the opposition.²⁴ In 1896, the state boasted sixty-five newspapers, and the editorial policy of only three of them opposed votes for women. The campaign reportedly cost only about \$2,500.²⁵

20. *Journal of the Idaho Legislature, Third Session* (Boise, 1895), 31, 42.

21. Larson, "The Woman's Rights Movement," 9.

22. DeVoe organized clubs in Hope, Rathdrum, Gem, Wardner, Wallace, Murray, Moscow, Genesee, Lewiston, Caldwell, Boise, Mountain Home, Bellevue, Ketchum, Hailey, Shoshone, Pocatello, Soda Springs, Paris, Montpelier, Blackfoot, and Idaho Falls. See Larson, "The Woman's Rights Movement," 10.

23. Larson, "The Woman's Rights Movement," 11; Beeton, *Women Vote in the West*, 119; May, "There Are a Few Choice Spirits," 66.

24. *Rocky Mountain News* (Denver), Dec. 13, 1896, 16; Schwantes, *In Mountain Shadows*, 134. Four Idaho woman suffrage workers contributed to the long *Rocky Mountain News* article, Kate Feltham, Blanche Whitman, Helen Young, and Eunice Athey.

25. Susan B. Anthony and Ida H. Harper, *History of Women Suffrage* (Rochester: National American Woman Suffrage Association, 1902–1922), 4:592–93.

Suffrage workers in Idaho were predominantly white society women, with alliances between elite activist women, LDS members, and key male allies providing the grassroots organizing required to pass the amendment.²⁶ Not surprisingly, Boise was the center for much of the organization. Margaret S. Roberts, daughter of the ex-Civil War general George H. Roberts, was a member of the Columbian Club, as were Stella Balderston, whose husband edited Boise's major paper, and Mary Black Ridenbaugh, perhaps the "woman considered of greatest influence in Idaho at the turn of the century."²⁷ Eunice Pond Athey, Idaho Equal Suffrage Association secretary-treasurer and another Columbia Club member, wrote letters to prominent businessmen asking their opinion on suffrage and published the positive responses.²⁸ She sent seven thousand resolution copies, twelve thousand leaflets, and fifty thousand one-page flyers to local clubs for distribution during the campaign.²⁹ *Idaho Democrat* editor A. J. Boyakin wrote of Athey, "but few know what was done by the earnest and enthusiastic little woman who did the hard work in the secretary's office at headquarters when there wasn't a cent to buy postage stamps or pay for printers ink. Pluck, patience, unending hope and enthusiasm are to be credited to Mrs. Secretary Athey...."³⁰ Mary Beatty, wife of U.S. District Judge James Helmick Beatty, hosted the organi-

26. Carlos Schwantes, *The Pacific Northwest: An Interpretive History* (Lincoln: University of Nebraska Press), 1989, describes the women's suffrage campaign in Idaho as "managed mostly by local women," 134.

27. Rosemary W. Wimberly, "'The Ballot in the Hands of a Good Woman': Margaret S. Roberts, Municipal Housekeeping and Idaho Partisan Politics, 1890-1908," *Idaho Yesterdays* 41 (fall 1997), 12. Roberts was the first state chair of Idaho's League of Women Voters. See Betty Penson-Ward, *Idaho Women in History: Big and Little Biographies and Other Gender Stories* (Boise: Legendary Publishing Company, 1991), 188-89, and Sandra Haarsager, *Organized Womanhood: Cultural Politics in the Pacific Northwest* (Norman: University of Oklahoma Press, 1997), 267. Roberts married wealthy lumberman William Ridenbaugh and was at the center of Boise social and cultural life; see Penson-Ward, *Idaho Women in History*, 78-82. The first dormitory for women at the University of Idaho was named in her honor.

28. Beeton, *Women Vote in the West*, 127. William E. Borah's letter was one of those published.

29. May, "There Are a Few Choice Spirits," 80.

30. A. J. Boyakin letter to Idaho State Equal Suffrage Association, Dec. 16, 1896, Equal Suffrage Association of Idaho papers, Idaho State Historical Society, MS2/100.

zation on several occasions.³¹ Kate Feltham served as vice president of the Idaho state organization and was a community leader in Caldwell.³²



Rebecca Mitchell

Photo courtesy Idaho State Historical Society Archives

31. Haarsager, *Organized Womanhood*, 267.

32. Debora K. Kristensen, *The First 50 Women in Idaho Law* (Boise: Idaho State Bar, 2005), 8–9. In 1914 she became the fifth woman admitted to the Idaho State Bar.

In a state with remote communities and disparate local cultures, women from around Idaho also conducted crucial campaign tasks.³³ Rebecca Mitchell from Blackfoot became the WCTU Superintendent of Franchise in 1890.³⁴ Melvina “Mell” Woods was a Shoshone County LDS member, the daughter of prominent Utah suffragist Emmeline Wells and the wife of a Wallace lawyer and judge. She was active in the Relief Society, a central organization for Mormon women.³⁵ Helen Young, Idaho’s first woman lawyer, was instrumental in organizing northern Idaho.³⁶ Annette Bowman, one of the University of Idaho’s first four faculty members, worked in Latah County.³⁷ Blanche Whitman from Montpelier led the efforts in southern, predominantly Mormon, counties.³⁸ Alongside male allies, like *Idaho Statesman* editor William Balderston, these activists communicated with the NAWSA, gave speeches, held meetings, and made appeals to each political party’s convention.³⁹

With the first statewide suffrage convention having taken place only in July and contesting against the long distances in Idaho and the limited transportation options in the state, the Idaho Equal Suffrage Association work was remarkable indeed. Carrie Chapman Catt outlined the campaign, and Idaho women accomplished Catt’s goals. Catt suggested that local women talk with all the ministers in town, and the NAWSA agreed to send pro-suffrage literature in “plain envelopes” to any minister who opposed equal suffrage.⁴⁰ In larger communities, the women stretched yellow banners across the street near the polling places. Women’s suffrage supporters set up tables near the polling places in every precinct but eight in Idaho. They served coffee and sandwiches and gave each male voter a leaflet stating:

33. The minute book of the Idaho Equal Suffrage Association lists women active in each local organization, Equal Suffrage of Idaho Papers, ISHS.

34. *Ibid.*, 93.

35. Anne Firor Scott, “Mormon Women, Other Women: Paradoxes and Challenges,” *Mormon History* 13 (1986–1987): 3–20, discusses the Relief Society’s commitment to woman suffrage.

36. *Ibid.*, 269. Also see Kristensen, *The First 50 Women in Idaho Law*, 1–3.

37. Penson-Ward, *Idaho Women in History*, 149.

38. Haarsager, *Organized Womanhood*, 269.

39. Anthony and Harper, *History of Women Suffrage*, 4:590n. Mrs. M. C. (Eunice) Athey called Balderston “our principal advisor throughout, [who] with money, voice, and pen aided the cause in every possible way.”

40. Carrie Chapman Catt’s letter to the Idaho Equal Suffrage Association is included in the organization’s minute book entry for Aug. 25, 1896, Equal Suffrage Association of Idaho papers, ISHS.

"Don't forget the woman's suffrage amendment. Be sure you notice the three constitutional amendments at the top of your ticket."⁴¹

In their organizing efforts, however, elite women often marginalized people who did not fulfill an idealized image of white middle-class respectability. For instance, cook and miner May Arkwright Hutton, who had traveled with Abigail Scott Duniway on an Idaho speaking tour in 1895 and who would later help lead the suffrage campaign in Washington state, was excluded from the campaign. She did not fit the image of the "right kind of persons" the NAWSA sought as local suffrage advocates.⁴² By incorporating some voices and disregarding others, Idaho activists created classed and racialized visions of "women" voters.⁴³

In November 1896, 12,126 voters favored the suffrage amendment and only 6,282 were opposed. LDS-dominated counties like Bannock, Bear Lake, Bingham, Cassia, Freemont, and Oneida provided the strongest majorities, in keeping with the Utah experience and the Church's support for woman suffrage. At its 1897 convention, the NAWSA listed "a large colony of people [...] who were formerly residents of Utah at the time the women were voting there" as one of the reasons for the success in Idaho.⁴⁴ Mormon counties gave the suffrage amendment 77 percent approval,⁴⁵ mindful that the initial Idaho constitution banned LDS members from voting.

In mining districts, and indeed across the state, the fear of Prohibition operated alongside a preoccupation with the silver issue, and that contributed to the suffrage victory. Only one county, Custer, voted against the suffrage amendment. Among the other counties, the vote was closest in Shoshone and Owyhee counties, both the location of mining districts. While anti-Prohibition was central to anti-suffrage sentiment in these areas, the larger monetary debates of the 1896 election aided the passage of women's suffrage by focusing attention elsewhere. Idahoans from every political per-

41. Idaho Woman Suffrage Association minutes, July 2, 1896, Equal Suffrage Association of Idaho papers, ISHS.

42. Moynihan, *Rebel for Rights*, 194–95. Hutton struck it rich with the Hercules Mine in 1901—she also served as the first woman delegate to the Democratic National Convention. See James W. Montgomery, *Liberated Woman: A Life of May Arkwright Hutton* (Spokane: Gingko House Publishers, 1974).

43. Similarly, women organizers were aware of Native men's interest in voting, but it does not seem that they engaged directly with that population. When recounting their victory, they noted, "A small number of Nez Perces [sic] Indians used their privilege of franchise this year, but it is not known how they voted on the amendment" (*Rocky Mountain News*, Dec. 13, 1896, 16.)

44. According to Beverly Beeton (*Women Vote in the West*), "in Idaho the woman suffrage issue was intertwined with the immigration and Mormon questions," 119. She argues that most historians have not emphasized the Mormon influence sufficiently, 132–33.

45. Arrington, *History of Idaho*, 1:437.

spective were fixated on Free Silver and favored the election of its proponent, William Jennings Bryan, who would eventually win 78 percent of Idaho's popular vote. U.S. senator Fred Dubois (R-Idaho) even walked out of his party's national convention following the nomination of gold standard bearer William McKinley—leaving Idaho Republicans with a difficult choice. Idaho Populists, who had gained strength since 1894, both reveled in the Democratic Party's adoption of Free Silver and worried that fusion would destroy them. The centrality of the silver issue to the national election detracted attention from state issues.⁴⁶

This distraction, which helped keep opposition to suffrage minimal, also almost proved fatal to the amendment. Despite widespread support for women's suffrage, the state board of canvassers claimed that since 29,516 voters had participated in the election, the amendment required 14,759 votes in order to achieve the requisite majority. Suffrage advocate Kate Green appealed to the Idaho Supreme Court, and prominent attorneys James H. Hawley (later Idaho's governor), William E. Borah (later a U.S. senator), and Miles Tate provided pro bono representation for the suffragists' cause. The Court unanimously ruled in favor of suffrage on December 11, 1896, noting that there was no reasonable rationale for counting individuals who failed to vote on the question as electors.⁴⁷

Hiram French claimed in his 1914 history of Idaho that the "untrammeled spirit of the West" and men's "chivalrous" acknowledgment of the "arduous part" women had played in its settlement explained the lack of opposition to woman suffrage in Idaho.⁴⁸ In 1959, Merrill Beal and Merle Wells echoed this position in their history of the state when they claimed: "A male settler could not deny her the vote in good conscience, because she was his partner in state building."⁴⁹ Noted historians Glenda Riley and Richard Etulain have recently suggested that the early suffrage states—Wyoming, Colorado, Utah, and Idaho—were perhaps "imbued with Lincoln views of equali-

46. Hawley, *History of Idaho*, 1:235; William J. Gaboury, *Dissension in the Rockies: A History of Idaho Populism* (New York: Garland, 1988), 159–220. There were three amendments to the Idaho constitution on the ballot—they all passed.

47. *Kate Green v. State Board of Canvassers* 5 Idaho, 130–45. Both the opinion and the concurring opinion make it as clear as 1890s language allows that the justices found nothing in the state's argument that was convincing. See Beeton, *Women Vote in the West*, 130. Idaho Equal Suffrage Association minutes make it clear that the women anticipated the possibility of this challenge before the election. See the minutes for Aug. 25, 1896, ISHS.

48. French, *History of Idaho*, 515.

49. Merrill D. Beal and Merle W. Wells, *History of Idaho* (New York: Lewis Historical Publishing company, 1959) 2:43.

ty.”⁵⁰ Ultimately, the NAWSA itself identified most of the factors that went into Idaho’s successful campaign: the national group’s organizing assistance; prominent Idaho women’s efforts; and the role of the LDS church. Added to this list should be the economic context of Idaho politics during the 1896 election, which contributed to equal suffrage gaining endorsements from all four political parties and to the suffrage amendment’s adequate but lackluster success at the polls. The success of the women’s suffrage amendment in Idaho was more the result of efficient grassroots organization and the vagaries of Idaho politics than male beneficence or a spirit of western equality.

50. Glenda Riley and Richard Etulain, “Abraham Lincoln,” in *Presidents Who Shaped the American West* (Norman: University of Oklahoma Press, 2018), 98.



*Morgan Christen**

Winning, Losing, and Regaining the Franchise: The Long Road to Voting Equality in Washington

In 1910, Washington became the fifth state in the union to enact women's suffrage. The victory was a catalyst for other campaigns, culminating in the passage of the Nineteenth Amendment in 1920, but the path in Washington was not smooth. In fact, after narrowly missing several opportunities to secure suffrage, women in Washington won and lost the right to vote three different times before finally securing it in 1910.

Early Territorial Days (1853–1870)

Early indicators might have signaled that women would gain the right to vote in Washington without a lengthy battle. The Territory had fewer than four thousand residents when it was established in 1853, and some speculated that granting suffrage would attract women settlers—a theory that might have contributed to the close vote at the inaugural session of the territorial legislature, where (white) women's suffrage came within one vote of passage. Legislator Arthur Denny offered an amendment that would have granted the vote to white women over the age of 18,¹ but he apparently over-

* Hon. Morgan Christen was raised in Washington and graduated from the University of Washington. Following graduation from Golden Gate University Law School, Judge Christen headed north to Alaska, where she has lived and worked for more than thirty years. She served as a trial court judge in Alaska and on the Alaska Supreme Court prior to her appointment to the Ninth Circuit Court of Appeals.

The author gratefully acknowledges the contributions of her law clerk, Whitney Brown, law librarian Anna Russell, and her judicial assistant, Sonja Belau. Without their special efforts and enthusiasm, this article would not have been possible.

looked the fact that at least one of his fellow delegates was married to a Native American woman. That delegate did not support Denny's amendment, and as a result, it was defeated by a single vote.² The first territorial legislature instead granted the franchise only to "white male inhabitants of twenty-one years, of three months' residence, provided they were citizens of the United States, or had declared their intention to become such."³ In addition to women, suffrage was denied to persons under guardianship, insane persons, and those convicted of treason, felony, or bribery, unless their civil rights had been restored.

In the wake of the Civil War, the legislature revised the territorial law, probably in an effort to disenfranchise Confederate soldiers, and enacted a law including a phrase providing "[a]ll white American citizens twenty-one years of age" were granted the right to vote.⁴ Legislator Edward Eldridge opined that this phrase, read in isolation, could be interpreted to grant the vote to women.⁵ Also in the aftermath of the Civil War, Mary Olney Brown was inspired to test the idea that the emancipation of Black Americans might serve as a springboard for women's suffrage. In 1869, she tried to vote in Thurston County, but election officials protested that she was not an American citizen.⁶ When Brown read the Fourteenth Amendment aloud, the officials claimed that the laws of Congress did not extend to Washington Territory. Brown objected, and one election official conceded the principle of her argument, but her ballot was rejected out of concern that it would invalidate the entire precinct vote. Mary Olney Brown was not allowed to vote, but she seems to have inspired others to try, and as more women started

1. *Council Journal, Washington Territory*, 1854–55, 98.

2. T. A. Larson, "The Woman Suffrage Movement in Washington," *Pacific Northwest Quarterly* 67, no. 2 (Apr. 1976): 49.

3. Stella E. Pearce, "Suffrage in the Pacific Northwest, Old Oregon and Washington," *Washington Historical Quarterly* 3 (Apr. 1912): 108–9.

4. In full, the law provided: "All white American citizens twenty-one years of age, and all half-breeds twenty-one or over, who can read and write and have adopted the habits of whites, and all other white male inhabitants who have declared their intentions to become citizens six months previous to the election, and have taken oath to support the Constitution of the United States and the Organic Act of the Territory, who have not borne arms against the United States of America or given aid and comfort to enemies, unless pardoned, and who have resided six months in the Territory, and thirty days in the county shall be entitled to vote." *Ibid.*, 110.

5. Larson, "The Woman Suffrage Movement in Washington," 49.

6. Rebecca J. Mead, *How the Vote Was Won: Women Suffrage in the Western United States, 1868–1914* (New York: New York University Press, 2004), 45; Pearce, "Suffrage in the Pacific Northwest," 110.

showing up at the polls, some were allowed to cast their ballots.⁷ For example, in 1870, Brown's sister organized a small group of women who adopted the less confrontational strategy of organizing a picnic dinner for election officials before making their demand; this group was allowed to cast their ballots.⁸

Northwest Lecture Tour (1871)

Oregonian Abigail Scott Duniway⁹ was surely one of the most important forces in the Northwest suffrage fight, but she also became something of a lightning rod. Duniway came west over the Oregon Trail. Self-educated and the mother of six, Duniway was the family breadwinner in 1871 when she launched *The New Northwest*, a periodic newspaper.¹⁰

Duniway appealed to Susan B. Anthony and Elizabeth Cady Stanton, already leaders of the suffragist movement on the national stage, to come west in support of the Northwest suffragists. Anthony agreed, and she traveled with Duniway on a two-month Northwest speaking tour.¹¹ The swing through Washington began and ended in Olympia, and in what Anthony believed to be the first time a woman had addressed a Washington legislative session,¹² she impressed the legislators and gallery. Local legislator Daniel Bigelow was already sympathetic but he now became an important ally, as did two of Olympia's newspapers. *The Olympia Transcript* wrote: "Miss Anthony is a woman of more than ordinary ability, and the manner in which she handled her subject before the Legislature was ample warning to members of that body who oppose a woman's suffrage to be silent."¹³ Unmoved, *The Territorial Dispatch* dubbed Anthony "a revolutionist, aiming for nothing less than...the overthrow of every social institution organized for the protection

7. *Women's Tribune* (Apr. 27 and May 25, 1907) and *San Francisco Examiner* (Apr. 7, 1907), in Mead, *How the Vote Was Won*, 46.

8. Mead, *How the Vote Was Won*, 46.

9. See Susan P. Graber's contribution to this issue of *Western Legal History*, "The Long Oregon Trail to Women's Suffrage."

10. Abigail Scott Duniway, *Path Breaking: An Autobiographical History of the Equal Suffrage Movement in Pacific Coast States* (New York: Source Book Press, 1914), 31–32, 41.

11. Ruth Barnes Moynihan, *Rebel for Rights: Abigail Scott Duniway* (New Haven: Yale University Press, 1983), 95–96; Helen Krebs Smith, *The Presumptuous Dreamers: A Sociological History of the Life and Times of Abigail Scott Duniway*, vol. 1: 1834–1871 (Smith, Smith and Smith Publishing. Co., 1974).

12. J. D. Chandler, *Hidden History of Portland Oregon* (Charleston, SC: History Press, 2013), 60.

13. *The Olympia Transcript*, 1871.

of the altar, the family circle and the legitimacy of our offspring...."¹⁴ The same writer conceded that Anthony was "talented, earnest and persuasive" and a person of "superior mental force," but Duniway was not satisfied. She fired back that the writer who dubbed Anthony a "revolutionist" was himself "a drinking, chewing, and smoking leper."¹⁵

Despite uneven reviews, Anthony's lecture tour proved to be pivotal. She was something of a curiosity and drew large crowds to watch and listen.¹⁶ Anthony argued that the Fourteenth and Fifteenth Amendments should be understood as already granting women the right to vote, and she invoked the frequently repeated prediction that women would immigrate to Washington if the legislature passed a suffrage measure.¹⁷ Duniway adopted a more confrontational tone, issuing a challenge to those with political aspirations "to take heed of the indications of the times, before it was too late."¹⁸

Anthony and Duniway are credited with organizing the Washington Equal Suffrage Association (WESA), which held a well-attended convention, also in Olympia, at the end of Anthony's speaking tour. The WESA membership endorsed resolutions stating that the federal Constitution and its amendments already granted suffrage to women; calling for amendments to territorial law; urging electors to receive and count women's ballots; and advocating for the formation of associations that would enroll women who were willing to vote at the next elections.¹⁹

Anthony's tour brought organization and inspiration, but the legislators failed to pass a suffrage bill. Worse, after Anthony and Duniway left Olympia, the legislators passed a measure in the waning hours of the 1871 session that eliminated any doubt about whether the 1867 law could be interpreted to grant the franchise to women. The new measure declared that "no female shall have the right of ballot or vote at any poll or election pre-

14. *Territorial Dispatch* (Dec. 11, 1871), cited in G. Thomas Edwards, *Sowing Good Seeds, The Northwest Suffrage Campaigns of Susan B. Anthony* (Portland: Oregon Historical Society Press, 1990), 100.

15. *Ibid.*, 101.

16. Most newspaper reports of Anthony's speeches commented on her appearance. She was described as "tall," "boney," and "strident." Other news accounts acknowledged the persuasive force of her arguments, but even those reports typically included prominent mention that she was unmarried. *Courage in Corsets: Winning the Vote in Washington State*, part 3, "The Seed of the Rebellion," written and produced by Mary DeCesare (Spokane: KSPS Public Television Video, 2010), DVD, 57 min.

17. Edwards, *Sowing Good Seeds*, 88; *New Northwest* (Portland, 1 Oct. 27, 1871, in T. A. Larson, "Dolls, Vassals, and Drudges—Pioneer Women in the West," *Western Historical Quarterly* 3, no. 1 (Jan. 1972).

18. Edwards, *Sowing Good Seeds*, 89.

19. *Ibid.*, 102–4.

cinct in the Territory, until the Congress of the United States...shall...declare [women's suffrage] to be the supreme law of the land."²⁰

Two Wins, and Two More Losses (1878–1898)

In 1878, fifteen delegates gathered in Walla Walla to draft a constitution in preparation for what proved to be an unsuccessful bid at statehood. Duniway attended as a reporter for *The New Northwest*, and she urged the delegates to adopt a proposal that the word "male" should be omitted from the constitution.²¹ The proposal failed, again by one vote, but the delegates did submit a separate suffrage amendment to the voters.²² This amendment was soundly rejected by a margin of nearly 3 to 1.²³

Women continued to agitate for change, and in 1879 the legislature approved a measure to remove "the civil disabilities upon a wife."²⁴ It conspicuously excluded the ability to vote or hold public office, but the law did address the ability of women to hold title to property and to bring suit to protect their property rights. It also established for the first time that parents would have equal rights to child custody, absent misconduct.²⁵ Similar legislation was passed in 1881,²⁶ but it was not until 1883 that the legislature approved women's suffrage. It did so by amending section 3050, chapter 238, of Washington's Territorial Code so that "[w]hensoever the word 'his' occurs in the chapter aforesaid, it shall be construed to mean 'his or her,' as the case may be."²⁷ Because the "aforesaid" chapter addressed voting, qualifications to hold office, and juror qualifications, the effect of the amendment was to give women equal rights as voters, office holders, and jurors.²⁸

Whatever the WESA's influence on the 1883 bill, the editor of *The Washington Standard* had become a supporter of suffrage after hearing one of Anthony's 1871 lectures, and he published biographical data concerning the 1883 legislators: birthplace, age, occupation, marital status, home address, local address, date of arrival in the Territory, and religion. The historian T. A. Larson believes the data suggest the 1883 victory was due not to party affiliation, age, geography, or marital status but rather to the vote of farmers,

20. *The Statutes of the Territory of Washington* (Olympia, 1871), 175.

21. Duniway, *Path Breaking*: 86.

22. Pearce, "Suffrage in the Pacific Northwest," 111.

23. Charles K. Wiggins, "John P. Hoyt and Women's Suffrage," *Washington State Bar News* 43, no. 1 (Jan. 1989): 17.

24. *Laws of the Territory of Washington*, 1879 (Olympia, 1879), 151.

25. *Ibid.*

26. *Laws of the Territory of Washington*, 1881 (Olympia, 1881), 413–16.

27. *Laws of the Territory of Washington*, 1883 (Olympia, 1883), 39.

28. *Ibid.*, 40.

who favored it by a margin of eleven to two. The twenty legislators of other occupations were equally divided, ten to ten.²⁹

In 1886, Mollie Rosencrantz tested the statutory amendment by appealing her conviction for keeping a house of ill repute. Rosencrantz argued that the indictment against her was invalid because a married woman sat on her grand jury.³⁰ With Judges Hoyt and Wingard in the majority and Judge Turner in dissent, the Territorial Supreme Court's split decision upheld the 1883 law. *Rosencrantz* not only affirmed that women in Washington were eligible to serve as jurors but also, by upholding the 1883 amendment, confirmed that they were eligible to vote, and Washington women cast ballots in the 1884 and 1886 elections.³¹

Just two years later, Washington women again lost the right to vote, in a case called *Harland v. Territory of Washington*.³² Jeff Harland was reportedly associated with Harry Morgan, a Tacoma "gambling boss," and he played "top-and-bottom dice" well enough to win \$610 from the complaining witness. Harland was convicted of carrying on a swindling game. On appeal, he objected that five of the grand jurors who returned the indictment against him were married women who lived with their husbands.³³ Harland argued that the female grand jurors could not be considered the heads of their respective families, or "householders," and that they therefore lacked a statutorily required qualification.

Harland's criminal gambling case had nothing to do with suffrage, but it presented an opportunity for the Territorial Supreme Court to take another crack at examining the legitimacy of the 1883 amendment that changed the Code's pronouns from "his" to "his or her." Judge Hoyt was disqualified from participating in the *Harland* appeal, having presided over Harland's trial, and Judge Wingate, who had joined Hoyt in the majority of the *Rosencrantz* decision, retired from the bench before the *Harland* appeal was heard.³⁴ In the end, the author of the *Rosencrantz* dissent, Judge Turner, penned the *Harland* majority opinion.

29. *Washington Standard*, Oct. 12, 1883, in Larson, "The Woman Suffrage Movement in Washington," 53.

30. *Rosencrantz v. Territory*, 2 Wash. Terr. 267 (1884).

31. John Miller Murphy, "Woman Suffrage in Washington Territory," in Mary Osborn Douthit, *Souvenir of Western Women* (Portland: Anderson and Du-niway Company, 1905), 105.

32. *Harland v. Territory of Washington*, 3 Wash. Terr. 131 (1887).

33. *Harland*, 133.

34. Each of the four judges on the Territorial Supreme Court also served as trial court judges, and they were disqualified from hearing appeals of their own trial court decisions. Wiggins, "John P. Hoyt and Women's Suffrage," 17.

Harland has been criticized for its many contradictions,³⁵ beginning with the court's ironic observation that the legislature's express intent in its 1883 legislation was to grant suffrage to women rather than amending the qualifications for grand jury service. The opinion is laden with archaic common law notions, such as "[b]y common law, the husband and wife are but one person, and that is the husband"³⁶ and "[a] wife, during the life of the husband, is not a householder."³⁷ *Harland* ultimately concluded that the 1883 bill ran afoul of the Organic Act, the federal statute that created Washington Territory, because the title of the bill was not limited to one subject.³⁸ Rather than construing the statute to avoid any unintended amendment to the qualifications for grand jury service, the majority resolved the appeal of Harlan's gambling conviction by taking up "the validity of the act of the legislature conferring on females the elective franchise,"³⁹ and held that "women had no right to sit on a jury because the law granting rights to women was not given a proper title."⁴⁰

The 1888 legislature, which had been elected by male and female voters, tried again. This time it carefully titled its bill "An Act Prescribing the Qualifications of Electors in the Territory of Washington," and it incorporated the caveat that the bill did not make it lawful for women to serve as jurors.⁴¹ A constitutional convention was planned in anticipation of another run at statehood, and organizers were eager to confirm the legality of the new suffrage law so that women could participate in electing constitutional delegates.⁴² But Nevada Bloomer was not an organizer, and she had a different plan.

Bloomer's husband was a saloonkeeper; women voters were widely viewed as a threat to the liquor industry, given women's prominent involvement in the temperance movement. Bloomer presented her ballot at Spokane Falls in 1888, and when it was predictably refused by election officials, Bloomer filed suit. Eventually it became apparent that the real aim of Bloomer's suit was probably to thwart the suffrage movement rather than to protest her disenfranchisement, but there was a strong textual argument for

35. W. S. Bush, "Suffrage in the Washington Territory," *Chicago Law Times* 3 (1889): 47.

36. *Harland*, 134 (citing *Kent's Com.* 2: 120).

37. *Ibid.* (citing *Washburn on Real Property* 1: 342).

38. *Harland*, 143 (explaining that The Organic Act required "every law shall embrace but one object, and that shall be expressed in its title").

39. *Harland*, 142.

40. *Harland*, 152 (holding, "[f]emales, then, are not voters in this territory, and not being voters, they are not competent to sit on juries"); *Washington Territorial Report* 3, 131.

41. *Laws of the Territory of Washington, 1887-88* (Olympia 1888), 93-94.

42. Pearce, "Suffrage in the Pacific Northwest," 112.

challenging the rejection of Bloomer's ballot: in the Organic Act, Congress specified that "white male inhabitants" would be allowed to vote in Washington Territory's first elections but thereafter the legislature would be entitled to decide upon the qualifications for its electors, as long as they were citizens of the United States or had declared their intention to become citizens.⁴³ The text of the Organic Act did not require the legislature to limit the franchise to men.

Perhaps wanting to defend his *Harland* majority decision, Judge Turner resigned from the Territorial Supreme Court to represent the election officials in Bloomer's case,⁴⁴ and in an opinion that was described as closely following Turner's brief, the Territorial Supreme Court held that Congress must have intended to limit "citizens" to male citizens, even though Congress had not said so. With that, the court struck down the 1888 statute.⁴⁵

A fund was raised to finance an effort to seek review in the United States Supreme Court, but Bloomer refused to pursue it, dashing any hope that women would participate in the vote to select pro-suffrage delegates for the upcoming constitutional convention.⁴⁶ Statehood was finally granted in 1889, but the new state constitution did not grant women the right to vote, and the daunting prospect of amending it required a two-thirds majority of the legislature and ratification by the voters. A separate amendment was put to the voters that same year, but it was unsuccessful.⁴⁷

Washington State voters rejected another proposed constitutional amendment in 1898, but they did so by fewer than ten thousand votes, despite little organized support behind the measure.⁴⁸ This near miss served as a signal that a well-organized campaign might have a chance at succeeding and produced help to reinvigorate the stalled effort. Among others, formida-

43. Bush, "Suffrage in the Washington Territory."

44. C. H. Baily, "How Washington Women Regained the Ballot," *Pacific Monthly* 26, no. 1 (July 1911).

45. *Bloomer v. Todd*, 3 Wash. Terr. 599, 19 P. 135 (Wash. 1888).

46. Nelson A. Ault, "The Earnest Ladies: The Walla Walla Woman's Club and the Equal Suffrage League of 1886-1889," *Pacific Northwest Quarterly* 42, no. 2 (Apr. 1951): 133.

47. At that time, Washington used the "slip ticket," meaning that election officials did not provide ballots at the polls. Voters came with their own ballots, or they used ballots printed by political parties. Pearce, "Suffrage in the Pacific Northwest," 113. After the 1889 defeat, there were charges that liquor interests had distributed thousands of preprinted ballots with the suffrage amendment crossed out, effectively pre-voting no to the suffrage amendment. Adella M. Parker, "How Washington Women Lost the Ballot," in *Washington Women's Cook Book* (The Washington Equal Suffrage Association, [Trade Register Print 1909]).

48. Larson, "The Woman Suffrage Movement in Washington," 55.

ble organizers Emma Smith DeVoe and May Arkwright Hutton moved to Washington State and entered the fray.

The Successful Campaign (1906–1910)

DeVoe arrived in Tacoma in 1906. A year later, Hutton arrived in Spokane. Both proved to be fierce suffragist leaders, but beyond that they had little in common. DeVoe was educated, refined, and unfailingly polite. The National American Woman Suffrage Association paid her a stipend to spearhead a new effort in Washington. DeVoe adopted a soft-sale strategy dubbed the “still hunt,” encouraging women to make one-on-one appeals for suffrage to their husbands, brothers, and male acquaintances based on the moral righteousness of the cause. Noisy demonstrations were discouraged. DeVoe favored speaking engagements at supportive clubs, including farmer, labor, and Protestant church gatherings, steering the suffragists away from controversy to avoid arousing opposition. In particular, she avoided any alignment with those who pressed Prohibition, lest the suffragists antagonize the powerful liquor industry.⁴⁹

Hutton moved from Ohio to Idaho as a young woman to work as a cook in a mining town, but she and her husband invested early in the Hercules mine and struck it rich.⁵⁰ The Huttons were known as generous rags-to-riches philanthropists, and they were involved in several charitable causes in their community. In Idaho, Hutton enjoyed the ability to vote, and she came within eighty votes of being elected to the Idaho legislature.⁵¹ She took up the Washington suffragists’ battle after she and her husband moved to Spokane. In contrast to the more subdued DeVoe, Hutton drove a red car around Spokane, wore a distinctive zebra coat, and had no qualms about tackling her opponents head-on.⁵²

49. Mead, *How the Vote Was Won*, 69, 112; Ida Husted Harper, *The History of Woman Suffrage*, vol. 6, 1900–1920 (National American Woman Suffrage Association, 1922), 676.

50. *Ibid.*, 107–8.

51. Karen J. Blair, *Women in Pacific Northwest History: An Anthology* (Seattle: University of Washington Press, 1988), 28; Benjamin H. Kizer, “May Arkwright Hutton,” *Pacific Northwest Quarterly* 57, no. 2 (Apr. 1966): 49–56.

52. Larson, “The Woman Suffrage Movement in Washington,” 57; Jennifer M. Ross-Nazzari, *Winning the West for Women: The Life of Suffragist Emma Smith DeVoe* (Seattle: University of Washington Press, 2011), 121.

The Final Campaign

In the fall of 1908, suffragists again persuaded the legislature to consider a constitutional amendment, but there was much disagreement about their tactics. Though the amendment was endorsed by most Washington newspapers and broadly supported by clergymen from most denominations, the thrice-defeated suffragists buttonholed legislators relentlessly to get the amendment passed. By some accounts, they were so persistent that exhausted legislators pressed for a final vote just to put an end to the suffragists' lobbying.⁵³ Both houses approved the amendment in early 1909 and a statewide ratification vote was set for the following year, but a fissure had developed between Hutton and DeVoe, and they did not see eye-to-eye about the best strategy for the ratification campaign that lay ahead.

Ratification by the Voters

One step that DeVoe and Hutton took jointly, as president and vice president of the WESA, was to publish a cookbook in 1909 that simultaneously served as a fund-raising tool for the ratification effort and a way to convey that women suffragists remained committed to their families and domestic duties. For those who read it cover to cover, it also served as a somewhat covert means of circulating the suffragists' political message.⁵⁴ After 201 pages of recipes, short chapters devoted to tips for cleaning stubborn stains, eating well, bathing, and beauty, and *before* 34 blank pages titled "Additional Recipes" for the reader's own notes, the *Washington Women's Cook Book* was embedded with less conventional fare. These chapters were devoted to the "Progress of Women's Suffrage," a brief history of suffragist laws;⁵⁵ a sample of the 1889 preprinted ballot so readers could see it for themselves;⁵⁶ "Some Legal Opinions," which featured quotations from judges who favored women's suffrage;⁵⁷ and a fiery five-page essay entitled "How Washington Women Lost the Ballot."⁵⁸ The essay was authored by Adella M. Parker, an early graduate of the University of Washington law school, a civics teacher, and a passionate suffragist.⁵⁹ Miss Parker's *Cook Book* essay pulled no punches, introducing the reader to the author's view of Harland ("How Tacoma's 'boss' gambler attacked a law to get 'his man' out of the pen"); Bloomer ("How a bartender's wife rushed a case through the courts and refused to let it go higher"); and the 1889 ratification vote ("How ballots were marked

53. Baily, "How Washington Women Regained the Ballot," 9.

54. *Washington Women's Cook Book*.

55. *Ibid.*, 201–3.

56. *Ibid.*, 209.

57. *Ibid.*, 210–12.

58. *Ibid.*, 204–8.

59. Baily, "How Washington Women Regained the Ballot," 7.

before they came from the press”), concluding, “[t]his is the story of how Washington women were tricked out of their political rights.”⁶⁰

By summer of 1909, Hutton feared that DeVoe’s quiet approach would prove unsuccessful in the 1910 ratification election, and she advanced a bid to unseat DeVoe as president of the WESA. The National American Woman Suffrage Association (NAWSA) held its convention in Seattle at the Alaska-Yukon-Pacific Exposition in July of that year, and the WESA was scheduled to meet shortly before the national convention to elect its own officers.⁶¹ Hutton signed up scores of new members from Eastern Washington to support her candidacy; DeVoe countered by invoking a provision that arguably allowed the selection of WESA’s officers to go forward without acknowledging Spokane’s new members. The upshot of the ensuing dispute was that DeVoe was retained as WESA’s president, Hutton protested, and NAWSA’s visiting leadership ruled that the contingents from both sides of Washington would be seated at the national convention but neither would be allowed to vote.⁶² Much has been written about the bitter struggle that played out at the national convention between DeVoe and Hutton, but to their credit, both seemed to keep their eyes on the goal.⁶³ Hutton formed a new organization called the Political Equality League of Spokane; a separate faction of Spokane members continued to work with DeVoe, and along with dozens of women’s clubs across the state, they pushed toward the November 1910 election.⁶⁴

The campaigns were focused and tailored to local communities. Uniformly, the suffragists worked hard to stay on message and limited to the suffragist cause. The campaigns were deliberately low-key in the early months, though the WESA employed some modern campaign methods such as making systematic efforts to canvass local chapters and compiling straw polls to generate occupation-specific data that allowed targeted appeals.⁶⁵ As the November 1910 election approached, publicity efforts ramped up to include posters, speeches, parade floats, banners on ferries, streetcars, and racehorses, and larger meetings with bands.⁶⁶ The result on November 8, 1910, was surely more than the suffragists had hoped for: every one of Wash-

60. *Washington Women’s Cook Book*, 204–8.

61. Larson, “The Woman Suffrage Movement in Washington,” 58–61.

62. Mead, *How the Vote Was Won*, 111.

63. Baily, “How Washington Women Regained the Ballot”; Larson, “The Woman Suffrage Movement in Washington,” 57–61; Ross-Nazzari, *Winning the West for Women*, 122–30.

64. Larson, “The Woman Suffrage Movement in Washington,” 60.

65. Mead, *How the Vote Was Won*, 112.

66. Larson, “The Woman Suffrage Movement in Washington,” 61.

ington's thirty-eight counties voted in favor of the suffrage amendment, with 52,299 men voting in favor of women's suffrage, and 26,676 opposed.⁶⁷

67. Ibid.

N 979.7 Wash. (57) - Suffrage

INSTRUCTIONS TO VOTERS

VOTE FOR AMENDMENT TO ARTICLE 6

In voting for the proposed amendment of
Article 6 of the Constitution you are voting

For Woman Suffrage

At the coming general election, November 8,
there will appear two amendments at
the top of every ballot

The first amendment refers to

WOMAN SUFFRAGE

and reads as follows:

"For the proposed amendment to Article
6 of the Constitution relating to the quali-
fications of voters within this State." ☐

"Against the proposed amendment to Ar-
ticle 6 of the Constitution relating to the
qualifications of voters within this State." ☐

Vote for Amendment to Article 6



Abigail Scott Duniway



Susan P. Graber*

The Long Oregon Trail to Women's Suffrage

In April 1852, a wagon train left Groveland, Illinois, and joined thousands of other pioneers headed for the greener pastures of Oregon. Among the twenty-seven people in the wagon train was a teenaged girl called Jenny. As it was for many settlers heading west in the nineteenth century, the arduous overland journey was devastating for Jenny. She lost her mother, a little brother, and her sweetheart; and her family's cache of money disappeared. The wagon train nevertheless persisted and, six months after their departure, Jenny and her remaining family and companions arrived in the Willamette Valley. The long journey to Oregon was complete.¹

Jenny married, supported a growing family, opened a millinery business, and became increasingly concerned about the lack of political, social, and economic rights for women.² In 1870, Jenny, now known as Abigail Jane Scott Duniway, concluded that women's suffrage was the key to improving

* Susan P. Graber is a United States Circuit Judge for the Ninth Circuit Court of Appeals. She received her B.A. from Wellesley College in 1969 and her J.D. from Yale Law School in 1972. Her chambers are in Portland, Oregon. The author gratefully acknowledges the contribution of Jamey Harris, J.D. University of Virginia, 2005; B.A. University of Virginia, 1999. Without his superb efforts this article would not have been possible.

1. Ruth Barnes Moynihan, *Rebel for Rights: Abigail Scott Duniway* (New Haven: Yale University Press, 1983), 26–42; see generally Abigail Scott Duniway, *Path Breaking: An Autobiographical History of the Equal Suffrage Movement in Pacific Coast States* (Portland, OR: James, Kearns, and Abbott Co., 1914); see also Ruth Barnes Moynihan, "Of Women's Rights and Freedom: Abigail Scott Duniway," in *Women in Pacific Northwest History*, ed. Karen J. Blair, rev. ed. (1988; Seattle: University of Washington Press, 2001), 30–31; Jean M. Ward and Elaine A. Maveety, eds., *Yours for Liberty: Selections from Abigail Scott Duniway's Suffrage Newsletter* (Corvallis: Oregon State University Press, 2000), 8.

2. Moynihan, *Rebel for Rights*, 43–83.

rights for women.³ Determined and resourceful, she embarked on a path toward women's suffrage in Oregon—a struggle that would consume the next forty-two years of her life.

Oregon's battle for women's suffrage was, according to one historian, "most certainly the lengthiest" and "perhaps the most tenaciously fought" of the struggles in the western states.⁴ Six times—more than in any other state—suffragists placed the issue before the general public, and they achieved a narrow victory in 1912 only after defeats in 1884, 1900, 1906, 1908, and 1910.⁵ An early and influential leader in the fight for women's suffrage, Oregon achieved final victory only after women got the vote in nearly all of its neighboring states. The reasons for Oregon's long and difficult journey are complex: personality conflicts, family dynamics, strategic mistakes, and simple misfortune. But the overriding theme of Oregon's fascinating tale is the pioneer determination and grit of a people who, having traversed the geographic frontier, turned to the ideological frontier of equal rights for women.⁶

The "Still Hunt": 1870–1900

Duniway wasted no time after her epiphany in 1870. She quickly organized a state women's suffrage organization and traveled to San Francisco as the group's delegate to hear suffrage lectures.⁷ She brought Susan B. Anthony, the prominent national suffrage leader, to visit Oregon on behalf of the cause. For more than two months in late 1871, Anthony, Duniway, and several others conducted a lecture tour throughout Oregon and the greater Pacific Northwest.⁸ One notable member of that small group was Mary Beatty,

3. Ibid., 82; Duniway, *Path Breaking*, 39–40; Elinor Richey, "The Unsinkable Abigail: Woman Suffrage Comes to Oregon," *American Heritage* 26, no. 2 (Feb. 1975): 75.

4. Lauren Kessler, "A Siege of the Citadels: Search for a Public Forum for the Ideas of Oregon Woman Suffrage," *Oregon Historical Quarterly* 84, no. 2 (July 1983): 117.

5. Ibid.

6. Richey, "The Unsinkable Abigail," 73.

7. Moynihan, *Rebel for Rights*, 84–85; Ward and Maveety, *Yours for Liberty*, 22.

8. G. Thomas Edwards, *Sowing Good Seeds: The Northwest Suffrage Campaigns of Susan B. Anthony* (Portland: Oregon Historical Society Press, 1990), 3–153; Moynihan, *Rebel for Rights*, 92–95; Ward and Maveety, *Yours for Liberty*, 15; Rebecca J. Mead, *How the Vote Was Won: Woman Suffrage in the Western United States, 1868–1914* (New York: New York University Press, 2004), 26–28; Richey, "The Unsinkable Abigail," 86; Moynihan, "Of Women's Rights and Freedom," 34–35; G. Thomas Edwards, "Susan B. Anthony and the Struggle for Woman Suffrage in Oregon, 1871–1906," available at

an African American woman from Portland. Beatty, an important early activist, spoke at the first convention of the state's equal-suffrage organization and, along with Duniway and others, gained publicity for the cause by attempting to vote in the 1872 presidential election. Beatty and other women of color in Oregon played key roles in the women's suffrage movement in Oregon.⁹

In May 1871, Duniway began publishing a weekly journal entitled *The New Northwest*, the only equal-suffrage paper in the Pacific Northwest.¹⁰ Although the journal focused on women's rights, Duniway published a wide array of articles on the topics of the day. Few newspapers at the time turned a profit, but under Duniway's skillful guidance *The New Northwest* quickly gained popularity and subscribers. It was probably the only equal-suffrage paper to survive so long—nearly sixteen years—on its own earnings.¹¹ Regularly attending a lecture in Portland may have been, practically speaking, impossible for rural Oregonians; but many could find a few moments to read the weekly journal.¹²

Placing the issue of women's suffrage on the ballot was, itself, an ordeal. The Oregon Constitution provided that only male persons (who also met other qualifications) could vote, so achieving women's suffrage required a constitutional amendment.¹³ To present the public with a vote on a consti-

http://centuryofaction.org/index.php/main_site/Essays/susan_b._anthony_and_the_struggle_for_woman_suffrage_in_oregon_1871_1906.

9. Sophia Wellons, "Oregon's Colored Women's Equal Suffrage League and the 1912 Campaign," available at http://centuryofaction.org/index.php/main_site/document_project/oregons_colored_womens_equal_suffrage_league_and_the_1912_campaign; unattributed article available at http://centuryofaction.org/index.php/main_site/This_month/P30; see also Diedra Cates, "Chinese American Woman Suffrage in 1912 Portland," available at http://centuryofaction.org/index.php/main_site/document_project/chinese_american_woman_suffrage_in_1912_portland.

10. Ward and Maveety, *Yours for Liberty*, 13–17; Richey, "The Unsinkable Abigail," 75, 86–88; Kessler, "A Siege of the Citadels," 140–44; Mead, "Oregon Woman Suffrage in National Context," available at http://centuryofaction.org/index.php/main_site/Essays/oregon_woman_suffrage_in_national_context.

11. Richey, "The Unsinkable Abigail," 86; Kessler, "A Siege of the Citadels," 141; Lee Nash, "Abigail versus Harvey: Sibling Rivalry in the Oregon Campaign for Woman Suffrage," *Oregon Historical Quarterly* 98, no. 2 (July 1997): 144.

12. Mead, "Oregon Woman Suffrage in National Context"; Kessler, "A Siege of the Citadels," 118.

13. Or. Const. art. II, § 2 (1857).

tutional amendment, the legislature had to approve a measure in two successive sessions, which were held only every other year.¹⁴

Despite that substantial procedural hurdle, Duniway and other suffragists quietly persuaded legislators to present the suffrage question to voters in 1884 and again in 1900. Both votes failed. The 1884 vote was disastrous, garnering less than one-third yes votes.¹⁵ But the 1900 vote just missed: 48 percent of voters supported the measure.¹⁶

Several factors contributed to the defeats. First, the suffragists strongly differed on political strategy, and Duniway's personality was ill suited to the task of finding common ground. Indeed, she relished controversy, jealously guarded control over the local suffrage movement, and quickly alienated enemies and allies alike with her infamously acerbic tongue.¹⁷ Her "autocratic management style discouraged organizational expansion, alienated younger activists, and encouraged factionalism."¹⁸

Although suffragists differed on many aspects of political strategy, the issue of Prohibition drove the largest wedge.¹⁹ For many, the right to vote was a mechanism for improving society by effecting broad policy changes such as Prohibition. These supporters openly advocated suffrage in those terms: give us the vote and we will improve society by enacting Prohibition. Duniway and others rejected that approach. The disagreement stemmed in part from a genuine policy difference: Duniway was a lifelong teetotaler, but she bristled at the prospect of imposing that choice on others.²⁰ (Indeed, she spent the final years of her life campaigning against Prohibition.) For her,

14. Or. Const. art. XVII, § 1 (1857).

15. Ward and Maveety, *Yours for Liberty*, 25 (28,176 opposed and 11,223 in favor, less than 29 percent in favor).

16. Edwards, *Sowing Good Seeds*, 207 (28,402 opposed and 26,265 in favor).

17. Duniway's complex personality defies succinct description. On the one hand, "[p]robably no figure better exemplifies the most venerated qualities of western womanhood—hard-working, strong, and unshakably determined in the face of adversity" (Blair, *Women in Pacific Northwest History*, 26). At the same time, the literature is replete with examples and descriptions of the traits described in text. See, e.g., Mead, *How the Vote Was Won*, 28–29; Ward and Maveety, *Yours for Liberty*, 137–38; Jean M. Ward, "The Noble Representative Woman from Oregon: Dr. Mary Anna Cooke Thompson," *Oregon Historical Quarterly* 113, no. 3 (Oct. 2012): 416; Kimberly Jensen, "Neither Head nor Tail to the Campaign," *Oregon Historical Quarterly* 108, no. 3 (2007): 357.

18. Mead, *How the Vote Was Won*, 28–29.

19. Richey, "The Unsinkable Abigail," 87–89; Ward, "The Noble Representative Woman from Oregon," 415–16.

20. Ward and Maveety, *Yours for Liberty*, 17–20; Moynihan, "Of Women's Rights," 38.

salvation came through personal responsibility, not government control. The strategic disagreement also stemmed from Duniway's goals in achieving the vote: she sought the vote primarily as a mechanism to achieve equal social, political, and economic rights for women, not to promote tangential political causes.²¹ Finally, the disagreement was a pragmatic one: tying suffrage to Prohibition risked spurring opposition from powerful liquor interests. As Duniway colorfully put it, "[p]eople who are drunk on prohibition have no more sense than those who are drunk with whisky."²²

Another major cause of defeat was opposition by Harvey Scott, the editor of the state's leading newspaper, the *Oregonian*.²³ Although originally sympathetic to and even supportive of women's suffrage, his view shifted after the resounding defeat of the suffrage amendment in 1884.²⁴ Scott eventually became a "staunch and vocal opponent of woman suffrage," "almost certainly its most powerful opponent."²⁵ In the lead-up to the 1900 vote, his paper issued a twenty-day, fourteen-editorial attack on women's suffrage from nearly every imaginable angle.²⁶ The day before the election, Scott himself penned "a devastating 1,500-word editorial summation—his strongest and most comprehensive indictment ever of female suffrage."²⁷

Three themes of Scott's diatribe against women's suffrage merit description.²⁸ First, Scott emphasized what he viewed as natural differences between the sexes: "women as a rule are less deliberate than men"; women have "a strong disposition to overrate the curative powers of legislation" and to enact "meddlesome" laws; and "[i]n the last resort it is physical strength that rules the world, and it is in man, not in woman, that this last court of appeal resides." Second, in Scott's view, society assigned different spheres to the sexes, and governing belonged squarely in man's sphere. "Government is as clearly among the functions that belong to man as those of wife, mother and home-keeper belong to woman." A man's "life usually is more or less public, while that of the woman is and ever must be the home"; "woman is as little fitted for political as man is for domestic life." Third, Scott argued

21. Ward and Maveety, *Yours for Liberty*, 17–20; Moynihan, "Of Women's Rights," 38; Kessler, "A Siege of the Citadels," 131–32.

22. Ward and Maveety, *Yours for Liberty*, 20.

23. Ibid., 21–22; Nash, "Abigail versus Harvey," 135–53; see Moynihan, "Of Women's Rights,"

24. For an interesting analysis of the evolution of Scott's position on women's suffrage, see Nash, "Abigail versus Harvey," 147–61.

25. Lauren Kessler, "The Fight for Woman Suffrage and the Oregon Press," in Blair, *Women in Pacific Northwest History*, 50.

26. Nash, "Abigail versus Harvey," 139.

27. Ibid.

28. All quotations in this paragraph are from the *Oregonian* (June 3, 1900): 6.

that women did not require suffrage because their needs already were being met. "Nor can it be pretended that woman has any wrongs to be redressed through the suffrage." Scott asserted, for example, that the laws regarding married women's property and child custody favored women over men and that, in other matters, "the state treats them in all respects as citizens, giving them . . . every benefit which civil government can bestow." Scott's concluding sentence appealed to the virtues of both sexes in recognizing the correctness of his view: "womanly women see all this through their intuitions as clearly as manly men apprehend it through their judgment and reason."

The attack was deeply personal because Harvey Scott was Duniway's brother—biologically, at least. Afterwards, Duniway declared that, "until he makes reparation, he is no brother of mine."²⁹ She blamed her brother for the 1900 defeat, writing in a letter to her son, "We would have won triumphantly if the *Oregonian* had not stirred up the slum and slime of the city's purlieus, causing them to throw his bilge water on his own family from the ballot boxes of White Chapel district [overlapping the modern-day Pearl district in Portland]."³⁰ She later blamed Scott's opposition on sibling relations, stating that he would have supported women's suffrage "if I had not been his sister."³¹

A final salient factor in the defeats may have been Duniway's campaign style. She eschewed tactics aimed at attracting public attention and the attention of potential opponents, preferring instead to persuade influential leaders in private. She dubbed her approach the "still hunt," a sharp contrast to the vigorous public campaigns employed elsewhere, known at the time as "hurrah" campaigns.³²

Contemporaries and historians alike have criticized the "still hunt" approach. Anthony herself chided that the trouble with the still hunt is that one's opponents may engage in a yet "stiller hunt."³³ Stealth may work well when persuading the legislature, where a small number of influential people are the only ones casting votes,³⁴ but, critics have claimed, the tactic is ill-suited for a campaign aimed at the general public because it fails to mobi-

29. Ward and Maveety, *Yours for Liberty*, 22.

30. Nash, "Abigail versus Harvey," 140; see also Moynihan, *Rebel for Rights*, 208–10 (describing the fallout in more detail); Stating that the *Oregonian*'s editorials were "major causes of suffrage defeats" in all five of the losing contests.

31. Nash, "Abigail versus Harvey," 158 (quoting Duniway, *Path Breaking*, 31–32).

32. Edwards, *Sowing Good Seeds*, 204–6; Mead, *How the Vote Was Won*, 28–29, 98.

33. Edwards, *Sowing Good Seeds*, 206.

34. Mead, *How the Vote Was Won*, 28.

lize volunteers or to gather the necessary widespread support.³⁵ Thus, Duniway's "still hunt" approach has been blamed for the 1884 and 1900 defeats.

It is unclear whether those criticisms are fully warranted. The 1900 vote *nearly succeeded*, garnering 48 percent yes votes despite the campaign's internal strife and the fierce opposition by the *Oregonian*. Neither of Oregon's politically similar neighbors—Washington and California—would achieve suffrage for another decade. No matter the campaign style, the political climate in 1900 likely would not have permitted a victory; Duniway and her allies may have achieved as much as could have been expected. Regardless, the stage was now set for the next phase of Oregon's path to women's suffrage: the "hurrah" campaign of 1906.

The "Hurrah" Campaign of 1906

Two major events shaped the women's suffrage movement in Oregon in the early twentieth century. First, as part of a broader enactment of progressive democratic reforms, Oregonians amended the state constitution in 1902 to reserve to the people the powers of initiative and referendum. Now, instead of having to persuade successive legislatures to put a constitutional amendment on the ballot—a lengthy and challenging process—Oregonians could place an amendment on the ballot directly, by submitting a petition signed by a specified number of qualified voters.³⁶ Suffragists now had a powerful new tool.

Second, in 1905, Portland hosted the Lewis and Clark Exposition, which celebrated the centennial anniversary of the explorers' arrival in Oregon. The National American Woman Suffrage Association decided to hold its 1905 convention in Portland at the same time. National leaders in the women's suffrage movement, including eighty-five-year-old Susan B. Anthony, streamed into Portland, bringing prominent attention to the issue of women's suffrage.³⁷

To Duniway's dismay, many of the national leaders remained in Portland after the convention ended.³⁸ Duniway preferred local control over the campaign; as she saw it, Oregonians "love liberty," but they "do not like professional agitators."³⁹ This time, however, Duniway was outnumbered. Many suffragists were disappointed not only because Duniway's "still hunt" efforts had failed in 1900 but also because she had not used the initiative to bring

35. Ibid.

36. Or. Const. art. IV, §§ 1–4. This meant, of course, male voters.

37. See Edwards, *Sowing Good Seeds*, 212–41 (describing the convention in detail).

38. Mead, *How the Vote Was Won*, 103.

39. Edwards, *Sowing Good Seeds*, 204.

the issue of women's suffrage to a vote in 1904.⁴⁰ In late 1905, suffragists gathered enough male petition signatures to place the issue on the ballot for the 1906 election.⁴¹ Oregon's first "hurrah" campaign began in earnest.

Early supporters included the governor of Oregon and the mayor of Portland, and victory seemed almost assured.⁴² As the issue received much public attention, supporters and opponents aired a wide range of arguments.⁴³ Suffragists primarily advanced arguments founded on natural rights (women deserve the vote just as men do) and moral superiority (because women are morally superior, their votes will improve society.)⁴⁴ Opponents, who consisted largely of liquor interests and corporations, primarily argued that suffrage would hurt Oregon's economic development and welfare and that women should not get the vote because most women did not want the vote.⁴⁵ Although those same arguments had played out elsewhere, some of them had an Oregon-specific tinge. For example, in response to arguments that women were too delicate to cast votes, a Portland woman replied: "If the pioneer mothers could face all the terrors of the wilderness, their daughters need not faint away before a ballot box."⁴⁶

Occasionally, the arguments veered into territory that today seems absurd. Opponents asserted that the stress of being politically active would cause women to become stern-faced and unattractive. Rather than merely pointing out the ridiculousness of the argument, suffragists responded in kind, positing that a politically liberated woman is a happy and, therefore, an attractive woman. One newspaper seized on the exchange, declaring in a headline: "Ballot Beats Cold Cream."⁴⁷

The opposition, spurred both by the close vote in 1900 and by the publicity of the 1906 campaign, mounted a fierce defense of the status quo, spending many times more money than the suffragists could muster.⁴⁸ Disappointingly, but not surprisingly, the *Oregonian* remained opposed.⁴⁹ In the

40. Edwards, "Susan B. Anthony and the Struggle for Woman Suffrage in Oregon."

41. Edwards, *Sowing Good Seeds*, 246.

42. *Ibid.*, 242.

43. The text describes only a few prominent arguments. Other authors have explored this topic in much greater detail. See, e.g., Kessler, "A Siege of the Citadels," 118–49; Kessler, "The Fight for Woman Suffrage," in Blair, *Women in Pacific Northwest History*, 43–55.

44. Edwards, *Sowing Good Seeds*, 266–68.

45. *Ibid.*, 275–76; see also Nash, "Abigail versus Harvey," 152 (quoting at length from Scott's 1900 editorial opposing women's suffrage).

46. Edwards, *Sowing Good Seeds*, 267.

47. *Ibid.*, 276.

48. *Ibid.*, 289.

49. Nash, "Abigail versus Harvey," 152–53.

end, the 1906 vote failed. This time, only 44 percent of Oregonians voted yes, and demoralized national leaders retreated.⁵⁰ A furious Duniway declared that “[w]e would have won beyond a reasonable doubt if they had remained away.”⁵¹ As with the earlier elections, political strategy likely is not responsible for the 1906 defeat. One historian explained that, in 1906, “Oregon well deserved its reputation as being one of the most progressive states, but it was not yet ready to enact an equal suffrage law.”⁵²

Duniway reclaimed control of the movement, but she had alienated many national and local leaders.⁵³ For the 1908 and 1910 campaigns, she re-instituted her favored “still hunt” campaign style.⁵⁴ Whatever merits a stealth campaign had had in earlier years, it was hard to justify the tactic after a thoroughly public campaign had awakened the opposition. Predictably, the results were abysmal: the 1908 initiative received a smaller percentage of votes (39 percent) than the 1906 initiative had; and the 1910 initiative, which sought the ballot for female taxpayers only, received a smaller percentage still (37 percent).⁵⁵ Women’s suffrage appeared unlikely for Oregon unless circumstances changed dramatically.

Victory at Last in 1912

Several events changed the landscape for Oregon’s sixth and final vote on women’s suffrage. Oddly enough, those events began not in Oregon but next door. In 1910, Washington passed women’s suffrage by a resounding margin, with nearly twice as many yes votes as no votes.⁵⁶ The next year, California also gave women the ballot.⁵⁷ By Oregon’s 1912 campaign, then, the state was nearly surrounded by voting women.⁵⁸ The geography lent an air of

50. See “Timeline: Significant Events in the History of Oregon Women and Citizenship,” *Oregon Historical Quarterly* 113, no. 3 (fall 2012): 501 (compiled by Kimberly Jensen); also available at http://centuryofaction.org/index.php/main_site/pages/timeline (47,074 opposed and 36,902 in favor).

51. Edwards, *Sowing Good Seeds*, 293.

52. *Ibid.*, 298.

53. Jensen, “Neither Head nor Tail,” 356–58; Ward, “The Noble Representative Woman from Oregon,” 415–16.

54. Edwards, *Sowing Good Seeds*, 300.

55. Jensen, “Neither Head nor Tail,” 358. In 1908, the tally was 58,670 opposed and 36,858 in favor; in 1910, the tally was 59,065 opposed and 35,270 in favor. “Timeline: Significant Events.”

56. Edwards, *Sowing Good Seeds*, 301.

57. Jensen, “Neither Head nor Tail,” 350.

58. Idaho had passed women’s suffrage in 1896. Jensen, “Neither Head nor Tail,” 350. The only bordering state without women’s suffrage was Neva-

inevitability to Oregon's pursuit of women's suffrage, with suffragists emphasizing the symbolism of Oregon's suddenly outlier status. In one clever slide show, a dejected and lonely Oregon man contrasted with happy couples in neighboring states.⁵⁹ The achievement of the vote in neighboring states also deflated some of the opponents' arguments. It is hard to argue about the infeasibility or harmful consequences of something in the abstract when your neighbors are already doing it. (Oh, and women in Washington and California did not suddenly become ugly.)

Meanwhile, back in Oregon, the prominent siblings on both sides of the campaign were to play nearly no role in 1912. Scott had died in 1910, and his newspaper's powerful opposition to women's suffrage did not survive him.⁶⁰ Departing sharply from its past practice, the *Oregonian* endorsed women's suffrage in 1912.⁶¹ Duniway took ill and was bedridden for most of the 1912 campaign.⁶²

Local leaders such as Esther Pohl Lovejoy, who had been active in the 1906 campaign, rose to the occasion.⁶³ Once again, suffragists launched a "hurrah" campaign, with many forms of public outreach. Freed from Duniway's control, "they even held a parade."⁶⁴ Rather than being dominated either by Duniway or out-of-state leaders, the 1912 campaign had a decidedly grassroots feel. Although the national leader Anna Howard Shaw toured the state—with visits to venues ranging from the Pendleton Round-Up and the Hotel Portland to university campuses in Corvallis, Eugene, and elsewhere—neither she nor anyone else controlled the campaign.⁶⁵ As one historian characterized it, the campaign had "neither head nor tail."⁶⁶ Instead, dozens of independent women's suffragist organizations blossomed, representing a wide range of groups, including the Business Woman's Suffrage League, Oregon Junior Booster Club, Stenographers Equal Suffrage League,

da, which would grant women the right to vote two years after Oregon, in 1914. Nevada Suffrage Timeline (compiled by Dana R. Bennett and Mona Reno), available at <https://suffrage100nv.org/about/suffrage-timeline/>.

59. Jensen, "Neither Head nor Tail," 372.

60. Nash, "Abigail versus Harvey," 142.

61. Ibid., 153.

62. Jensen, "Neither Head nor Tail," 363; Kessler, "The Fight for Woman Suffrage," in *Women in Pacific Northwest History*, 47.

63. Jensen, "Neither Head nor Tail," 352–58, 368–69; Kimberly Jensen, "Esther Clayson Pohl Lovejoy, M.D. (1869–1967): Advocate for Women's Votes, Full Citizenship, and Civic Health," available at http://centuryofaction.org/index.php/main_site/Essays/esther_clayson_pohl_lovejoy_m.d._18691967.

64. Mead, *How the Vote Was Won*, 118.

65. Jensen, "Neither Head nor Tail," 370–71.

66. Ibid., 374.

and the Quaker Equal Suffrage Society of Portland.⁶⁷ Building off earlier efforts, Oregon's women of color also took an active role, forming important suffrage groups such as the Chinese American Equal Suffrage Society and the Colored Women's Equal Suffrage League.⁶⁸ Near the end of the campaign, Pohl Lovejoy cleverly organized an unusually inclusive new group, Everybody's Equal Suffrage League, which quickly grew to more than six hundred members.⁶⁹

Unlike on previous election nights, Duniway did not stay up late to hear the 1912 results.⁷⁰ Instead, she retired to bed, promising with her typical pioneer determination to put the issue on the ballot in 1914 if the votes fell short once again.⁷¹ Fortunately for her and for Oregon, the 1912 measure passed.⁷² The second arduous journey of her life was now complete. Rightly lauded as a hero, Duniway was honored in 1913 by being the first woman in Multnomah County to register to vote.⁷³ Seventy-eight years old and two years away from her death, she rejected the registrar's suggestion that she list her occupation as "retired"; instead, she responded: "I am still working to the best of my ability to help bring equal suffrage to every part of the United States."⁷⁴

67. Ibid., 362.

68. Ibid., 362, 365–67.

69. Ibid., 368; see also Zachary Jones, "Uniquely Oregonian: Everybody's Equal Suffrage League in 1912," available at http://centuryofaction.org/index.php/main_site/document_project/uniquely_oregonian_everybodys_equal_suffrage_league_in_1912.

70. Richey, "The Unsinkable Abigail," 89.

71. Ibid.

72. The final tally was 61,265 in favor and 57,104 opposed. "Timeline: Significant Events." The measure guaranteed the right to vote for all citizens—an important achievement but an incomplete one. Discriminatory citizenship laws remained on the books, preventing many women (and men) from voting. As the state senate noted in a resolution commemorating the centennial, "the voting status of some Native American women and first-generation Asian American women [were] unchanged by the 1912 amendment." S. Con. Res. 204, 76th Leg. Assemb., (Or. 2012); see also Kimberly Jensen, "Woman Suffrage in Oregon," available at http://centuryofaction.org/index.php/main_site/Essays/woman_suffrage_in_oregon.

73. Ward and Maveety, *Yours for Liberty*, 27.

74. Moynihan, *Rebel for Rights*, 216.





*Gayle Gullett, PhD**

Winning California: The 1911 Suffrage Victory

Like suffragists in other states, California women faced two key political challenges to winning the vote: first, persuading the state legislature in 1911 to amend the state constitution in favor of women's enfranchisement by submitting a suffrage referendum to the male electorate; and second, convincing male voters—especially, in the case of California, white working-class men—to vote for women's suffrage. Two branches of the state suffrage movement—one, white middle-class clubwomen, and the other, white working-class labor activists—addressed these challenges. Affluent clubwomen helped build the state's Progressive Republican Party, and when Progressives gained control of the state government, the women used their political clout to push them to place women's suffrage on the ballot. Working-class women organized their own suffrage groups and vowed to working men that they would vote for organized labor. In both cases, suffragists achieved victory because they made direct appeals to their constituent groups.

California women had waged and lost a campaign for the vote in 1896; afterwards, suffragists discussed the best means to increase the number of women who supported enfranchisement. A San Francisco suffrage club of prosperous white women, the Political Equality League (PEL), for example, decided that the best means to persuade women to become suffragists was to involve them in women's clubs that participated in civic reforms. Suffragists, having watched such clubs develop in the late nineteenth century, believed that as women created a public life that improved the city, they adopted an expanded view of women's rights and abilities in the political

* Dr. Gayle Gullett (Escobar) is professor emeritus of history at Arizona State University. She has written extensively on the role of women in society. Her book "Becoming Citizens: The Emergence and Development of the California Women's Movement, 1880–1911" chronicles the efforts of women to emerge as full participants in the public and political life of California. She holds a PhD in history from the University of California Riverside.

arena. Suffragists trusted that clubwomen would soon demand the vote and, putting their newly acquired political skills to work, help win it.¹

The PEL therefore changed from a suffrage organization into a women's civic club, the California Club. Initially it did not overtly support suffrage, fearing that such support would sharply limit membership. The California Club engaged in numerous municipal reforms, such as saving the city's Telegraph Hill from destruction. By 1898, the popular club boasted four hundred members, one of the largest in the state. At the same time, other women's civic clubs were flourishing throughout the state.²

The California Club also illustrates the process by which men became civic partners with women, a step that marked men's changing perceptions of women's place in politics. The California Club's "City Beautiful" projects, such as saving the Calaveras Grove, a stand of magnificent redwoods, facilitated the club's incorporation into San Francisco's male civic coalition. Both elite men and women supported City Beautiful reforms because they believed beautiful environments made people better citizens as well as boosted city growth. Influential male organizations—from the chamber of commerce to the Bohemian Club—supported the women's efforts to save the redwoods for their solemn beauty and tourist dollars. Their supporters included the anti-suffragist mayor James Duval Phelan, who was working to render San Francisco a site of imposing public spaces. In 1904, when Phelan became president of the newly created Association for the Improvement and Adornment of San Francisco, the California Club was a member.³

Within a few years, elite San Francisco clubwomen were offering crucial political support to the city's good government movement, whose male members presented themselves—and were seen by the clubwomen—as moral crusaders battling the inherent graft of San Francisco machine politics. Workers, as we shall see below, believed good government reformers were hostile to organized labor. Indeed, in the scenario concocted by good government reformers, public utility corporations and organized vice bribed union political bosses for illegal favors. Good government reformers perceived their fight against machine politics as a morality play; the heroes were the white, middle-class, nonpartisan men who unselfishly slayed the class evils of corrupt wealth and depraved labor. "Anti-machine" became a rallying cry for middle-class reform, which presented itself as a classless moral reform that benefited all.⁴

The reformers' anti-graft crusade achieved early success but soon faced daunting problems. The good government men scored a significant victory

1. Gayle Gullett, *Becoming Citizens: The Emergence and Development of the California Women's Movement* (Urbana: University of Illinois Press, 2000), 106, 133–37, 168.

2. Ibid.

3. Ibid., 130–37.

4. Ibid., 151–53.

in 1906 when a grand jury indicted the Union Labor Party's (ULP) city administration for bribery. Labor activists had created the ULP in 1901 in response to a violent waterfront strike in which Mayor Phelan permitted city police to aid strikebreakers. The ULP soon devolved into a party like all others except in one respect: it insisted that police remain neutral during strikes. This dramatically decreased labor violence and won the votes of the city's workers, a significant gain given that San Francisco was one of the nation's most unionized cities. When the graft trials of ULP officials were held, the comfortable classes applauded them, pleased to see the labor party under attack. But when the trials began prosecuting upper-class corporate leaders for offering bribes, support for the trials evaporated. Their popularity sank dramatically. The reformers worried that the combined enmity of business and labor would defeat good government candidates in the city's next election.⁵

To increase support, good government reformers organized the Citizens' League of Justice, presenting the trials as a moral position that all good men must support. At this vulnerable moment, the men of the Citizens' League created a Woman's Branch, an auxiliary with little power. The men, worried that the trials were packed by "paid thugs," wanted the women to attend the trials. No doubt the men also believed that white genteel women would reinforce the reformers' moral claims and its associated understanding of morality in class terms. The men were well acquainted with the nonpartisan political skills these women exercised in civic reforms. They also knew that in 1907, clubwomen had campaigned for the good government mayoral candidate, actions that some male reformers found deeply inappropriate.⁶

Dramatic courtroom events would help propel women out of auxiliary status and into the Citizens' League as equal members. In November 1908, the courtroom shooting of prosecutor Francis Heney by a prospective juror whom he had exposed as a former convict galvanized support for reform. The Woman's Branch organized a women's mass meeting, which was attended by over a thousand, and very quickly the membership of the Woman's Branch reached two thousand. After the women's mass meeting, the Citizens' League began transforming itself into the National League of Justice, which accepted women as full members with equal voting rights.⁷

Supported by male members of the National League, these women next moved into partisan politics. Women took this step when, once again, the reformers faced a crisis. While Heney recovered from his gunshot wound, the graft trials were becoming increasingly unpopular. Male reformers want-

5. Ibid., 156. 175–76; Fred B. Glass, *From Mission to Microchip: A History of the California Labor Movement* (Oakland: University of California Press, 2016), 154, 157–58.

6. Gullett, *Becoming Citizens*, 154–56.

7. Ibid., 157–58.

ed to elect Heney as city district attorney to ensure the prosecutions would continue. Two thousand women from the League transformed themselves into the Women's Heney Club. They campaigned for him by holding mass meetings and home meetings. Male members of the League enthusiastically supported the women's political activism, in marked contrast to their reluctance to see women campaign in the mayoral election two years earlier. By 1910, San Francisco women had provided crucial political support to male reformers several times, culminating with the entrance of women into electoral politics. Men and women were now reform partners, and both could see many advantages in, indeed, the obligation of, male support for women's suffrage.⁸

Los Angeles clubwomen also entered politics and became partners with their city's good-government movement, in much the same way as San Francisco women did. They, too, organized City Beautiful events that the chamber of commerce supported. A male good government movement won several city offices in 1906 even though they opposed Republicans, Democrats, and Socialist-Labor. By 1909, insurgents, however, were in a perilous position. That spring, a corrupt city mayor was forced to resign, and in the special election to replace him, the good-government candidate, George Alexander, barely defeated the Socialist-Labor candidate, Fred Wheeler. The regular election would be held in the fall. Conservative Republicans furiously charged that the insurgents' party defection nearly allowed the Socialists to win, a plausible threat that equally troubled the middle-class reformers.⁹

At this critical moment, male reformers rediscovered the importance of women's suffrage. In 1907, when good government reformers created their state organization, the League of Lincoln-Roosevelt Republican Clubs (also known as the Lincoln-Roosevelt League), they endorsed women's suffrage. However, they were merely paying lip service to the idea. Two years later, Meyer Lissner, a prominent leader of Los Angeles reformers, renewed their pledge, albeit weakly, to enfranchise women. Women should win the ballot themselves, he patronized, because men were "too busy with the distinctly masculine concerns of government." Fortunately for the men, the women chose to aid their masculine concerns. Four days before the election, the Los Angeles PEL held a rally that linked the aspirations of good government reform to women's suffrage. The reformers won the election in a clean sweep. The role of women in this victory convinced male reformers to see them as essential allies. Ella Giles Ruddy, president of the PEL, wrote to another suffragist, "The men we wanted to vote for (but couldn't) telephone us now thanking us for [our] help." By 1909, suffragists throughout California commonly declared that both the Lincoln-Roosevelt League and the suffrage movement were forces for "civic righteousness." Reformers, women

8. Ibid., 163–64.

9. Ibid., 137–39, 160–61.

and men, increasingly believed that civic righteousness required women's suffrage.¹⁰

The insurgents, or Progressive Republicans, as they began to call themselves, won a series of victories in 1910 that placed their gubernatorial candidate, Hiram Johnson, in office and their party in charge of state government. The reformers had promised to support suffrage, but putting it on the ballot was not a *fait accompli*. Male reformers were divided. Many in Northern California, including Hiram Johnson, were deeply uncomfortable with enfranchising women. On the other hand, all the Progressive legislators from Southern California supported suffrage. Given that all nine Southern California counties voted for Johnson, while almost half of the Northern counties did not, the positive correlation between voting for Progressives and suffrage is striking.¹¹

Task One: Gaining Access to the Ballot¹²

To ensure that the California legislature put suffrage on the ballot, John Braly, a wealthy retired banker, declared himself president of the Los Angeles PEL and remade the league into the male suffrage arm of Progressive Republicans. According to political scientist Corrine McConnaughy, parties that controlled state legislatures supported women's suffrage if enough male members of the party—who belonged to a vital party constituency—endorsed votes for women. Men of the Los Angeles PEL, like the party's leadership, were described as "representative and influential men" who were "bankers, judges, educators, ministers and doctors." To remind legislators of the importance of winning suffrage, the league invited them (and three hundred other elites) to a lavish banquet in December—after the election and before the legislature convened.¹³

10. Ibid., 161–63, 173.

11. George E. Mowry, *The California Progressives* (Chicago: Quadrangle Books, 1951), 85, 133; Gullett, *Becoming Citizens*, 173–75.

12. Prior to the passage of Proposition 7, which created California Constitutional Amendment 22 (Special Election 1911), the California Legislature had the sole authority to refer a proposed constitutional amendment to the ballot for voter approval. After passage of Proposition 7, Article XVIII, Sec. 1,4 of the California Constitution gives voters direct access to the ballot, once valid signature requirements are met, for proposed constitutional amendments. John M. Allswang, *The Initiative and Referendum in California, 1898–1998* (Redwood City, CA: Stanford University Press, 2000), 14–17.

13. Why Braly claimed the presidency of the PEL, which continued with Ella Ruddy as president, is unclear. Gullett, *Becoming Citizens*, 182–83; Corrine M. McConnaughy, *The Woman Suffrage Movement in America: A Reassessment* (New York: Cambridge University Press, 2013), 9–12, 37, 41, 138. Politicians, according to McConnaughy, believed women wouldn't vote as a bloc

When Progressives were deciding whether to support suffrage, women reminded them that good government women had provided essential—perhaps indispensable—political support for the reformers from their early days of anti-machine activism to the present. Lissner wrote Johnson, “Why not support women’s suffrage? They’re anti-machine.” Suffragists, as Professor McConaughy similarly notes, were most likely to win the support of male party members if they could prove their political value to them.¹⁴

When suffragists made their presentation to the legislature, they included women who embodied their vital contributions to Progressive Republicans. Elizabeth Gerberding, clubwoman and widow of a prominent San Francisco entrepreneur, served as president of the Woman’s Branch of the Citizens’ League of Justice before becoming president of the Women’s Heney Club. Josefa Tolhurst, clubwoman, stood at the forefront of women’s progressive activism in Los Angeles, including officiating at Braly’s lavish December banquet. Lillian Harris Coffin, a former opera singer married to a San Francisco businessman, vigorously sought to persuade the 1909 state suffrage convention to endorse Heney. She explicitly stated that the Progressives were likely to take over state government in 1910 and would repay their debt by endorsing suffrage. Suffragists declined to make such a partisan act, preferring to preserve their broad coalition. Indeed, suffragists at the 1911 legislative session chose seven white women to represent their movement, including two from labor. But most of the legislators apparently agreed with Tolhurst, who informed them that suffragists stood “for the ideas which have brought about insurgency, in line with the progressive and the patriotic.”¹⁵

Task Two: Gaining the Vote

Having secured ballot access, suffragists turned to winning male votes. San Francisco suffragists were very aware that suffrage lost in 1896 because it lost in their city. They additionally believed that victory rested on gaining more working-class votes. Years earlier, in 1906, city mainstream suffragists had taken steps that they believed would help win the votes of working men, establishing the Equal Suffrage League, a cross-class organization. Members included Louise LaRue, founding member of the city’s waitress’s union, and Maud Younger, elite settlement worker and member of the waitress’s union. But in 1907 the union women quit the league in anger during a violent streetcar strike that left more than thirty people dead. The city’s labor movement, including women unionists, boycotted the streetcars. Middle-

for their party and therefore refused to support the ballot in return for potential new voters.

14. Gullett, *Becoming Citizens*, 175; McConaughy, *Woman Suffrage*, 12.

15. Gullett, *Becoming Citizens*, 157, 164, 166–67, 172–73, 181, 182–83, 195–96, 199–200.

class members of the Equal Suffrage League refused to do so. As unionist LaRue announced, "We had to pull out." A year later, women labor activists created a separate suffrage organization for women union members, the San Francisco Wage Earners Suffrage League (WESL). They did so five days after clubwomen, organized as the Woman's Branch of the Citizens' League of Justice, began attending the graft trials.¹⁶

Los Angeles suffragists, also seeking to persuade working men to vote for suffrage, experienced class tensions and divisions but not the bitter public upheavals that occurred in San Francisco. Southern California women built a more harmonious movement, one that from its beginnings in the late nineteenth century included a significant number of women on the left. Socialist women were an influential part of the city's Socialist-Labor coalition as well as a longtime force within the women's movement. Frances Nacke Noel, suffragist, socialist, and labor union activist, was a leading force in the creation of the Los Angeles WESL. The Los Angeles WESL and the city's largest mainstream suffrage organization, the PEL, developed relations both close and antagonistic. The PEL helped fund the WESL, and speakers from both groups frequently spoke together.¹⁷

Yet, some actions of the PEL demonstrated antagonistic class relations. In 1909, Ella Ruddy, clubwoman president of PEL, swung its power to elect the good government mayoral candidate, defeating the Socialist-Labor candidate. A year later, John Braly, PEL president, praised Los Angeles good government leaders at the state suffrage convention. J. Stitt Wilson, Socialist candidate for governor, criticized Braly for backing an administration that supported a draconian anti-picketing ordinance. According to press reports, "chaos" ensued at the suffrage convention—women were hissing, cheering, and booing—before being silenced by suffrage leadership.¹⁸

The suffragists' strong reaction to Braly's and Wilson's charges came at a momentous point in Los Angeles history as it participated in unprecedented labor strife. The good government mayor George Alexander signed an anti-picketing ordinance so severe that it prohibited free speech and the right of assembly. Hundreds of strikers were thrown in jail; few were convicted. On an early October morning, the Los Angeles Times Building was dynamited, killing twenty-one men and wounding others. Harrison Gray Otis of the *Los Angeles Times*, a champion of anti-labor forces, blamed labor for the bombing, but labor denied responsibility. This was the city environment on the day, October 1, 1910, when Braly praised the good government admin-

16. Ibid., 175–9; Glass, *From Mission to Microchip*, 155–60; Sherry J. Katz, "Dual Commitments: Feminism, Socialism, and Women's Political Activism in California, 1890–1920" (PhD diss., University of California at Los Angeles, 1991), 293.

17. Gullett, *Becoming Citizens*, 162–63, 179, 182–83; Katz, "Dual Commitments," 272–74, 276, 283, 287, 289, 291–95.

18. Ibid.

istration. A year later, men from the working-class districts of Los Angeles would provide the crucial votes to pass women's suffrage.¹⁹

While many factors explain the 1911 victory, a critical issue was the rise of suffrage votes from working-class districts. Elections are complicated. The increase in working-class votes was due to many influences, from heated class relations to the increasing numbers of working-class women who entered paid employment and the smaller but significant numbers who joined unions. In addition, given that working women in both cities controlled their suffrage campaigns for the first time, their campaigning doubtless had a momentous impact. The dominant message of the two WESLs was the same: working-class women would vote for organized labor. The Los Angeles WESL highlighted its militancy with radical tactics, such as the suffragists' first open-air meetings, which defied city ordinances on public speech. Suffragists on the left were thorough, with the Los Angeles Socialist Suffrage Club campaigning door-to-door. In San Francisco, the WESL used different tactics. Activists mostly asked male union representatives to endorse suffrage. The women emphasized, "We are your own women.... Every member of our league is a union woman." Over seventy Bay Area unions pledged to support suffrage. The San Francisco women could also point to their support for labor mayoral candidates in 1907 and 1909, in direct opposition to the good government women.²⁰

The statewide vote for women's enfranchisement was quite close. Out of 246,487 votes, suffrage passed by 3,587 votes, or a margin of 1.455 percent. As in the 1896 election, suffrage passed in Los Angeles and most rural counties and lost in San Francisco. But the 1911 differences explain the victory. In Los Angeles, the Socialist-Labor coalition claimed they produced the winning votes, and most observers then and now agree. The working-class precincts delivered the highest percentages, and the precinct of the Labor Temple, surrounded by homes of unionized workers, voted two-to-one for suffrage. But in wealthy districts and the poorest, suffrage failed. Suffrage lost in San Francisco; it was defeated in every assembly district. But suffrage wasn't defeated by the same percentages in the districts. Working-class districts voted a higher percentage than other districts. Finally, working districts increased their yes votes from the 1896 election more than the other districts. Class, it turned out, mattered.²¹

California suffragists won the vote in large part because different sections of the movement, divided by class, successfully appealed to their

19. Gullett, *Becoming Citizens*, 192–93; Glass, *From Mission to Microchip*, 181–83.

20. Gullett, *Becoming Citizens*, 184; Katz, "Dual Commitments," 289–95; Glass, *From Mission to Microchip*, 166; Eileen V. Wallis, *Earning Power: Women and Work in Los Angeles 1880–1930* (Reno: University of Nevada Press, 2010), 89.

21. Gullett, *Becoming Citizens*, 191–92; Katz, "Dual Commitments," 297–98; Glass, *From Mission to Microchip*, 167.

class-based constituent groups to overcome two major political barriers. Suffragist clubwomen, through their political skills, persuaded the Progressive Republican legislators to put suffrage on the 1911 ballot. Women labor activists, using their skills, convinced working-class men to vote yes for suffrage, which they did in higher numbers than any other class. In each case, women made their appeals for support based on shared class interest. On the other hand, women across the suffrage movement proclaimed their belief in the value of unity. More important, they acted together relatively efficiently, organizing themselves into a wide umbrella that sheltered a diverse collection of white women's organizations. They had the ability to act independently and call upon each other for support. They called for the vote for all women, who provided valuable services to society—services that were stunted by their lack of citizenship—and for each individual woman, who had the right to speak for herself.



Francis Munds



By Heidi J. Osselaer*

Arizona's Woman Suffrage Movement

On February 12, 1920, Arizona governor Thomas Campbell called a special session of the legislature, asking members to consider a resolution to ratify the Susan B. Anthony Nineteenth Amendment to the U.S. Constitution.¹ The matter was dispensed with quickly by unanimous vote in both houses, and the next day, the resolution was signed by the governor. Newspaper editorials lauded this “act of justice which has been too long delayed” for the women of the United States, but equal suffrage had been “too long delayed” in Arizona as well. While the state’s male politicians were effusive about the transformations women had encouraged in the eight years since obtaining the ballot, their plaudits rang hollow with the suffragists who had spent years trying to persuade many of those same men to extend the franchise.²

The suffrage battle in Arizona was long and bitterly fought. A prominent lawyer and member of the legislature, Latter-day Saint Murat Master-son sponsored the first women’s suffrage bill in the territorial legislature in 1883, but opponents of the measure declared it “would degrade women from their proper sphere” and swiftly defeated it. During subsequent sessions, the issue was debated and rejected with regularity, but women were granted other rights. For instance, women could vote in school elections, a married

* Dr. Heidi J. Osselaer is the author of “*Winning Their Place: Arizona Women in Politics, 1883–1950*” (Tucson: University of Arizona Press, 2009) from which this article is adapted. She holds a PhD from Arizona State University. Her recent book, *Arizona’s Deadliest Gunfight: Draft Resistance and Tragedy at the Power Cabin, 1918* (2018), will be reviewed in a forthcoming issue of *Western Legal History*.

1. “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.” (Ratified Aug. 18, 1920).

2. *Arizona Republican*, Feb. 13, 1920.

woman could separate her own property from her husband's holdings, and the divorce laws of the day allowed women to leave bad marriages. But politicians drew the line with equal suffrage. Democrats who had the support of two-thirds of the registered voters worried that their dominance would be threatened by independent female voters.³

The first formal Arizona suffrage movement was founded in 1891 by schoolteacher and temperance advocate Josephine Brawley Hughes of Tucson, who spent years working with the Woman's Christian Temperance Union (WCTU) to curb alcohol consumption in the territory. Frances Willard, president of the WCTU, toured Arizona with Hughes in 1885, and while they established several local chapters and persuaded legislators to ban alcohol sales on Sundays and Election Day, further progress was stymied by reluctant politicians. Realizing that "women could not wage effective battles for reform without political recourse," Hughes launched the suffrage movement.⁴ In the early 1900s, Pauline O' Neill and Frances Willard Munds assumed leadership of the movement. Like Hughes, both women were schoolteachers and advocates of progressive reforms, especially temperance, but they ignored the National American Woman Suffrage Association's admonition to focus on educating the public and avoid partisanship.

In 1903 Munds and O'Neill persuaded Democrats in both territorial houses to tie up all pending legislation until a suffrage bill was passed. Then the measure was sent to Governor Alexander Brodie, a Republican appointee who, although he had assured suffrage leaders "he would not go against the wishes of a majority of the legislature," immediately vetoed the bill. Citing the Organic Act, which governed the territory, Brodie argued women's suffrage was "beyond the constitutional limitations" of a territorial legislature. Outraged women's leaders disagreed, pointing out that both Wyoming and Utah territories had granted women the vote. O'Neill and Munds quickly organized members to overturn the veto, and while the upper house voted to override, numerous lower house members reversed their position. Women jamming the house gallery hissed as the nay votes piled up and the governor's veto was sustained. Dismayed by Brodie's treachery, Munds told her confidants, "We were so vexed with him we almost felt like doing him violence. Just to think that after all our hard work to have an old fool, a federal appointee, sit up there and undo it all." The Brodie veto convinced her that federal officials would not budge on the issue, and the movement went into

3. *Arizona Daily Star*, Feb. 21, 1883; Heidi J. Osselaer, *Wining Their Place: Arizona Women in Politics, 1883–1950* (Tucson: University of Arizona Press, 2009), 4.

4. Aimee De Potter Lykes, "Phoenix Women in the Development of Public Policy: Territorial Beginnings," in *Phoenix in the Twentieth Century: Essays in Community History*, ed. G. Wesley Johnson Jr. (Norman: University of Oklahoma Press, 1993), 34.

hibernation until 1909, when Congress passed enabling legislation to finally grant Arizona statehood.⁵

As delegates were chosen to write the state's constitution, political elites told Munds and O'Neill that they feared backlash from mining corporations, the saloon industry, and male voters if they included women's suffrage in the new constitution. The suffragists, however, were convinced the political climate was changing. Their work with women's clubs assured them that progressive reforms were gaining traction among an electorate long deprived of clout by the territorial system. They argued that prohibition of liquor, prostitution, and gaming, and passage of women's suffrage would help shed Arizona's Wild West image that had delayed statehood for so long. And after years of enduring federal appointees who favored corporate mining interests over the average worker, they believed that Arizona's male electorate was primed for radical change. Union leaders were demanding labor law reform—an eight-hour day and the right to organize—as well as the initiative, referendum, and recall of judges in the new constitution. The suffragists understood the moment was rife with opportunity.⁶

They cultivated a partnership with the insurgent labor movement. In a territory where mining corporations wielded tremendous influence over politics, mine workers felt they were waging an uphill battle agitating for better pay and safer working conditions. Suffragists presented themselves as underdogs as well, natural allies of labor who would join their fight. Union leader Joseph Cannon quickly embraced the movement, telling fellow workers, "the ballot for women is not desired as a means of diversion but as a weapon by which they can obtain better conditions in industry and greater opportunities for the home."⁷

Labor leaders and suffragists understood that Arizona women on average were much more likely to be in the workforce than women in other states. The economy was one of the poorest in the nation, and rates of divorce and widowhood were high, leaving many women as the primary wage earner in the family. Even married women often worked outside the home—nationally in 1900 only 15 percent of female workers were married, while in

5. Osselaer, *Winning Their Place*, 9–12, 15–16, 27; Frances Willard Munds, "Report for the National Suffrage Convention, 1910," Women's Suffrage Collection, Arizona State Library and Public Records (ASLAPR); *Arizona Republican*, Mar. 20, 21, 1903; *Woman's Journal*, May 9, 1903; Frances Willard to Mary Colista Willard Scott, March 27, 1903, privately held by Spencer Leister, courtesy of Karen Willard; Ida Usted Harper, ed. *History of Woman Suffrage*, vol. 6, (Salem, NH: Ayer Co., 1906), 11.

6. *Progressive Weekly*, Feb. 15, 1913; David R. Berman, *Reformers, Corporations, and the Electorate: An Analysis of Arizona's Age of Reform* (Louisville: University Press of Colorado, 1992), 75.

7. *Arizona Republican*, Oct. 19, 1912.

Arizona married women constituted 43 percent of the female labor force.⁸ Suffrage leader Frances Munds herself continued to teach school after her marriage and the birth of her first child to help her family make ends meet, and she chafed at the prevailing notion that women should remain confined to the domestic sphere, stating, "When I think of the narrow limits of the so called 'woman's sphere' my blood boils to think of the opprobrium she meets when she dares to step over the limit."⁹

Labor leaders, dissatisfied with the Democratic party's failure to absorb their demands in its platform, created their own party to elect delegates to the constitutional convention slated for the fall of 1910. Munds saw her opening and, ignoring NAWSA's advice to remain nonpartisan, visited the Labor party's nominating convention and convinced delegates that women voters would support liberal labor laws as well as the inclusion of direct democracy measures in the new state constitution if the Labor party supported an equal suffrage plank. The Western Federation of Miners' official publication outlined its reason for supporting suffrage, arguing "no democracy can be truly such when any portion of its moral membership is denied the right to participate in it is governmental affairs."¹⁰ While Labor backed suffrage for Anglo women, it sought to disenfranchise Mexican-American voters by supporting a 1909 measure that allowed a literacy test for voting. Munds was convinced by NAWSA workers, who had worked in the South to limit African-American voting, that disenfranchising "the ignorant vote" was an effective way to reduce opposition to woman suffrage. As historian Katherine Benton-Cohen has said, this was "Southwestern-style Jim Crow."¹¹

8. Donna Guy, "Economics of Widowhood in Arizona, 1880–1940," in *On Their Own: Widows and Widowhood in the American Southwest, 1848–1939*, ed. Arlene Squadron (Urbana: University of Illinois Press, 1988), 196, 201, 211; Christine Fischer, "A Profile of Women in Arizona in Frontier Days," *Journal of the West* (1977): 48.

9. Frances Willard to Mary Colista Willard Scott, Mar. 27, 1903; Osse-laer, *Winning Their Place*, 31.

10. *Progressive Weekly*, Feb. 15, 1913; Berman, *Reformers, Corporations*, 75; *Miners Magazine*, May 2, 1912.

11. Laura Gregg to Caroline I. Reilly, Dec. 26, 1910, Women's Suffrage Collection, ASLAPR; Laura Clay's report to the NAWSA board, Mar. 29, 1909, Clay Collection, King Library, University of Kentucky, Lexington; Will H. Robinson, *The Story of Arizona* (Phoenix: Berryhill Publishing, 1919), 358–59; *Miners Magazine*, May 2, 1912; *Bisbee Daily Review*, Jan. 7, 1912; Thomas E. Sheridan, *Los Tucsonenses: The Mexican Community in Tucson, 1854–1941* (Tucson: University of Arizona Press, 1986), 178; Katherine Alexa Benton, "What About the Women in the White Man's Camp? Gender, Nation, and the Redefinition of Race in Cochise County, Arizona, 1853–1941" (PhD diss., University of Wisconsin, Madison, 2002), 296.

The growing popularity of the Labor party threatened Democratic control of state politics, so leadership changed direction and incorporated all of labor's demands, except suffrage, into the Democratic platform. The Labor party then dissolved, a tremendous blow to the woman's movement, forcing Munds and her followers to rely on the same politicians who in the past had turned deaf ears to their pleas. As the delegates met at the state capitol in Phoenix to write the constitution, they held out an olive branch to Munds, allowing her the privilege of overseeing the hearings on suffrage. Munds introduced several speakers who argued that women were handicapped without the vote because they lacked political influence and, as taxpayers, were denied their constitutional right to representation. A male labor union organizer even warned delegates that if they deprived women of the vote, they would be out of office shortly, finding "themselves stranded political hulks."¹²

The pleas and threats had little impact on the delegates, who failed to include equal suffrage in the new constitution yet approved other progressive provisions, such as the initiative, referendum, and recall of judges that many national politicians objected to. The convention's president, George Hunt, who would be elected the state's first governor, explained his reticence to Munds, saying he believed President Howard Taft would reject women's suffrage in the constitution as "a dangerous and radical thing." An incensed Munds replied, "You know as well as can be that there is nothing that Mr. Taft will so seriously object to as that very thing [the recall] that you are advocating so strenuously."¹³ Indeed, Taft initially rejected Arizona's proposed constitution because he deemed the recall too radical, signing off only when the provision was removed from the document. The process left suffragists further disillusioned with "machine politicians," as Munds called them, forcing her to retool the movement to amend the constitution.¹⁴

As statehood day approached in early 1912, newspaper editors proclaimed that "Arizona will have woman's suffrage within a year," reflecting the movement's continued optimism despite decades of defeats. The fact that neighboring California had granted women the vote the prior year was considered a good omen for any future Arizona contest. Munds, whose movement boasted around three thousand members, urged supporters to barrage legislators and the governor with letters requesting a suffrage referendum for the fall ballot.¹⁵ The pressure forced measures to be introduced in

12. *Arizona Republican*, Nov. 3, 1910; *Progressive Weekly*, Feb. 15, 1913.

13. Frances Munds to George Hunt, Aug. 24, 1910, Hunt Collection, Arizona Collection, Hayden Library, Arizona State University, Tempe.

14. *Progressive Weekly*, Feb. 15, 1913; Frances Munds, "Report to the *Woman's Journal*, 1912," Women's Suffrage Collection, ASLAPR; Frances Munds to George Hunt, Nov. 10, 1910, Hunt Collection, ASU. Recall of judges was restored to the constitution in the first election after statehood.

15. *Weekly Journal-Miner*, Jan. 3, 1912; *Bisbee Daily Review*, Jan. 7, 1912.

both houses of the first state legislature and Governor Hunt to mention it in his opening address. However, his tepid endorsement suggesting "regardless of what you think, if a majority want it, then it should pass," did not arouse genuine enthusiasm among legislators. The bills stalled in committees for months, leaving the *Arizona Republican* to chide the Democratic majority for "not taking the referendum with any great degree of seriousness."¹⁶

Even before the *Arizona Republican* ran the headline "Suffrage Is Chloroformed by Senators," Munds had lost patience with the legislature and ordered initiative petition forms to be printed. On May 1, she opened the women's suffrage initiative campaign on the steps of the Yavapai County Courthouse in Prescott, telling the crowd that one of their state senators had boldly announced, "'there were only two women [alluding to Munds and O'Neill] in Yavapai County who wanted equal suffrage and not a single man.'" To a raucous crowd she declared, "'now we propose to show them.'"¹⁷

Summer was bearing down on the desert, travel outside Phoenix and Tucson remained slow and difficult on the state's poor roads and few railroad lines, and campaign funds and time were in short supply, but spirits were high for the petition drive. A rally at Phoenix City Hall on June 1 attracted one thousand supporters. Hundreds of signatures were collected that night in what the *Arizona Republican* called "the answer of the suffragists to the rebuke of the democratic legislature now in session," and more than enough signatures were collected by the July 5 deadline.¹⁸ Suffrage would be decided by the male voters in November.

In late August, the campaign opened its headquarters at the Adams Hotel in downtown Phoenix, a longtime watering hole for legislators. A full-time secretary, Madge Udall, was hired to take on the correspondence duties for Munds, freeing her up to collect endorsements from state politicians and labor unions. She reminded them that Theodore Roosevelt was the most popular presidential candidate on the ballot in Arizona, and he had endorsed women's suffrage as the Progressive Bull Moose candidate. Socialist presidential candidate Eugene Debs, who would garner over 13 percent of the state's vote, asked mine workers to support suffrage when he toured the state. Under such pressure, both the Democrats and Republicans included a suffrage plank in their party platforms.¹⁹

16. *Copper Era and Morenci Leader*, Mar. 22, 1912; *Bisbee Daily Review*, Mar. 20, 1912.

17. *Arizona Republican*, Apr. 12, 1912; *Weekly Journal-Miner*, May 1, 1912.

18. *Arizona Republican*, Apr. 4, 5, 10, 12, and 15, June 12, July 4, 1912; *Weekly Journal-Miner*, May 1, 1912; *Bisbee Daily Review*, Apr. 10, 1912.

19. *Arizona Gazette*, Sept. 7, 1912; David R. Berman, "Male Support for Woman Suffrage: An Analysis of Voting Patterns in the Mountain West," *Social Science History* 11 (1987): 283; *Arizona Republican*, Sept. 8, 1912; *Progressive Weekly*, Feb. 15, 1913.

NAWSA sent field-workers to Arizona, many fresh from their recent victory in California, and an enormous "Votes for Women" banner was hung across Central Avenue, Phoenix's main thoroughfare. Rallies were held in mining towns where crowds heard speakers ask, "Who will dare to say that the woman has not as much interest or as many rights in this world as the man?" The Arizona State Fair, held in Phoenix a week before the election, became the new suffrage headquarters, where volunteers handed out twenty thousand badges and leaflets to farmers and ranchers visiting from rural parts of the state.²⁰

After thoroughly canvassing of voters and winning the endorsement of almost all the state's labor unions, Governor Hunt, Congressman Carl Hayden, and both U.S. senators, an exhausted Munds went to bed on election night. The next day, she and Pauline O'Neill nervously watched returns as they trickled into the local newspaper office, and it was not until evening that they knew that 68 percent of Arizona's male voters had supported the amendment, the largest popular vote ever cast for suffrage in the United States. Despite the overwhelming victory, male political party leaders continued to drag their feet on the issue, opening registration rolls to women only under pressure from the press and neglecting to invite suffrage leaders to serve on their committees. John Dunbar, the editor of a prominent political newspaper, even denounced Munds and her cohorts as "unscrupulous short haired women who posed as political bosses." Clearly, the notion of women voting frightened members of the entrenched elite, who silently hoped women would not run for office.²¹

But Munds did not back down. Concluding that men would never adequately represent women's interests, she encouraged women to seek office if they wanted change, saying, "That the men of Arizona need and want the help of our women in solving the problems which confront us, is shown by the overwhelming vote they gave in granting us the ballot."²² The male voters agreed, and in 1914 she became the first woman elected to the state senate, and Rachel Berry, a Mormon suffrage leader, was elected to the lower house. Thereafter, at least one woman would serve in each subsequent legislature (save one), including 1920, when four women—Nellie Haywood of Cochise County, Pauline O'Neill of Maricopa County, Rosa McKay of Gila County, and Anna Westover of Yuma County—co-sponsored the successful resolu-

20. *Copper Era and Morenci Leader*, Aug. 30, 1912; *Progressive Weekly*, Feb. 15, 1913; Munds, "Report to the *Woman's Journal*, 1913," Women's Suffrage Collection, ASLAPR; *Arizona Gazette*, Sept. 7, Oct. 12, 25, 1912; *Woman's Journal*, Sept. 7, 14, and Nov. 2, 1912.

21. Berman, *Reformers, Corporations*, 199; Robinson, *The Story of Arizona*, 356; *Woman's Journal*, Jan. 2, 1915; *Dunbar's Weekly*, Sept. 19, Oct. 10, 1914.

22. *Prescott Journal-Miner*, Sept. 1, 1914.

tion to ratify the Susan B. Anthony amendment, giving women the right to vote nationwide.²³

VOTES for WOMEN

Don't Fail to Vote YES

On the Suffrage Amendment

On November 5th


PROPOSED BY INITIATIVE PETITION	Yes	X
To amend Sections 2 and 15 of Article VII of the Constitution of the State of Arizona, granting to the citizens of the State of Arizona, regardless of sex, the right of suffrage and the right to hold public office.	No	

**Give the Women of Arizona
a Square Deal**

They Want the Ballot

WHY? BECAUSE

- Those who obey laws should have something to say as to their making.
- Those who pay taxes to support government should be represented in the government.
- Those who have charge of the home and the children must be able to protect them.
- Remember this! Arizona women struggled as anxiously as men in building the State.



23. *Arizona Republican*, Feb. 13, 1920; *Arizona Capitol Times*, Nov. 15, 1996; Rutgers Center for American Women and Politics, <http://www.cawp.rutgers.edu/women-elective-office-2018> (accessed Aug. 3, 2018).



*Morgan Christen**

Alaska Native Women's Long Road to Suffrage

In 1913, the Alaska territorial legislature granted suffrage to women in the very first bill passed at its inaugural session. John F. A. Strong, then the governor of the Territory, proclaimed that "[t]he women of Alaska were given the right to vote without asking for it,"¹ but Strong overlooked that Alaska's bill excluded Native women. For Alaska Natives, the path to the franchise was much longer. Uncertainty about their citizenship, "civility assessments," and literacy tests prevented some Alaska Native women—and some Alaska Native men—from voting for several more decades.

* Hon. Morgan Christen was raised in Washington and graduated from the University of Washington. Following graduation from Golden Gate University Law School, Judge Christen headed north to Alaska, where she has lived and worked for more than 30 years. She served as a trial court judge in Alaska and on the Alaska Supreme Court prior to her appointment to the Ninth Circuit Court of Appeals. She writes on the suffrage experiences of her native Washington, as well as her adopted state of Alaska and its territorial embrace of the right to vote for women.

The author gratefully acknowledges the contributions of her law clerk, Whitney Brown, law librarian Anna Russell, and her judicial assistant, Sonja Belau. Without their special efforts and enthusiasm, this article would not have been possible.

1. Letter from Governor of Alaska to Mrs. Mary O'White (August 12, 1915); see also Ida Husted Harper, ed., *History of Woman Suffrage* (National American Woman Suffrage Association, 1922), 6:713 ("Woman suffrage in Alaska possesses the unique record of being granted without any solicitation whatever from the residents.").

The Partial Victory

When the United States purchased Alaska from Russia in 1867, Alaska was deemed a customs and military district, and, for the most part, the military governed it.² The Organic Act of 1884 created the District of Alaska and a rudimentary federal court,³ but it also prohibited elections (except municipal elections) and specified that Alaska would not be represented in Congress. Governor A. P. Swineford recorded in his annual report to the Secretary of the Interior that Congress objected to holding elections in Alaska because its population was too small to justify the expense.⁴ Alaskans held elections anyway, selecting congressional representatives on at least three different occasions.⁵ The first representative was chosen prior to the enactment of the Organic Act at a nonpartisan convention held in Juneau in 1881, the second was selected the same way in 1890, and the third was elected by the territorial clubs and chambers of commerce in 1902.⁶ Alaska's unofficial delegates made the long trip to Washington, D.C., but Congress did not recognize them,⁷ and it is hard to conclude that its concern about Alaska's tiny population was wholly unjustified. The 1890 census counted Alaska's population at just 32,052.⁸ Another 30,000 people arrived in the course of the Klondike gold rush of 1897–98, and the Department of the Interior's 1900 Annual Report to Congress reflected a total population of 63,592. Of those, 17,720 were women.⁹

In 1904, Congress passed a bill giving all adult citizens in Alaska the right to vote in school board elections,¹⁰ and the *Daily Alaskan* approved: "By the provisions of a recent act of congress, the women of Alaska are to be granted the right of suffrage [in school board elections]. Well and good: Alaska women may well be trusted to exercise this right, although they have not asked for it."¹¹ The *Daily Alaskan* argued that while women's suffrage might be disfavored as a general proposition, the merits of the issue were different in Alaska:

2. Stephen W. Haycox and Mary Childers Mangusso, eds., "Alaska History: An Outline," in *An Alaska Anthology: Interpreting the Past* (Seattle: University of Washington Press, 1996), xx–xxi.

3. Act of May 17, 1884, ch. 53, 23 Stat. 24 (1884).

4. Alaska Legislative Council, *Election Laws in Alaska* 12 (1956): 2.

5. *Ibid.*, 4.

6. *Ibid.*

7. *Ibid.*

8. H.R. Rep. 58-1300 (2d. Sess.) (1904).

9. *Ibid.*; Dep't of Interior, *Annual Reports for the Fiscal Year Ended 1902*, 16 (1903).

10. Act of Apr. 28, 1904, Pub. L. No. 58-210, 22 Stat. 532 (1904).

11. *Daily Alaskan*, June 18, 1904.

Alaska women are not the pampered dolls of society who drive men to the devil and drink, but they are brave and noble helpers in the development of a frontier country. They have left their cosy houses in the states to take their places by the side of their husband and share with him the battle of life. When the cruel winds of adversity have chilled the blood and appalled the stoutest heart, these women have had words of cheer and comfort for the distressed. Alaskans are willing that they should vote and have no fear of the consequence.¹²

Letters, memoirs, club records, and oral histories describe the same frontier atmosphere.¹³ Early Fairbanks was "a place where people did whatever needed doing regardless of preconceived roles,"¹⁴ and one recent arrival recalled a woman from Fairbanks, who had just finished scrubbing the Masonic Hall floor, showing her a seventy-five-dollar dress she planned to wear to that night's dance.¹⁵

Predictions concerning the unique hardiness of Alaskan women may have increased the likelihood of gaining suffrage for women in Alaska, but the odds were also bolstered by the view that women would have a "moral uplift" effect on the electorate.¹⁶ Just as it had done on reservations in the contiguous United States, Congress officially prohibited alcohol in Alaska from the time the Territory was acquired in 1867,¹⁷ but the ban on alcohol did not seem to matter much. In 1898, an estimated sixty thousand gallons of alcohol were smuggled into Alaska from Canada,¹⁸ and Alaska's "alcohol culture...resembled that of western mining camps and towns in the continental United States in previous decades."¹⁹ Tensions were growing between those wishing to foster "a family-oriented community" and the economic interests of saloonkeepers and their patrons.²⁰ Giving the vote to women was

12. Ibid.

13. Phyllis Demuth Movius, *A Place of Belonging: Five Founding Women of Fairbanks, Alaska* (Fairbanks: University of Alaska Press, 1992), 61–62.

14. Ibid.

15. Ibid.

16. Letter to Mary O'White.

17. Mary F. Ehrlander, "The Paradox of Alaska's 1916 Alcohol Referendum," *Pacific Northwest Quarterly* 29 (2010–11): 102.

18. Jeanette Paddock Nichols, *Alaska: A History of its Administration, Exploitation, and Industrial Development During Its First Half Century Under the Rule of the United States* (Cleveland: Arthur H. Clark Co., 1924), 160.

19. Ehrlander, "Paradox of Alaska's 1916 Alcohol Referendum," 31–32.

20. Ibid.

expected to lend considerable support to the burgeoning movement for territorial temperance.²¹

In the Election Law of 1906, Congress approved a nonvoting congressional delegate from Alaska.²² Authorized election procedures allowed candidates to name “watchers” for each polling place who were empowered to challenge voters’ eligibility, but a history compiled by the Alaska Legislative Council does not include mention that any woman tried to vote,²³ and it is unlikely that any did. Congress specified that qualified voters would be limited to male citizens aged twenty-one and older who had at least one year of residency in Alaska and thirty days of residency in the precincts where they intended to vote.²⁴

In 1912, Congress enacted Alaska’s “Home Rule” statute, creating the Territory and providing for an elected territorial legislature.²⁵ There was extensive debate about whether to include “the better half of the population” in Alaska’s electorate.²⁶ On the House floor, some members commented that women had been granted the vote in several states, including California, Colorado, and Wyoming, with no resulting calamity.²⁷ Other members extolled the virtues of women and the relative merits of self-government.²⁸ Representative Richmond Hobson from Alabama told his colleagues that he favored women’s suffrage for two fundamental reasons:

The first is because I believe that the political conditions of the world need the benefit of the exercise of political power by these specialists in the field where woman is a specialist. The laws on the statute books of the world to-day are woefully lacking in dealing with questions that bear upon child life, upon public morals, upon public health. The great reforms so urgently needed for the betterment of the conditions of the living of the masses must look to woman’s emancipation for their fulfillment.²⁹

21. This prediction proved correct. Women’s votes helped a temperance measure pass by a landslide in November 1916. See Ehrlander, “Paradox of Alaska’s 1916 Alcohol Referendum,” 36; see also Catherine Holder Spude, *Saloons, Prostitutes, and Temperance in Alaska Territory* (Norman: University of Oklahoma Press, 2015), 226 (reporting that the prohibition measure passed by a vote of 9,052 to 4,815).

22. Act of May 7, 1906, Pub. L. No. 59-147, 34 Stat. 169 (1906).

23. See Alaska Legislative Council, *Election Laws in Alaska*.

24. *Ibid.*, 6; see Act of May 7, 1906, Pub. L. No. 59-147, 34 Stat. 169 (1906).

25. H.R. 38, 62d Cong. (2d Sess.).

26. 48 Cong. Rec. 5294 (2d Sess.) (1912).

27. *Ibid.*, 5295–96.

28. *Ibid.*, 5296.

29. *Ibid.*, 5295.

Hobson's second reason for supporting a suffrage amendment was his view that, if Congress wanted to "produce a race of men of the highest capacity for self-government, of the highest wisdom in politics," it must ensure that "those faculties involved in government" are developed in women. He reasoned, "[h]istorically the great achievements of the ages have not been by men alone, but have been by men whose women were with the men in the field of achievement."³⁰ Representative Victor Berger from Wisconsin—the first Socialist to serve in Congress—argued that women ought to have the same economic and political rights as men.³¹ He urged his colleagues that this was true as a matter of justice ("Women are not making any worse a job of it where they have a vote than the men do where men alone vote"), as a matter of democracy ("We can not have a free country, we can not claim to have a real democracy, as long as fully one-half of the citizens of the country are disenfranchised"), and as a matter of economic fairness ("Women now must go out into the world and work...[w]orking like men, they ought to have the same economic and political rights as a man. That is all there is to it.").³²

Despite this spirited rhetoric, the majority of the House was unmoved, and Congress decided to leave the question to Alaska's new legislature. The amendment Congress actually passed provided only that "nothing herein contained shall be held to abridge the right of the legislature to modify the qualifications of electors by extending the elective franchise to women."³³

As its first official act, the Alaska legislature unanimously voted to provide women the franchise in March of 1913.³⁴ The only legislator who expressed doubts about the suffrage bill, Senator Elwood Brunner of Nome, "had the good sense or caution to absent himself during roll call."³⁵ Governor Strong signed the measure into law and pronounced the decision an "unqualified success."³⁶ In a letter to Mrs. Mary O'White, one of several Strong wrote to constituents in Alaska and to supporters of suffrage in New York, he argued:

[T]here is not one logical argument against the enfranchisement of women. Those who oppose it must be living in a past age unmindful of the fact that the world of progress and efficiency moves steadily forward. Old prejudices and traditions must give

30. Ibid., 5296.

31. Ibid.

32. Ibid., 5296–97.

33. H.R. 38, 62d Cong. (2d Sess.).

34. H.B. 2, 1913 Leg. (Ak. 1913).

35. Harper, *History of Woman Suffrage*, 713.

36. Letter to Mary O'White.

way, for the new wine of democracy won't be contained in the old bottles of prejudice and tradition.³⁷

Strong's statement proved to be both premature and incomplete. The statement was premature because women were temporarily disenfranchised in 1917 when the territorial legislature directed the attorney general to prepare forms for an election to fill a vacant seat in Alaska's congressional delegation. The attorney general erroneously used the definition of "qualified voters" that Congress originally authorized (male citizens aged twenty-one and older who had at least one year of residency in Alaska and thirty days of residency in the precincts where they intended to vote). It is not clear whether the attorney general's mistake prevented any women from voting, but the defeated candidate successfully challenged the results and was seated in the House of Representatives.³⁸

Governor Strong's description of the 1913 bill was incomplete because the bill was a victory for white women only. Alaska Natives had voted since the dawn of electoral politics in Alaska,³⁹ but only citizens were allowed to vote after Alaska became a territory, and views concerning the prospect of conferring citizenship on Alaska Natives were decidedly mixed. Some newspaper editorials invoked racial stereotypes to disparage Alaska Natives' fitness for citizenship.⁴⁰ Others insisted that Alaska Natives deserved full citizenship, since they were "selfsupporting," "buil[t] comfortable homes," paid taxes, operated stores, and supported themselves in trades and industrial pursuits.⁴¹ The Department of the Interior reported that some Native groups were "industrious and progressive people" who have "steadily advanced in civilized methods" and who "desire to be admitted at once to the rights of citizenship,"⁴² yet even the Department's report favored placing conditions on Natives' right to vote.⁴³

As early as 1904, Judge James Wickersham expressed the view that Alaska Natives were already citizens by virtue of the 1867 treaty with Russia. He reasoned from the premise that Article III of the treaty promised that "inhabitants" who chose to stay in Alaska rather than return to Russia would receive "all rights, advantages and immunities" of United States citizens.⁴⁴

37. Ibid.

38. *Election Laws in Alaska*, 9, 13.

39. Stephen W. Haycox, "William Paul, Sr., and the Alaska Voters' Literacy Act of 1925," *Alaska History* 2, no. 1 (1986-87): 17, 19.

40. *Douglas Island News*, Jan. 3, 1912.

41. *The Thlinget*, Apr. 1, 1912.

42. Dep't of Interior, *Annual Reports*, 22.

43. Ibid., 25.

44. Treaty Concerning the Cession of the Russian Possessions in North America by His Majesty the Emperor of All the Russias to the United States of America, Art. III, U.S.-Rus., Mar. 30, 1867, 15 Stat. 542.

The treaty also obliquely provided that inhabitants who were members of “uncivilized tribes” were to be subject to the laws and regulations adopted by the United States regarding aboriginal tribes.⁴⁵ It is unlikely that the drafters of the 1867 treaty envisioned that it would serve as a springboard to citizenship for Alaska Natives, but Judge Wickersham decided otherwise.

James Wickersham eventually served several terms as Alaska’s nonvoting representative in Congress, where he was a powerful advocate for suffrage⁴⁶ and for statehood.⁴⁷ He was also one of Alaska’s first three federal judges.⁴⁸ In 1904, before he was elected as a representative, Judge Wickersham considered Ivan Pavlov’s petition for citizenship. Pavlov was also known as John Minook, and he was the son of a Russian trader and an Alaska Native woman. Judge Wickersham’s opinion in *In re Naturalization of Minook* described Minook as having the habits of “civilized life.”⁴⁹ When he ruled on Minook’s citizenship petition, Judge Wickersham relied on the 1867 treaty and the Indian Allotment Act of 1887⁵⁰ to conclude that Minook was already a citizen.⁵¹ The judge read the Allotment Act as extending citizenship broadly to every Indian born within the territorial limits of the United States who had voluntarily taken up residence separate and apart from any tribe and “adopted the habits of civilized life.”⁵² Because Minook’s neighbors vouched that he had satisfied these criteria, Judge Wickersham deemed Minook’s citizenship petition unnecessary.⁵³ In the process of dismissing it, he took the opportunity to opine that an Indian woman living in Alaska, if married to a white man, also would be entitled to all rights and privileges of citizenship⁵⁴—including, presumably, the right to vote. Unfortunately, *In re Naturalization of Minook* did not resolve the controversy concerning Alaska

45. Ibid.

46. Ehrlander, “Paradox of Alaska’s 1916 Alcohol Referendum,” 36.

47. Eric H. Miller, “From Accession to Exemption: A Brief History of the Development of Alaska Property Exemption Laws,” *Alaska Law Review* 32 (2015): 273, 291–93.

48. Erwin C. Surrency, “Federal District Court Judges and the History of Their Courts,” *Federal Rules Decisions* 40 (1966): 139, 160.

49. *In re Naturalization of Minook*, 2 Alaska, 200, 223 (D. Alaska 1904).

50. Act of Feb. 8, 1887, 24 Stat. 388, c. 119. The Allotment Act generally authorized a national survey of tribal land and division of the land into individual allotments. The Act also provided that Native Americans who accepted the allotments and lived separately from their tribes were to be granted citizenship. See Felix S. Cohen, *Cohen’s Handbook of Federal Indian Law* § 1.04 (LexisNexis, 2012), edited by Nell Jessup Newton.

51. *In re Naturalization of Minook*, 2 Alaska, 224.

52. Ibid., 222.

53. Ibid., 223–24.

54. Ibid.

Natives' citizenship, because District Judge Gunnison reached the opposite conclusion four years later, in a case called *In re Incorporation of Haines Mission*.⁵⁵ The controversy over citizenship stood at this impasse when Alaska gained territorial status in 1912.

In 1915, the territorial government passed a law purporting to "define and establish the political status of certain native Indians within the Territory of Alaska."⁵⁶ The new law conferred citizenship to "[e]very native Indian born within the limits of the Territory of Alaska," though it did so at an incredibly steep price.⁵⁷ To achieve citizenship, Alaska Natives were required to "sever[] all tribal relationship and adopt[] the habits of a civilized life."⁵⁸ Proof of severing ties with one's tribe was not easy: an individual was required to: (1) complete a citizenship application; (2) submit to an examination establishing "the general qualifications of the applicant as to an intelligent exercise of the obligations of suffrage, a total abandonment of any tribal customs or relationship, and the facts regarding the applicant's adoption of the habits of a civilized life"; (3) seek the support of five white citizens who had been permanent residents of Alaska for at least a year, who had known the applicant at least a year, and who would attest "that in their best judgment such Indian has abandoned all tribal customs and relationship, has adopted the ways and habits of a civilized life, and is duly qualified to exercise the rights, privileges and obligations of citizenship"; and (4) take an oath acknowledging "that such applicant forever renounces all tribal customs and relationships." After all that, the applicant was required to attend a hearing before a federal district court judge.⁵⁹ A 1922 survey of the status of the suffrage movement in the United States opined, consistent with Judge Wickersham's 1904 *Minook* decision, that Native women who wished to vote in Alaska would also be required to "sever tribal relations" or to marry a white man who could vote or a Native man who had taken all the identified steps to abandon his tribal ties.⁶⁰

There was little question that such a lengthy and subjective "civility" requirement would impede the attainment of citizenship for many Alaska Natives, and even proponents of the law acknowledged that it was "not probable that many Indians will be able to pass the required examination for some time to come." The law was nevertheless defended as providing "a great incentive to right living" and a sort of bonus or premium to which enterprising and industrious young Natives could aspire. The thought was that

55. *In re Incorporation of Haines Mission*, 3 Alaska 588 (D. Alaska 1908).

56. 1915 Alaska Sess. Laws 52.

57. *Ibid.*

58. *Ibid.*

59. *Ibid.*

60. Harper, *History of Woman Suffrage*, 714; *In re Naturalization of Minook*, 2 Alaska at 224.

even if Natives did not attain citizenship, they would be better off for having tried.⁶¹

Congress conferred citizenship "on all non-citizen Indians born within the territorial limits of the United States" in the Indian Citizenship Act of 1924.⁶² The Act could have rendered Alaska's "civility test" obsolete because it granted citizenship to Alaska Natives without qualification, but the territorial legislature responded with another barrier to suffrage, this time in the form of an English literacy requirement.⁶³ The new law provided that electors were required to establish their literacy by legibly signing their names and recording their sex and address in a registration or poll book.⁶⁴ If voting officials doubted a voter's literacy, he or she could be required "to read in the English language, publicly and in the presence of the election officers, and under the direction of the election officers or some or one of them, a passage of not less than ten lines, chosen at random by the election officers...from the Constitution of the United States, and to legibly write in the English language a passage of not fewer than twenty-five consecutive words chosen at random by the election officers...from the Constitution of the United States, and dictated by one of the election officers to such proposed voter."⁶⁵ Ironically, women's groups in Skagway, Ketchikan, and Douglas employed their newly procured political might in support of the literacy requirement,⁶⁶ which was in keeping with racial segregation and Jim Crow policies that were widespread in Alaska and elsewhere prior to World War II.⁶⁷

Possible justifications for the new literacy requirement ranged from a desire to ensure adequate understanding of the electoral process and its consequences⁶⁸ to overtly racist endeavors to protect "white man's country" from the "Indians [who] outnumber us."⁶⁹ Clearly, some legislators were motivated to respond to the organizational efforts of William Paul, a Tlingit attorney who won a seat in the territorial legislature and whose increasing po-

61. See *Alaska Daily Empire*, Jan. 15, 1917, 4.

62. Indian Citizenship Act of 1924, Pub. L. No. 68-175, 43 Stat. 253 (1924).

63. 1925 Alaska Sess. Laws 51-52; see also Natalie Landreth and Moira Smith, "Voting Rights in Alaska: 1982-2006," *Rev. Law and Soc. Just.* 17 (2007): 79, 90.

64. 1925 Alaska Sess. Laws 52-53 (ch. 27), sec. 3.

65. *Ibid.*

66. Haycox, "William Paul, Sr.," 24, 29, 30.

67. Terrence M. Cole, "Jim Crow in Alaska: The Passage of the Alaska Equal Rights Act of 1945," *Western History Quarterly* 23 (1992): 429.

68. Haycox, "William Paul, Sr.," 18, 25.

69. Landreth and Smith, "Voting Rights in Alaska," 90-91; see also Cole, "Jim Crow in Alaska," 433 (describing the literacy requirement as "designed to limit native voting").

litical power was far from universally celebrated.⁷⁰ To the dismay of those who opposed Paul, the legislature's 1925 literacy test exempted any citizen who had legally voted prior to November 4, 1925, and this exemption allowed Paul to remain a political force. Paul's opponents tried unsuccessfully to secure in Congress what they were unable to win in Juneau—a blanket prohibition on voting by those unable to read and write, including the disenfranchisement of those who voted before November 1925—but in 1927 Congress adopted a literacy requirement that included the same exemption adopted by the territorial legislature.⁷¹

The extent to which these literacy laws actually prevented Alaska Natives from voting has not been quantified. Accurate voting records were not kept from year to year, and some historical accounts question whether local election officials would have had the will to enforce the provision.⁷² Where the laws were enforced, they surely would have had a disproportionate impact on Alaska Natives, who endured significant discrimination in segregated schools that offered only a rudimentary education.⁷³

Attitudes began to change after the horrors of World War II, which included the forced evacuation of Alaska Natives to horrendous camps in Southeast Alaska.⁷⁴ In 1945, the legislature passed an equal rights bill outlawing segregation in public places.⁷⁵ In 1959, Alaska finally achieved statehood, and its constitution ushered in a far more lenient English fluency test that only required voters to speak English; there was no need to demonstrate the ability to read or write it.⁷⁶ Frank Peratrovich, a prominent Alaska Native civil rights advocate and delegate to the constitutional convention, authored this provision.⁷⁷ The last formal barrier to exercising the franchise was finally removed in 1970, more than fifty years after Alaska's legislature adopted a suffrage provision for women, when voters ratified a constitutional amendment striking the final version of the literacy test from the state constitution.⁷⁸

70. Cole, "Jim Crow in Alaska," 432–33.

71. Act of Mar. 3, 1927, Pub. L. No. 69-766, 44 Stat. 1392; see also Haycox, "William Paul, Sr.," 34. The 1927 law required that territorial voters "shall be able to read in the English language the Constitution of the United States and to write in the English language."

72. Haycox, "William Paul, Sr.," 35.

73. Cole, "Jim Crow in Alaska," 434.

74. *Ibid.*, 438–39.

75. *Ibid.*, 449.

76. Alaska Const. art. V., § 1 (providing that voters "shall be able to read or speak the English language as prescribed by law").

77. Gordon S. Harrison, "Alaska's Constitutional 'Literacy Test' and the Question of Voting Discrimination," *Alaska History* 22 (2007): 30.

78. Landreth and Smith, "Voting Rights in Alaska," 91.



(c) 1913 by The Tacoma Daily Ledger

A political cartoon appearing in the March 18, 1913, edition of *The Tacoma Daily Ledger* depicted the struggle for suffrage in Alaska as painless compared with the contentious battle in London. See Colleen Morris, "An Herstorical View of the Alaskan Territorial Legislature's 1913 Vote to Emancipate Women" (master's thesis, Harvard University, 1995), 69.



Women's Christian Temperance Union 1916, Mary Long Alderson highlighted. Photo courtesy of Montana State University Special Collection.



Jeannette and Wellington Rankin



*Mary Sheehy Moe, EdD**

Evolving Toward Equality: Montana's Woman Suffrage Story

"We hold these truths to be self-evident: that all men and women are created equal..."¹

With these words, in 1848 Elizabeth Cady Stanton, sixty-seven other women, and thirty-two men in attendance at the first Woman's Rights Convention, in Seneca Falls, New York, declared that American women deserved the full rights of citizenship enjoyed by American men. On the same day, the convention adopted twelve resolutions for action, all but one unanimously. That controversial exception was the resolution to secure women's suffrage.

The "natural rights" premise of Stanton's argument—the same argument Jefferson had used in the Declaration of Independence—was the core of the case for women's suffrage for the remainder of the nineteenth century. In the Victorian era, and in a political world controlled entirely by men, the premise did not resonate. Forty-one years later, when Montana became a state, neither Montana nor the nation accorded full suffrage to women. It took Montana twenty-five more years after statehood to amend its constitution to include women's suffrage. It took the nation even longer. In Mon-

* Dr. Mary Sheehy Moe is a former state senator in Montana and the former dean of Montana State University (Great Falls) College of Technology. She currently serves as a commissioner for the city of Great Falls, Montana. She earned her Ed.D from the University of Montana.

1. "Declaration of Sentiments and Resolutions," Woman's Rights Convention held at Seneca Falls, July 19–20, 1848. The Elizabeth Cady Stanton and Susan B. Anthony Papers Project, available at: <http://ecssba.rutgers.edu/docs/seneca.html>.

tana's "long...strong...and [ultimately united] pull"² to suffrage, however, can be found the evolving arguments, contexts, strategies, and view of women that ultimately led men across the nation to share with women the right to vote.³

In the Beginning: Montana's 1884 and 1889 Constitutional Conventions

Between 1880 and 1890, Montana's non-Indian population soared from 39,000 to 132,000, with a male-to-female ratio of 2:1—and among adults, even higher.⁴ Women working outside the home were few and far between. Most women and men subscribed to the "cult of true womanhood," which expected a woman to "make the home her center of attention, to enshrine it with honor, and to sacrifice everything for its protection," including "aligning with other women to attack the immorality they observed around them."⁵ By the time of the state's 1884 and 1889 constitutional conventions, women's suffrage organizations had not even formed in Montana. Delegates to the 1884 convention, mindful of the reluctance of a politically split Congress to add seats that might go to the opposing party, resisted embedding anything controversial in the constitution they drafted. The question of suffrage was raised, but the suffrage committee deemed it inexpedient, and it went no further.⁶

Montana was not granted statehood in 1884, but five years later, a lame-duck Congress welcomed statehood petitions.⁷ Once again, delegates to Montana's constitutional convention took a very pragmatic, conservative approach to their work. And once again, there was very little public engagement on the issue of women's suffrage.⁸ Only one delegate, Timothy Collins of Great Falls, proposed removing sex restrictions to suffrage, and his proposal was defeated without discussion 25–43. Perry McAdow, who, along with his business partner/wife, Clara, was an enthusiastic suffragist, backed

2. Doris Buck Ward, "The Winning of Woman Suffrage in Montana" (master's thesis, Montana State University, 1974), 48, quoting from the *Helena Independent*, Mar. 1, 1895, 4.

3. Ward, "The Winning of Woman Suffrage in Montana"; also see generally James J. Lopach and Jean A. Luckowski, *Jeannette Rankin: A Political Woman* (Boulder: University Press of Colorado, 2005); Paula Petrik, *No Step Backward: Women and Family on the Rocky Mountain Mining Frontier, Helena, Montana, 1865–1900* (Helena: Montana Historical Society Press, 1987).

4. Ward, "The Winning of Woman Suffrage in Montana," 5.

5. Stephanie Ambrose Tubbs, "Montana Women's Clubs at the Turn of the Century," *Montana, the Magazine of Western History* (winter 1986): 27.

6. Petrik (1987). *No Step Backward*, 115–18.

7. *Ibid.*

8. *Ibid.*, 29.

a proposal for women's suffrage that was advanced by Walter Bickford, a lawyer who had unsuccessfully proposed full suffrage at the 1884 constitutional convention. Rather than take on the controversy of placing women's suffrage in the constitution, Bickford's proposal provided constitutional language that would allow the legislature to expand suffrage in the years to come, thereby avoiding the cumbersome process of a ballot initiative.⁹

To support Bickford's proposal, the McAdows arranged for Henry Blackwell of Boston, the secretary of the American Woman Suffrage Association and the husband of Lucy Stone, one of America's first suffragists, to come to Helena. He received a cool reception as an interfering outsider and was not permitted to address the delegates from the floor in special session. Instead, he was offered the convention hall for an evening address open to the public. There, Blackwell combined the "natural rights" arguments of the original suffragists with a recruitment pitch tailored to appeal to Montanans' desire to grow: the prospect of one hundred thousand desirable immigrant Americans rushing to Montana, lured by its progressiveness.¹⁰

His argument didn't sell. Although supporters of the Bickford proposal urged the delegates to provide flexibility in the constitution that would allow future legislatures to respond to changing times,¹¹ opponents clung to the cult of true womanhood. "Man is to woman as the cord is to the bow," Deer Lodge lawyer Henry Whitehill intoned, echoing Longfellow's "Song of Hiawatha." Borrowing next from Scripture, he argued that suffrage for women would threaten the "divinely implanted" marital relationship.¹² Martin Maginnis, Montana's delegate to Congress from 1873 to 1885, pointed out that the purpose of government was to channel force productively through the will of the majority and not through violence. Women, he contended, had no business participating in a field of force. They would be swayed by their husbands—or, worse, by their preachers.¹³

Bickford's amendment failed, 29–34. Two later attempts at compromise proposals also failed, the latter—to refer woman's suffrage as a separate issue to the electorate—on a tied vote.¹⁴ By the time the delegates had finished their work, no provision for equal suffrage for women was in the constitution. Only a constitutional amendment could win women the vote, and that required that a suffrage proposal win a two-thirds majority in each house of the legislature and be submitted to the electorate, with a majority of Montana voters, all male, approving the measure.¹⁵

9. Ibid., 1–20.

10. Ibid., 15–16.

11. Ibid., 120.

12. Ward, "The Winning of Woman Suffrage in Montana," 22.

13. Ibid., 24.

14. Ibid., 26.

15. Petrik, *No Step Backward*, 120.

The 1890s: Extraordinary Women Unite

Women's suffrage at the 1894 and 1889 conventions had had little visible support from women. But in the mid-1890s, Montana women organized and stepped onto center stage, led by a handful of remarkable women. Among them were Sarepta Sanders and Harriet Sanders, sister and wife respectively of Montana pioneer and first U.S. senator from Montana, Wilbur Fisk Sanders; Maria Dean, Montana's first licensed female doctor; and Ella Knowles Haskell, Montana's first licensed female lawyer, who was indisputably the ace "pitcher" for women's suffrage in Montana.¹⁶

Known as "the Portia of the People"¹⁷ for her intellect and eloquence, Ella was exceptional in every way: "attractive, very bright, persistent, and full of grit."¹⁸ She was also extremely persuasive. At her behest, the last territorial legislature enacted legislation in 1889 allowing women (that is, Ella Knowles) to practice law in Montana. Knowles earned her first legal fee—two quarters—by persuading the customers of the shopkeeper who hired her and then reneged on their arrangement that she deserved to be paid. She ran as the Progressive candidate for attorney general in 1892, even though it was not clear that a woman could even hold that office. The race was so close that it took three weeks to declare a winner, and that winner, Henri Haskell, promptly hired Knowles as his assistant.¹⁹ (Two years later they married, and two years after that they divorced amicably.²⁰)

In the 1895 legislative session, Populist John Huseby proposed a constitutional amendment that would give women suffrage. The House of Representatives passed it 45–12, but it was killed in the state Senate without a roll call vote, 14–4. The bill generated considerable interest among the press. When it failed, several newspaper editors criticized the senators, but the *Helena Independent* noted that support from women had also been weak and advised women readers that winning suffrage in Montana would require "a long pull, and a strong pull, and a pull all together."²¹

The National American Woman Suffrage Association took notice as well and sent Emma Smith DeVoe to Montana to organize suffrage clubs. The Montana Woman Suffrage Association, established in 1896, was the result. By 1897, MWSA had thirty-five active local clubs and somewhere be-

16. Ibid., 121, 123.

17. Richard B. Roeder, "Crossing the Gender Line: Ella L. Knowles, Montana's First Woman Lawyer," *Montana, the Magazine of Western History* (summer 1982): 71.

18. Ibid., 73.

19. Ibid., 71.

20. Ibid., 73, 75.

21. Petrik, *No Step Backward*, 121.

tween three hundred and four hundred members.²² As the platform they adopted at their annual convention in 1897 illustrates, the natural-rights pitch for women's suffrage had not changed:

Whereas, the equal suffragists of Montana believe that taxation without representation is unjust and that women of education, judgment and discretion are entitled to the same privileges of citizenship as men; and that their natural and inherited rights demand their recognition, therefore, be it resolved, that we believe in extending the elective franchise to all citizens irrespective of sex.²³

New arguments, however, were being introduced. By focusing on "women of education, judgment and discretion" in its platform, MWSA was making an elitist appeal. In her outgoing address as the first MWSA president, Harriet Sanders argued that the same qualities that women used to "secure peace, purity, justice, love and harmony in the home will secure the same conditions in government."²⁴ She also pointed to the pioneer experience of Montana women and the role that they had played in creating a civilization from the "rude elements of life."²⁵

The MWSA prepared for the 1897 legislative session, with Ella Knowles Haskell as its president. Having worked with the legislature and run for state office, she understood the importance of organizing local support statewide and having a contingent in Helena to lobby for suffrage. By the time the bill proposing suffrage for women was heard, petitions of support bearing twenty-five hundred signatures had reached the legislature. In a Montana first, the rules were suspended to allow Ella Knowles Haskell to speak to the assembled body.²⁶

Haskell had made this pitch in public before. In the Fourth of July program in Deer Lodge during her 1892 campaign, she had argued:

Degrade woman, cripple her faculties, hamper her intellectual growth, and the result is a degraded, crippled, or enslaved people....Elevate woman, give her full freedom to use the faculties God has given her, not as a matter of favor, but as an act of simple justice, and the result is a people strong and self-reliant, intellectual and valiant, a people of no less development than our own, able to defend the flag we love, and the advance teachers of civilized humanity.²⁷

22. Ward, "The Winning of Woman Suffrage in Montana," 67.

23. Ibid., 68

24. Petrik, *No Step Backward*, 124.

25. Ibid., 125.

26. Ibid.

27. Roeder, "Crossing the Gender Line," 72.

Facing the 1897 legislature, however, Haskell skirted the larger arguments for suffrage and confined her appeal to the basic fairness of submitting the question to the Montana electorate to decide and reminded legislators of the innumerable petitions they would receive if women were not accorded this simple justice.²⁸

Opponents to the bill raised the usual arguments: women had shown themselves to be either inept or manipulative in their use of power, both in biblical times and throughout history; the home was woman's sphere, while men were better equipped to deal with the world beyond the home; politics would coarsen women and ultimately estrange them from their husbands and families.²⁹ Haskell attempted to return the focus to the impressive level of support from women throughout Montana and the wisdom of letting the electorate decide, but she failed. So did the bill. The vote tallied the next day was 41–27, 5 votes short of the required two-thirds majority.³⁰

1899–1909: The “Doldrums”³¹

Although bills for some form of suffrage for women were introduced in each session from 1899 to 1909, the momentum for suffrage dwindled. Economic and population declines in the early years of the decade, along with the corruption revealed by copper king William A. Clark's attempt to bribe his way into an appointment to the U.S. Senate, drew the attention of legislators and the press toward other matters.³² In the last half of the decade, the dominant issues were the amalgamation, growth, and influence of the Anaconda Copper Mining Company in western Montana, the economy, and the effects of the homesteading boom in eastern Montana.³³ The 1903 session started out promisingly, with the new governor, Joseph K. Toole, recommending that the legislature submit the issue of women's suffrage to the electorate. But despite the active involvement of suffrage groups throughout the state, the suffrage bill failed to receive a two-thirds majority in either chamber. The vote tallies were 38–27 in the House and 16–10 in the Senate.³⁴

The dwindling numbers of suffragists and the waning legislative interest in the issue during the decade notwithstanding, important developments in Montana's political and socioeconomic landscape, as well as changes in women's status and perspectives, were laying the foundation for success in the decade to come. In 1900, for instance, residents of eastern Montana and

28. Petrik, *No Step Backward*, 124.

29. Ward, “The Winning of Woman Suffrage in Montana,” 124–25.

30. Petrik, *No Step Backward*, 126.

31. Ward, “The Winning of Woman Suffrage in Montana,” 76.

32. Petrik, *No Step Backward*, 127–29.

33. Ward, “The Winning of Woman Suffrage in Montana,” 101–4.

34. Petrik, *No Step Backward*, 129.

the "Hi-Line,"³⁵ the heavily homesteaded area across the top of Montana, represented only 38 percent of the state's population; by 1910, they accounted for 47 percent of it.³⁶ With doubled acreage made possible by the 1909 Mondell Enlarged Homestead Act, more growth would come.³⁷ These homesteaders were family- and community-oriented. Homesteading women, it was argued, "were not a fragile, protected sex; rather they proved their capacities beside their menfolk.... Why would rural men deny their women a part in public decisions?"³⁸

Homesteading women weren't the only women whose roles were expanding. The popularity of women's clubs hit Montana in the late 1880s, and their popularity increased over the following decades. Participation in literary societies, current topics clubs, and the like made women's involvement in life outside the home more acceptable. Equally important, these activities helped Montana women develop skills in organization, public speaking, and writing, which they put to good use in the final push for women's suffrage.³⁹ In 1904, twenty-five clubs from across the state formed the Montana Federation of Women's Clubs.⁴⁰ A decade later, it would become an important network for the push to suffrage.

Of the women's clubs in Montana at the turn of the century, the most widespread was the Women's Christian Temperance Union. Founded in 1883, the Montana WCTU had fourteen local unions with a total of 330 members in 1896. By 1910, those numbers had more than tripled, to forty-five local unions with 1,102 members.⁴¹ Embracing the Victorian view of women as morally superior to men, the WCTU saw women's suffrage as a means to an end of creating a more moral society. Although Prohibition was its foremost concern, the WCTU also strove to eliminate brothels and establish an eight-hour workday and equal pay for equal work. Even during "the doldrums" of 1899–1909, the WCTU worked with other supporters to advocate for women's suffrage.⁴²

35. For a brief description and the origin of the term "Hi-Line," see <https://www.bigskyfishing.com/Montana-Info/Hi-Line/montana-hi-line.shtm>.

36. Lopach and Luckowski, *Jeannette Rankin*, 93.

37. Ward, "The Winning of Woman Suffrage in Montana," 103–4.

38. *Ibid.*, 105.

39. Tubbs, "Montana Women's Clubs at the Turn of the Century," 31–32.

40. Ward, "The Winning of Woman Suffrage in Montana," 138.

41. *Ibid.*, 126.

42. Gail Schontzler, "Mary Long Alderson Fought for Women's Freedom," *Bozeman Chronicle*, June 12, 2011, available at https://www.bozemandailychronicle.com/100/mary-long-alderson-fought-for-women-s-freedom/article_9c4b6936-9475-11e0-ad8f-001cc4c002e0.html.

The “spur, conscience, and voice of [this] sisterhood”⁴³ was Mary Long Alderson, the Bozeman wife of the editor of the *Avant Courier*. Also involved in a variety of women’s clubs, Alderson brought to the temperance effort her considerable skills at organization and persuasion, along with access to the press and a willingness to lobby. In the 1890s, when the national WCTU encouraged state chapters to lead initiatives to designate state flowers, Alderson took the lead in Montana. Through an innovative mock election conducted statewide, she raised interest in the issue. In its 1895 session, thanks to the effort led by Mary Long Alderson, the legislature declared the bitter-root the state flower.⁴⁴

Alderson wrote a newspaper column and attended Montana Press Association meetings for nearly forty years. Her experience organizing local unions and advocating in print and in person continually expanded as her involvement in the women’s suffrage movement intensified between 1883 and 1910. Upon her death in 1940, the *Bozeman Chronicle* described Alderson as “perhaps Montana’s foremost woman lobbyist at the state capitol for more than 20 years.”⁴⁵ She would prove to be an influential ally when the time was right.

1911–1914: Hurrah

By late 1910, as the *Great Falls Tribune* noted, Montana attitudes toward women’s suffrage were changing. More women were college-educated. More women were actively engaged in civic affairs. Wyoming women had had the right to vote since 1869, Idaho women since 1896, and the sky had not fallen. Now the nearby state of Washington had approved women’s suffrage.⁴⁶ Perhaps the time had come for Montana to join their ranks.

One woman, not new to Montana but newly returned to the state, was intimately familiar with what it took to win women’s suffrage at the state level. Jeannette Rankin had been an organizer in Washington’s long-fought and ultimately successful campaign, and her persistence, energy, and “singularly sweet personality” had won the praise of the National American Woman Suffrage Association.⁴⁷ She had moved to Spokane, Washington, to do the social work for which she had prepared at the New York School of Philanthropy, but she had found the work unfulfilling, and she volunteered for the suffrage campaign. There she found her niche. “[H]er intensity, appearance, voice, and organization skills were rare political assets,”⁴⁸ and with her politically ambitious brother Wellington’s moral and financial support,

43. Ward, “The Winning of Woman Suffrage in Montana,” 126.

44. Schontzler, “Mary Long Alderson Fought for Women’s Freedom.”

45. Ibid.

46. Ward, “The Winning of Woman Suffrage in Montana,” 105–6.

47. Lopach and Luckowski, *Jeannette Rankin*, 80.

48. Ibid.

when she returned to Montana, she quickly rose as the recognized leader of the movement that ultimately led to women's suffrage.

She was perfect for the role. Whereas Ella Knowles Haskell may have been dismissed as an anomaly, Rankin offered the face—and the voice—of the new Montana woman. A native Montanan from a prominent Montana family, she was attractive, stylish, well educated, and, most noted, mesmerizing as a speaker. When the 1911 legislature considered a suffrage bill, Rankin was the speaker delegated to speak from the floor. Flanked by the veteran suffragists Dr. Maria Dean and Mary Long Alderson,⁴⁹ the young woman in a green velvet dress delivered an address that rendered listeners on the floor and in the gallery "helpless."⁵⁰ At a later address, an enthralled listener described her as "the most thrilling looking person, full of energy and a kind of luminous quality that just made the air electric."⁵¹

Rankin had her imperfections. She could be impatient with others' lack of training and, by her own admission, "[could] not work under orders."⁵² She was convinced that a successful campaign kept the argument simple and the issue single in focus. For that reason, the Montana Equal Suffrage Association, formed in 1911 to revitalize the suffrage moment in Montana and led by Rankin, ultimately parted ways with Alderson's WCTU when the question of women's suffrage was presented to Montana voters. Already confident in getting the "dry" vote, Rankin insisted on suppressing the message that women's suffrage would lead to Prohibition, even though she supported Prohibition herself. Alderson considered it disingenuous to "camouflage" the intent of suffragists to use the vote to secure Prohibition.⁵³

Not above sacrificing principle to pragmatism, Rankin's suffrage campaigns "included deception, compromise, and extremism."⁵⁴ She carefully adapted her arguments to her audience. She discarded the "natural rights" argument, generally emphasizing instead that without the vote, women could not fulfill their duty to protect their families from external conditions that jeopardized their homes. Her address to the Montana legislature included this appeal⁵⁵ and emphasized the successful implementation of women's suffrage in other states.⁵⁶ She was not above appealing to racism

49. Ward, "The Winning of Woman Suffrage in Montana," 110. Ella Knowles Haskell had died a few days before Rankin addressed the legislature.

50. Lopach and Luckowski, *Jeannette Rankin*, 80, quoting from the *Helena Independent*, Feb. 2, 1911.

51. *Ibid.*, 81.

52. *Ibid.*, 86–87.

53. Ward, "The Winning of Woman Suffrage in Montana," 128.

54. Lopach and Luckowski, *Jeannette Rankin*, 96.

55. *Ibid.*, 81, 84.

56. Ward, "The Winning of Woman Suffrage in Montana," 110.

when working with Southern congressmen or to nativism in Montana, arguing that suffrage would be a way to minimize the impact of the increasing number of the “foreign-born” in Montana.⁵⁷

In spite of Rankin’s effective 1911 address, the growing numbers of Montana women and Montana newspapers supporting suffrage, and an increasingly reform-minded populace, the 1911 legislature viewed the suffrage bill as “a red-hot poker” and left it untouched.⁵⁸ The suffragists, though, were reinvigorated by the experience and intensified their efforts to succeed in 1913.

What did one-half of the population do to convince the other half to share power? A great believer in grassroots organization, Rankin answered, “[E]verything we could.”⁵⁹ They trained local club leaders, communicated with them regularly, and provided support when needed. The suffragists were everywhere. They attended the platform conventions of all four political parties and got them to include suffrage in their legislative platforms. They held their MESA annual convention back-to-back with that of the Montana Federation of Women’s Clubs and persuaded that influential group of women to endorse suffrage for the first time. Local members of MESA and WCTU sought and published the commitments of local legislative candidates to suffrage prior to the 1913 session. They found a holdover senator, Tom Stout, to carry a suffrage bill in 1913, and, after the election, they reminded the governor-elect and lieutenant governor-elect of the promise in their party’s platform.⁶⁰

With all the activity of 1912, the 1913 legislative session was almost anticlimactic. Senator Stout’s suffrage bill sailed through both chambers, easily surpassing the required two-thirds majority in the Senate (26–2) and then in the House (74–2). Less than a month into the session, on January 25, 1913, Governor Stewart signed the bill.⁶¹ With the ballot issue going to the voters on November 3, 1914, supporters had nearly two years to win public support for women’s suffrage.

Rankin was appointed national field secretary for NAWSA in 1913 and spent much of that year out of the state. Nonetheless, in 1913–1914 Rankin logged nine thousand miles traveling throughout Montana, speaking and organizing. A longtime Montana educator and recent widow, Maggie Smith Hathaway, traveled some five thousand miles on her own, earning the nickname “the Whirlwind.” Mary Long Alderson took third, accumulating forty-five hundred miles to lead the work of her WCTU unions.⁶²

57. Lopach and Luckowski, *Jeannette Rankin*, 91, 96.

58. Ward, “The Winning of Woman Suffrage in Montana,” 109.

59. Lopach and Luckowski, *Jeannette Rankin*, 88.

60. Ward, “The Winning of Woman Suffrage in Montana,” 122–43.

61. *Ibid.*, 118.

62. *Ibid.*, 118, 131.

There was some friction among the three women. As noted earlier, Rankin and Alderson had split their efforts because Rankin did not want the suffrage message diluted by a fear of Prohibition. "I was not taking orders," Alderson later wrote.⁶³ Hathaway incurred the displeasure of the WCTU by failing to mention Prohibition when stumping for the WCTU in Butte; Hathaway's instinct about leading with that argument was the same as Rankin's. However, when Hathaway offered her considerable energy and speaking ability to MESA, she was rebuffed.⁶⁴ Rankin and others were afraid of Hathaway's proud WCTU membership, and, as she was later told, Rankin was "afraid of my speaking ability and also aspired to political office."⁶⁵

Opposition to the suffrage initiative was late in organizing. It did not materialize until September 1914, and it was fairly ineffectual. Ironically, women opposed to suffrage were deterred from activism by their own belief that participation in public affairs was unseemly in a true woman. In addition, the liquor industry, correctly assuming that suffrage would lead to Prohibition, was embarrassed out of direct activism early in the campaign. In January 1914, a clandestine meeting in Butte between the head of a national anti-suffrage association and the publisher of *National Forum*, a liquor industry publication, had been widely reported in Montana, and the suggestion of collusion between the two groups had muted the subsequent efforts of the liquor industry. Alderson continued to believe that the liquor interests were undermining pro-suffrage efforts, and in fact the state's largest urban center, Butte, where those interests were most pervasive, did only narrowly approve the suffrage measure. On Election Day, the ballots cast in Anaconda were secreted away, and Rankin feared dirty tricks were in the works, but when the smoke cleared, suffrage had passed, with 41,302 voting in favor and 37,558 opposed. In 1914, twenty-five years after Montana's constitution excluded women as voters, the people of Montana reconsidered.⁶⁶

Aftermath

Jeannette Rankin rose to prominence as the charismatic leader of women's suffrage in Montana. In 1916, she became the first woman elected to the United States Congress.⁶⁷ She was not the only Montana suffragist to win office that year. Maggie Smith Hathaway—"the Whirlwind"—and Emma

63. Ibid., 133.

64. Harold Tascher, *Maggie and Montana: The Story of Maggie Smith Hathaway* (New York: Exposition, 1948), 64.

65. Ibid.

66. Ward, "The Winning of Woman Suffrage in Montana," 129–44.

67. HISTORY, "Jeannette Rankin," available at <https://www.history.com/topics/womens-history/jeannette-rankin>.

Ingalls of Kalispell became the first women elected to Montana's legislature.⁶⁸

However, irony pervades the aftermath of women's suffrage in Montana. Jeannette Rankin, who would not allow principle to trump pragmatism in her campaign for suffrage, was unable to follow the pragmatic path in Congress. Twice she followed her conscience and voted against huge majorities that favored U.S. entry into world wars—Rankin was one of 50 voting against entering WWI and the sole vote against WWII—and consequently both times she served only one term in that seat.⁶⁹ No other Montana woman has ever been elected to Congress.

Since Hathaway and Ingalls were elected in 1916, many more women have been elected to the Montana legislature, but even in the last half century, women have never come close to comprising majorities in either chamber. In 1971, female legislators made up only 1.3 percent of the legislature; in 2019, it will be 30 percent, down slightly from the high mark of 31.3 percent in 2015.⁷⁰ Thus, the male-to-female ratio in the current Montana legislature, even in a good year, is just as imbalanced as the population of Montana was when the 1889 constitution was adopted. Since statehood, although various women have served as majority or minority leaders or whips, only one woman has been elected president of the Montana Senate—Senator Debby Barrett (R), in 2015.⁷¹ No woman has ever been elected Speaker of the House in Montana.⁷² The arguments, strategies, and views of women that were required to win equal access to the ballot box for women have not evolved sufficiently for women to gain equal access to the salons of power, particularly in the leadership offices from which that power is wielded most influentially.

68. Women's History Matters, "After Suffrage: Women Politicians at the Montana Capitol," available at <http://montanawomenshistory.org/after-suffrage-women-politicians-at-the-montana-capitol/>.

69. HISTORY, "Jeannette Rankin."

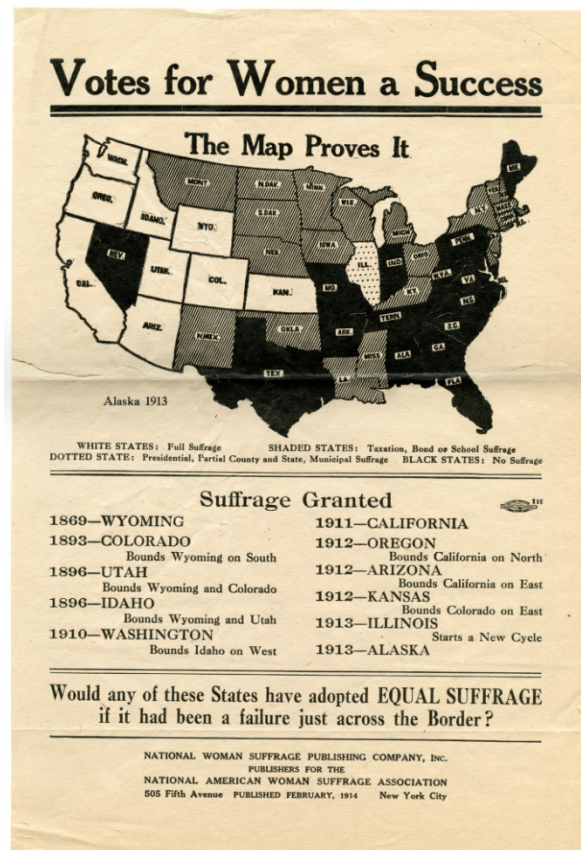
70. Phil Drake, "Women in Legislature to Have Modest Gain in 2019," *Great Falls Tribune*, Nov. 10, 2018, A1.

71. John S. Adams and Kristen Cates, "Montana Lawmakers Pick 2015 Legislative Leaders," *Great Falls Tribune*, Nov. 12, 2014, available at <https://www.greatfallstribune.com/story/news/2014/11/12/montana-lawmakers-pick-legislative-leaders/18917257/>.

72. Laurie Jerin Zimorino, "Women in the Montana Legislature 1941–1993" (master's thesis, University of Montana, 1995), available at <https://scholarworks.umt.edu/etd/5160>: 54; Montana State Legislature, "Women in the Montana Legislature, 1971–Present," available at <https://leg.mt.gov/civic-education/facts/women-legislators/>.



Rosie Roesler, a Prairie Counter homesteader. Photo by Evelyn Cameron, 1912. Photo courtesy of the Montana Historical Society.



Pro-suffrage flyer. Nevada won the moniker as “the black spot” because it was the only Far West state on the map yet to pass full suffrage. Nevada Historical Society.



Travelling the vast empty spaces of Nevada to get out the vote. Anne Martin (r), Mabel Vernon (c); unnamed driver (l). University of Nevada Reno.



*Joanne Goodwin, PhD**

Nevada's Campaigns for Woman Suffrage

Nevada was the last of the Far West states to embrace the right of women to vote before the Nineteenth Amendment spread the franchise nationwide. Suffrage activity there went into high gear in 1914. The legislature had passed a suffrage bill for two consecutive sessions, and in November the state's male voters would decide. Proponents made sure voters understood that Nevada was late to the game. One of the pro-suffrage flyers featured a map with all of the full-suffrage states colored white. Nevada won the moniker as "the black spot" on the map because it was the only Far West state yet to pass full suffrage. A majority of male voters responded, extending the vote to Nevada women in November. This concluded a campaign as old as statehood itself.

Nevada's statehood constitution in 1864, like many newly admitted western states, only enfranchised white men. The right to vote was reexamined in the 1869 legislature when Curtis J. Hillyer proposed one amendment to remove the word "white" and a second amendment to remove the word "male" from the constitution, telling fellow legislators that women deserved the vote because "they were at least as intelligent as men," paying the same taxes, following the same laws as men, and "their participation in the political process could be expected to raise the level of public morality" to a new standard. His rationale combined two themes prevalent in the period's women's suffrage discourse—equal justice based on gendered difference and essentialist ideals of womanhood. The legislature passed both suffrage amendments in 1869, but they would need

* Dr. Joanne Goodwin is a professor of history at the University of Nevada Las Vegas. She earned her PhD in U.S. history at the University of Michigan. She is the author of *Gender and the Politics of Welfare Reform* (1997) and *The Encyclopedia of Women in America History* (2002).

to pass a second time in the legislature of 1871 as stipulated by the state constitution.¹

Lawmakers in the state were responding to a national debate on the dimensions of full citizenship, including voting rights. The coalition that had supported universal voting rights dissolved as former abolitionists broke with women's rights advocates over the best strategy for achieving voting rights. When the 1869 Nevada legislature passed two bills to open suffrage, they were intentionally or unintentionally doing what Elizabeth Cady Stanton and Susan B. Anthony had hoped for: eliminating sex and race barriers to the vote with the Fifteenth Amendment. One of those lawmakers, Senator McKaskia S. Bonnifield of Humboldt County, obviously listened, taking the next step to rally support for the woman's vote.

Bonnifield had arrived in Nevada Territory in 1862 and set about practicing law. Rising quickly in legal circles and serving in the state senate from 1869 to 1872, he was familiar with Hillyer's proposals. It is not clear why he supported woman suffrage, but we know that he was one of the organizers of Nevada's first suffrage convention, held in Battle Mountain on July 4, 1870. Newspaper announcements promoted the convention as a way to inform voters and elect pro-suffrage candidates. The featured speakers included Laura de Force Gordon and Emily A. Pitts Stevens, the latter a San Francisco publisher of the women's rights newspaper *The Pioneer*. Gordon came to Nevada in 1867 with her husband, Dr. Charles H. Gordon. She lectured on suffrage rights, and newspapers described her as an electrifying speaker. Following her move to California in 1869, she joined that state's suffrage rights movement. By the evening of July 4, a suffrage organization had been formed, and its attendees elected Gordon its president and Senator Bonnifield its recording secretary.² The new members resolved to remain nonpartisan and to hold a state convention the following year.³

1. The original Nevada Constitution, Article 2, section 1 gave the vote only to white men. Although the Fifteenth Amendment to the U.S. Constitution (1870) removed race or previous servitude as a barrier, states controlled who could vote. "Woman Suffrage. Speech of Hon. C. J. Hillyer, Delivered in the Assembly of the State of Nevada, Tuesday, February 16, 1869," Appendix to the Journal of the Assembly, Fourth Session, Legislature of the State of Nevada, 1869 (Carson City: State Printer, 1869). The most complete documentation of the early campaign is found in Jean Ford and James W. Hulse, "The First Battle for Woman Suffrage in Nevada: 1869–1871—Correcting and Expanding the Record," *Nevada Historical Society Quarterly* 38:3 (fall 1995): 174–75.

2. Dana R. Bennett, *All Roads Lead to Battle Mountain: A Small Town in the Heart of Nevada, 1869–1969* (Battle Mountain, NV: Lander County Historical Society, 2014). For the post-suffrage involvement of women in politics, see Dana Bennett, "'Undismayed by Any Mere Man': Women

Votes for women's suffrage was not without opponents in Nevada. Anna Fitch, the wife of Congressman Thomas Fitch (R-Nevada), represented that view in a letter addressed to Hillyer and published in the *Territorial Enterprise*. A woman involved in politics "challenges the divine law, she violates herself and the woman is gone out of her...the spiritual essence is adulterated...in the gross glare of political license," she wrote.⁴

The measure did not pass a second time in 1871, failing by a slight margin.⁵ Only seven of the forty-six members of the 1869 assembly returned.⁶ Hillyer did not run for reelection and relocated to Washington, D.C. The national campaign continued to send suffrage speakers, but realistically it seemed the moment for constitutional reform in Nevada had passed.

The defeat of the early suffrage campaign only strengthened the resolve of its advocates. Hannah Clapp, Dr. Eliza Cook, Mary Stoddard Doten, Frances Slaven Williamson, and other northern Nevada suffrage supporters kept the issue alive by holding meetings and debates as well as submitting resolutions to the Nevada legislature at least eight times between 1877 and 1897.⁷ An equal suffrage meeting at the Austin, Nevada, courthouse on November 30, 1894, attracted 125 supporters of both sexes who elected Frances Williamson corresponding secretary of the newly formed Lucy Stone Non-Partisan Equal Suffrage League. Williamson, a widow, had thrown herself into suffrage work after she survived the deaths of five of her six children.⁸ National suffrage leaders Susan B. Anthony and Anna Howard Shaw visited Nevada in the spring of 1895 on their way to California and generated significant press and interest. By fall, the first

Lawmakers and Tax Policy in Nevada, 1919–1956" (PhD diss., Arizona State University, 2011).

3. No documentation of a subsequent meeting has surfaced. Phillip I. Earl, "Bustles, Broad sides and Ballots: The Story of the Woman Suffrage Movement in Northeastern Nevada, 1869–1914," *Northeastern Nevada Historical Quarterly* 6 (spring, summer, fall 1976): 5–6.

4. *Territorial Enterprise*, Feb. 25, 1869.

5. Ford and Hulse, "The First Battle for Woman Suffrage," 183.

6. Phillip I. Earl, "Bustles, Broad sides and Ballots," 7.

7. According to Dana R. Bennett, the legislature received proposals in 1877, 1881, 1883, 1885, 1889, 1891, 1895, and 1896 ("Women in the Nevada Legislature," Background Paper 95-1, Legislative Counsel Bureau, Nevada Legislature [undated]).

8. Mrs. Lund and Mrs. Weller worked with Williamson to organize the convention. For a full biographical profile of Williamson, see Sally Wilkins, "Frances Slaven Williamson," Nevada Women's History Project, <https://www.nevadawomen.org/research-center/biographies-alphabetical/frances-slaven-williamson/>.

convention of the renamed State Equal Suffrage Association was held in Reno, and attendees elected Williamson president.⁹ During her tenure she traveled by stagecoach or rail across the state and formed local suffrage groups, represented the state at the national organization's annual meeting, and testified before a committee of the U.S. Senate, which was considering a women's suffrage bill. The organization has been credited with the passage of the 1895 resolution in both legislative houses. Submitted in 1897 and heatedly debated, the measure failed by virtue of a tie vote.¹⁰ In the fall of 1897, the *Nevada State Journal* reported that the third annual meeting of the Nevada State Equal Suffrage Association attracted three hundred people who heard speeches by educator Hannah Clapp and Williamson. All thirteen counties participated "by delegate, proxy or greeting."¹¹ The flurry of activity slowed significantly when Williamson moved to California, where she continued her work toward suffrage. In 1899, another constitutional amendment bill made it past the senate but failed in the assembly. Support came from three governors, all of whom said the issue should be submitted to the voters. Although the suffrage amendment stalled, some laws that benefited women and children passed. The suffrage movement did not regain momentum until 1910.

By the second decade of the twentieth century, more middle-class women had the opportunity to attend college than at any prior time. Club work had taught women and their daughters how to organize and participate in building communities, which at times included lobbying government. They participated as disenfranchised but active citizens. In this context, Mrs. Clarence Mackay, the President of the New York Equal Franchise Society, wrote to Jeanne Wier, faculty in the University of Nevada Reno History Department and founder of the Nevada Historical Society. Significantly for Nevada, Mackay was the daughter-in-law of Comstock mining magnate John Mackay, and she wanted the state to join the national movement. Mackay encouraged Wier to form a Nevada Equal Franchise Society (NEFS). She agreed, and at the initial meeting in January 1911, forty-seven attendees became founding members.¹² Native Nevadan Felice Cohn co-founded the Society and led the group's legislative committee through the 1911 session.

9. Susan B. Anthony and Ida Husted Harper, eds. *The History of Woman Suffrage*, vol. 4 (1883–1900), chap. 52, "Nevada," (Rochester, NY, 1902), 813. The convention was held October 29–30, 1895. A second convention was held Sept. 24, 1896, and Elda A. Orr was elected president.

10. Susan B. Anthony and Ida Husted Harper, eds. *The History of Woman Suffrage* (1883–1900), 813, 268, 270.

11. "Suffrage Convention—A Large and Enthusiastic Meeting," *Nevada State Journal*, Nov. 3, 1897. On the number of counties in 1897, see <https://www.nvnaco.org>.

12. Sarah Emeline Mack, "History of the Suffrage Movement in Nevada, 1900–1920" (Reno, NV: [n.p.]), Special Collections and Archives,

Like Wier, Cohn attended college, with two years at Stanford. She studied law and was admitted to the Nevada bar in 1902. After several years spent working on mining and land claims, she became interested in the welfare of women. She used her legal expertise to draft and lobby for bills in the legislature. The *Carson City Daily Appeal* reported that among the many resolutions supporting women's suffrage in the 1911 session, Cohn's draft was selected in part due to her legal skills and lobbying.¹³ Cohn became a driving force in the suffrage campaign, forming the Non-Militant Equal Suffrage Society and co-founding the Nevada Voters Club following the success of the state campaign. She was the fourth woman to have the privilege to practice before the United States Supreme Court. The dozens of county-level leaders who knew it was time for the political equality of women needed a leader who would bring the parts together and relentlessly push the issue.¹⁴

That would fall to a young Stanford graduate who had returned to create the history department at the University of Nevada Reno (UNR). Precocious as a child and ambitious as an adult, Anne Martin is credited as the architect of the successful strategy that led to passage of woman suffrage in Nevada. While studying at the London School of Economics, she discovered the English suffrage campaign and Emmeline Pankhurst. She shared that cathartic experience with two Americans already involved in the U.S. campaign—Alice Paul and Lucy Burns. They had revived the Congressional Union (CU) to reflect a direct-action approach to suffrage focused on a federal amendment. Martin spent time with them upon her return to the United States, and suffrage became the defining cause of her life. Returning to Reno in the late fall of 1911, she quickly became recognized as an experienced public speaker, writer, and organizer. Working as the press secretary for the NEFS, she relayed suffrage columns to the state's forty-nine newspapers, keeping the topic of suffrage present in the lives of Nevadans. Elected president of the state organization in February 1912, she continued in that position through the success of the 1914 campaign. Her relationships with the national leadership of both the National Association of Woman Suffrage Associations (NAWSA) and the

UNLV, 1920; Anne Bail Howard, *The Long Campaign: A Biography of Anne Martin* (Reno, NV: University of Nevada Press, 1985), 75.

13. "Will Celebrate," *Carson City Daily Appeal*, Mar. 16, 1911, p. 1.

14. "Interesting Members," *Women Lawyers' Journal* 25 (1938–39): 18. For a more complete biography of this accomplished attorney, see Jean Ford, "Felice Cohn," Nevada Women's History Project, <https://www.nevadawomen.org/research-center/biographies-alphabetical/felice-cohn/>; and Oliver B. Pollak, "Felice Cohn," Jewish Women's Archive, <https://jwa.org/encyclopedia/article/Cohn-Felice>.

Congressional Union helped the state organization recruit national speakers and organizers.¹⁵

Martin's winning strategy contained old and new elements. Local suffrage leagues had been tried before, yet she had greater success with county-level suffrage leagues that stayed engaged under her leadership. Martin made sure to involve supportive and powerful men—elected officials, businessmen, and newspaper editors—who supported suffrage in a statewide advisory committee. She brought newer methods (parades, public speeches, and a news bureau) that had been used by the CU and British suffrage campaigners. She adopted the successful California strategy that targeted voters in rural areas. A persistent and focused leader, Martin also gave credit to those men and women in the local organizations who persuaded neighbors and friends to support suffrage candidates and the women's vote in 1914.

In the early fall of 1912, a suffrage victory in the 1913 legislature looked possible. Anne Martin reported to the NAWSA convention on November 26, 1912, that numerous state legislators, as well as Governor Tasker L. Oddie, had written pledges of support. The bill did pass both houses, leaving the last feat: to win in the general election.¹⁶ They had ten months to gain the rural vote, despite opposition by liquor interests and one of Nevada's richest men at the time who opposed women voting, George Wingfield.

Nevada had a scattered population of eighty thousand people in those days, with only twenty thousand eligible male voters. Many men moved often as part of their work in mining. Martin shared specifics of the difficulty reaching male voters: "One would have to travel 100 miles all day from a county seat to a mountain camp...to reach seventy voters. In one case a three days trip was necessary to reach eighty voters...personal contact with the voters through public meeting is necessary." The challenges proved worth it as suffrage received "the endorsement of every party in the state but the Republican...[and] was endorsed by every labor union which has voted on the subject, and by a state- wide conference of labor representing 6,000 members."¹⁷

15. Howard, *The Long Campaign*, 78–79. Unpublished works on Nevada suffrage include Ann Warren Smith, "Anne Martin and a History of Woman Suffrage in Nevada, 1869–1914" (PhD diss., University of Nevada Reno, 1976); Jeanne Wier, "History of the Suffrage Movement, 1900–1913," unpublished manuscript, Nevada Historical Society, Reno, NV; and Sarah Emeline Mack, "History of the Suffrage Movement in Nevada, 1900–1920" (Reno, NV: [n.p.], Special Collections and Archives, UNLV, 1920).

16. Earl, "Bustles, Broad sides and Ballots," 33; Sara Bard Field, "The Clash in Nevada: A History of Women's Fight for Enfranchisement." Special issue, *Out West* (Aug. 1914): 4.

17. Anne Martin, "The Winning of Nevada," *Suffragist*, Nov. 7, 1914. The discussion of endorsements, mobile male population, and support of labor

In the central and southern parts of the state, Bird Wilson oversaw the suffrage campaign for the NEFS. A graduate from Hastings Law School in California, she came to Nevada in 1906 to provide legal services during the mining boom. She had mining interests in Tonopah, Goldfield, Manhattan, and Round Mountain. In June 1906, she became the seventh woman admitted to practice law in the state. Moving to Goldfield in 1909, Wilson took part in many civic activities, including those of the Goldfield Woman's Club and became the first female stockbroker in the state. Wilson compiled and wrote a pamphlet called "Women Under Nevada Laws," which outlined the legal inequities that the state's women faced. Twenty thousand copies were distributed across the state during 1914.¹⁸ Wilson held the position of vice president of two statewide organizations during the greatest suffrage activity in 1913 and 1914—the NEFS and the State Federation of Women's Clubs. The latter was divided on the issue of suffrage. Nevertheless, with others' assistance, Wilson gained an endorsement to study and then support suffrage.¹⁹

Las Vegas had no active suffrage league in 1911, but it did have an active women's club, the Mesquite Club.²⁰ The service organization founded in 1911 had a club membership that included many of the town's community builders. When the state suffrage office wanted to coordinate speakers in the southern part of the state, Reno reached out to Delphine Squires, a founding member and president of the club during 1913 and 1914, and one of the first families of the small desert town. Her husband, Charles P. Squires, was the editor and publisher of the *Las Vegas Age*, a paper that ran numerous items on national and state suffrage news.²¹ Delphine Squires agreed that women should have the vote but chose to pursue that diplomatically and through the more conservative Federation of Women's Clubs. Nevertheless, she facilitated the visit of Charlotte Perkins Gilman through the Mesquite Club in the fall of 1912, multiple visits by Bird Wilson, a talk by Anne Martin on suffrage in April 1913, and an October 1914 visit by Dr. Anna Howard Shaw,

unions is repeated in Mack's "History of the Suffrage Movement," 12; on travel, see Howard, *The Long Campaign*, 94, n87. Martin may have exaggerated the value of the campaign's political support. See Sally Zanjani, "The Black Spot: Nevada Woman Suffrage," *Nevada in the West* 6, no. 1 (spring 2015): 10–11.

18. Bird M. Wilson, "Women Under Nevada Laws" (Reno: Nevada Equal Franchise Society, 1913).

19. Nonsupporters viewed the endorsement as a sneaky ploy by Wilson and Martin. Wilson viewed it as a progressive move from study to support.

20. Clark County had separated from Lincoln County in 1909, and while the latter had an active group, Las Vegas support remained subdued.

21. On Squires's election as president of the club, see *Las Vegas Age*, May 31, 1913.

president of the NAWSA, a month before the general election. Squires was elected president of the state Federation of Women's Clubs for 1914–1915, the same period in which that the group endorsed woman suffrage.²²

It took several days for the results to be tallied from the November 1914 election, but the issue passed by a margin of 3,678 (10,936 to 7258). Four northern counties rejected the amendment, including all ten of the Reno precincts and both Carson City precincts, but it passed with the support of the rest of the state.²³

Soon after the successful state campaign, supporters developed associations for the education of women voters. Anne Martin's supporters created the Nevada Women's Civic League and Felice Cohn and her associates began the Woman Citizens' Club.²⁴ Some women already possessed strong political experience, as historian Dana Bennett argues. Their work as legislative office staff, lobbyists, reporters, and public speakers made them familiar with the process. Others had occupied positions on school boards and demonstrated their commitment to public service.²⁵ Some, like Felice Cohn and Bird Wilson, continued to press for legislation that improved the conditions of women and children. Cohn supported the liberalization of divorce laws as a positive option for women. Wilson worked to expand women's rights on the issues of community property, guardianship of children, and an eight-hour workday.²⁶

Those who had the means to travel continued to work in states that had not passed women's suffrage. A few such as Sadie Dotson Hurst ran successfully for office. A resident of Reno since the early 1900s, Hurst had been an active club member, joining the Washoe County [Reno] Equal Franchise Society in 1914 and the Women's Republican Club in 1916. She was elected to the state assembly in 1918 and thus became the first woman to hold a seat in the legislature. Early in her tenure, she submitted the

22. Las Vegas Age, Oct. 3, 1914. Florence [Squires] Boyer is quoted in Sally Zanjani and Carrie Townley Porter, Helen J. Stewart: First Lady of Las Vegas (Las Vegas: Stephens Press, 2011), 147.

23. Washoe, Ormsby, Storey, and Eureka counties rejected suffrage.

24. The two groups formed the Nevada League of Women Voters a few years later.

25. Dana Bennett, "Undismayed by Any Mere Man," 67–68, 72.

26. Phillip I. Earl, "Bird M. Wilson," Nevada Historical Society; Felice Cohn, "Nevada Divorce Laws," Women Lawyers' Journal 19, no. 1 (fall 1931): 16–17. The same journal announced in 1924 an office move to 406 Clay Peters Building in Reno. Cohn was elected second vice president of the National Association of Women Lawyers (1938–39).

resolution ratifying Nevada's support for the Nineteenth Amendment, which added women's suffrage to the U.S. Constitution.²⁷

Anne Martin moved to Washington, D.C., for most of 1915 to work with the Congressional Union as the chair of their legislative committee. When the CU changed its name to the National Woman's Party in 1916, delegates at the June convention elected Martin to lead the Party. That role lasted until 1917, when she returned to lobbying. She ran unsuccessfully in Nevada as an Independent for the U.S. Senate in 1918 and 1920.²⁸

Why suffrage succeeded in the 1910s when two earlier attempts had failed is largely attributable to the tireless efforts of individuals like Anne Martin and her persistent work and statewide strategies, particularly her emphasis on organizing county-level workers. The times had also changed, with endorsements from organized labor, political parties, and governors. Moreover, women were engaged in the civic and economic life of their communities by the 1910s, and their leadership activities were helpful in convincing voters that women could be a positive force not only in the lives of their communities but for Nevada as a whole.

The campaign for women's suffrage that began in 1869 in Nevada came to a successful end in 1914 for a majority of women but not all. Some women continued to face limitations to becoming citizens, and others faced obstacles to voting. As recently as 2016, tribes in Nevada continued to struggle to ensure their access to voting. The issue of citizenship and its rights continues to be a complicated and thorny one. As we approach the centennial of nationwide woman suffrage, let us think more broadly about voting rights and the availability of those rights to all citizens.²⁹

27. Tammy McMenomy, "Sadie Dotson Hurst," Nevada Women's History Project, <https://www.nevadawomen.org/research-center/biographies-alphabetical/sadie-dotson-hurst/>.

28. Howard, *The Long Campaign*, 108, 115.

29. Willard Hughes Rollings, "Citizenship and Suffrage: The Native American Struggle for Civil Rights in the American West, 1830–1965," *Nevada Law Journal* 5, no. 1 (2004), available at <https://scholars.law.unlv.edu/nlj/vol5/iss1/8>. The Native American Voting Rights Coalition, "Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada, and South Dakota," Survey Research Report (Jan. 2018), available at <https://www.narf.org/wordpress/wp-content/uploads/2018/01/2017NAVRCsurvey-results.pdf>.

Book Reviews

Book Reviews

GOLD MOUNTAIN TURNED TO DUST: ESSAYS ON THE LEGAL HISTORY OF THE CHINESE IN THE NINETEENTH-CENTURY AMERICAN WEST, BY JOHN R. WUNDER. ALBUQUERQUE: UNIVERSITY OF NEW MEXICO PRESS, 2018. 248 PP.; INDEX; \$29.95, PAPER.

From the early 1980s through the 1990s, John R. Wunder offered fascinating accounts of early Chinese immigrants in the American West. He searched for Chinese litigants in the archives of state and federal courts, and he went to the small towns and remote areas to gather materials. He then reported in great detail about what had happened to these Chinese immigrants, the white men and mobs who'd preyed upon them, and the public officials who so often failed to protect the Chinese immigrants. Wunder also argued that the most important cases shaped fundamental themes in American constitutional law and in American race relations. This collection of ten essays, with just one previously unpublished, underscores how indebted we are to this great scholar.

Before 1980, Elmer Sandmeyer, Gunther Barth, and Alexander Saxton wrote important histories of Chinese immigrants. In their books, early Chinese immigrants were the "indispensable enemy": through their common loathing of the "heathen Chinese," a diverse range of people of European ancestry became "white," conferring upon themselves a full citizenship while insisting that the Asians were "unassimilable." Yet even as these earlier histories established the importance of Asian immigrants, the authors didn't delve into the lives of the Chinese themselves: the Chinese were "sojourners," according to Barth, and thus, he suggested, they had never assimilated into America anyway.

Wunder was not the first scholar to challenge this thesis, but he went further, collecting overwhelming, meticulous evidence of how horrifying the exclusion was: "Chinese victims of anti-Chinese violence ranged throughout the economic spectrum, from the wealthy entrepreneur Chung Sun to the penniless launderer or miner. Thousands of Chinese were assaulted and displaced and hundreds more were lynched and robbed during the five-decade period of anti-Chinese violence" (19). "Anti-Chinese violence began almost at the same time that Chinese migrated to the American West" (10). And judges and juries neglected them: "Juries simply would not convict whites accused of killing Asians" (99). American legal institutions failed to provide equal treatment: "The data clearly demonstrate that there were two standards of justice—one for white and another for Chinese" (103). Throughout the West, for decades after the gold rush, Chinese immigrants suffered so many injustices that their position could be nothing other than precarious, their day-to-day lives terrifying.

But Wunder found much that was surprising, even in his studies of the more infamous cases. For example, in *People v. Hall* (1854), the Chief Justice of California, Hugh Murray, filed an opinion that was so racist that it's come to stand for the anti-Chinese sentiments of the era. Murray overruled a decision by Judge William Barbour, who'd said this: "Many persons here have supposed it less heinous to kill a Negro, an Indian, or a Chinaman, than a white person. This is a gross error. The law of our country throws the aegis of its protection upon all within its jurisdiction, it knows no race, color, or distinction" (60). Wunder showed how even white Americans could find repulsive the white supremacy in their own country. Wunder revisited the details of the murder that Murray had omitted: after striking his victim, George Hall had "calmly loaded his gun with gunpowder and buckshot and aimed the gun at Ling Sing, who remained face down on the ground" (68).

Professor Wunder noted that his early archival work was exceptionally difficult—records were sparse and they were scattered all over. By doing this work, though, Wunder told stories that were deeply affecting: "Chung Sun was near death, having been seriously beaten and robbed...he was saved only because he could speak English" (16); "the Georgia high court found that the examination of [Dorsey] Lee was acceptable and that this Chinese witness, because he demonstrated an understanding of Christianity and life after death, was competent to testify" (38); and, facing a life sentence for a crime he may not have committed, "Yee Shun committed suicide, hanging himself with a small cord taken from his bed" (208). In sentences like these, Wunder humanized Chung Sun, Dorsey Lee, and Yee Shun, and we see better the pain and despair inflicted upon these men.

Even when the Chinese followed the law, the lawmakers harassed them: Yuck Wo had always operated his business lawfully. He paid his taxes and fees so that "day and night" he could do the "back-breaking labor" of a Chinese laundryman (113). Wunder portrayed Yick Wo as a meticulous man who became incensed when the City of San Francisco attempted to regulate his wooden laundry out of business. He won his case against the city's ordinance after the Supreme Court of the United States said that the city's new rule that required all laundries to be made of "brick or stone" had been approved and applied with "an evil eye and an unequal hand." This case became an important and familiar precedent for interpreting the Equal Protection Clause of the Fourteenth Amendment. In his account of this case, Wunder also demonstrated an empathy for men like Yick Wo, and he showed why they fought so hard for a place in America, no matter how precarious.

In his 1996 book *In Search of Equality*, Charles McClain showed that the Chinese challenges of nearly every local, state, and federal rule passed against them were hardly the behavior of "sojourners." Chinese immigrants became rather litigious Americans. McClain's book and several others, including those by Sucheng Chan, Jean Pfaelzer, Lucy Salyer, Erika Lee, Mae Ngai, and Beth Lew-Williams, have added tremendously to our knowledge of American legal history, and their conclusions are very similar to those of the Chinese man whom Wunder found in the archives over two decades ago who

had been “beaten and robbed.” Wunder reproduced a letter by Chung Sun written in 1871: “In civility, complaisance, and polite manners [Americans] are wholly wanting and very properly styled barbarians” (17). Wunder had an impeccable ear in bringing to our attention writings like this. He is among the very first historians to have shown how the Chinese immigrants could be far more compelling than the white supremacists of the same era.

John S. W. Park
Professor of Asian American Studies
University of California, Santa Barbara

THE INS ON THE LINE: MAKING IMMIGRATION LAW ON THE US-MEXICO BORDER, 1917-1954, BY S. DEBORAH KANG (OXFORD UNIVERSITY PRESS, 2017)

Of the many arresting photographs in Deborah Kang's insightful book, the depiction of the international boundary between Nogales, Arizona, and Nogales, in the Mexican state of Sonora, in the early twentieth century is particularly striking. Here, the border is barely perceptible, the street separating the two countries looking like any main street with shops and houses on each side. In stark contrast to the apparent open border of the early twentieth century, concrete and steel structures, topped with barbed wire, divide the US-Mexican border today, making it difficult to see, much less pass through, to the other side. Kang analyzes the transformation of the Southwestern border, and of immigration policy more generally, in the first half of the twentieth century, highlighting especially the role that Immigration and Naturalization Service (INS) agents played in "making immigration law," as her subtitle suggests.

While the images of the border, yesterday and today, suggest a progression from open to closed borders, Kang argues that the border has always been simultaneously open and closed, responding to a panoply of competing interests mediated by the INS. Agricultural growers, the tourist industry, free trade advocates, and business owners and communities along the border all pressed for soft borders while anti-immigration forces and national security advocates demanded bigger and stronger walls to keep immigrants out. The INS and its enforcement wing, the Border Patrol, struggled to accommodate diverse interests, always hampered by a lack of money and staff, and, in its view, insufficient legal power as Congress consistently failed to clothe the agency with the powers it needed to do its job.

What power Congress failed to provide, the INS often took anyway. In one of the signal contributions of the book, Kang digs deeply into the bureaucratic archives to show how the administrative agency made law, often without much public awareness as much of the decision-making happened at the periphery, made by local INS and Border Patrol agents responding to concrete problems on the ground. Interpreting immigration laws broadly, agents used their substantial administrative discretion to both soften and strengthen immigration policies. When growers chafed against laws that made it more difficult for Mexican workers to enter the United States, for example, the INS waived literacy tests and created new processes, such as issuing border crossing cards, to circumvent legal requirements and ease workers' admission. After the Bracero Program was established, the INS at times served as a virtual employment agency for the growers. Southwestern INS agents recruited workers for growers at the border in violation of the US-Mexican agreement, set wages low for Mexican laborers, kept workers at their job with threats of apprehension and deportation if they quit, and pio-

needed "adjustment of status" or legalization procedures for undocumented Mexicans drawn by employers' incessant demands for labor.

Yet, easing the immigration of guest workers often went hand in hand with cracking down on unauthorized immigration, the Border Patrol of the INS persistently pushing the boundaries of its power well beyond the actual border. Defining "entry" broadly, the INS in the Southwest pursued immigrants into the interior, conducted warrantless searches and arrests, and launched massive raids, the most notorious being Operation Wetback in 1954 which resulted in the deportation of at least one million Mexicans. Hamstrung by insufficient funds, the INS devised the "voluntary departure" procedure to expedite deportations without the need to adhere to procedural protections.

What all of these INS policies amounted to, Kang argues, was "state-building from the margins" (6), a process that was often "reactive and chaotic" (7). Several of the innovations created by local INS agents at the Southwestern border eventually became institutionalized in national laws. In 1946, for example, Congress gave legal sanction to the INS practices of warrantless searches and arrests of undocumented immigrants and allowed the Border Patrol to conduct searches within 100 miles of the international boundary.

The early history of the INS casts a long shadow, indeed. Kang sees in the current immigration debates the same competing forces between open and closed borders and a resort to familiar solutions: legalization, restriction, guest workers, massive roundups and deportation. In Kang's view, today's immigration wars are different only in so far as Congress has dumped more money and resources than ever into militarizing the border and has reorganized the administrative agency to expand its enforcement machinery. Kang's excellent book raises questions about the nature and impact of administrative policy-making, often hidden from public view and operating outside of democratic processes. But it also exposes the limits of Congressional law-making when it comes to immigration policy. Immigration laws often embody the divisive immigration debates, trying to address different constituencies but pleasing none of them and leaving administrative officials to sort out the mess. As Kang aptly concludes, immigration law and policy continue to defy "simplistic renderings." (179)

Lucy Salyer
Associate Professor of History
University of New Hampshire

EISENHOWER VS. WARREN: THE BATTLE FOR CIVIL RIGHTS AND LIBERTIES, BY JAMES F. SIMON. NEW YORK: LIVERIGHT PUBLISHING, 2018. 448 PP; \$35.00, HARDCOVER.

In this dual biography, James Simon does an admirable job in presenting the lives of two genuine American heroes, showing us how they connected and then confronted each other at the heights of their careers.

Eisenhower and Warren had remarkably similar backgrounds. They came from working-class immigrant families. Both sets of parents emphasized the importance of hard work and education, and their children took that message to heart. Although bright, diligent, and successful, neither one was an outstanding student. Both were gregarious and spent time honing their people skills.

Both had long apprenticeships before they blossomed. Eisenhower labored for a decade as a middle-level officer in the interwar army before General George S. Marshall took him under his wing. After law school, Warren worked in the trenches as a prosecutor for fourteen years before successfully running for attorney general and four years later governor.

After World War II, Eisenhower was the most popular person in the United States. The internationalist wing of the Republican Party, which positioned him to challenge the front-runner for the 1952 nomination, isolationist senator Robert Taft, adopted him. Warren's immense popularity and successes as California's governor catapulted him into national attention. He was Thomas Dewey's running mate in 1948 and a strong candidate for the Republican nomination in 1952—he stood in the wings in case neither Eisenhower nor Taft could obtain the requisite number of votes. Not long after he took office, Eisenhower nominated Warren as chief justice, perhaps because Warren did not challenge him at the convention or perhaps to ensure that he would not be a contender in 1956.

When Warren took his seat on the court in December 1953, *Brown v. Board of Education* had already been argued, and the justices were divided. Sensing the historic nature of the issues, Warren had the case postponed to the next term. That allowed him time to settle in as chief, take the measure of his colleagues, and then apply his gift as a consensus builder to fashion a unanimous decision.

Eisenhower had remarkably different views on racial discrimination from Warren's. He was a "gradualist," which in the meaning of the day meant a supporter of the status quo. Simon suggests that his views were formed by his experience in the army and his long-standing friendships with Georgia senator Richard Russell and other of the more sophisticated leaders of the Southern Resistance. As that resistance hardened, the Warren court turned up the heat and finally, in Little Rock in 1957, supported an order for the immediate acceptance of a handful of black students at all-white schools. In response, Governor Orval Faubus mobilized the State's national guard to thwart the order. Privately boiling with anger at Warren, Eisenhower had no

choice but to countermand Faubus's decision and order the troops to protect the black students.

In none of this did the President ever voice any significant public support for civil rights, and he maintained only that governors did not have the last word on the Constitution. Toward the end of the book, Simon recounts the well-known response by Eisenhower at the close of his presidency when asked which of his presidential decisions he most regretted; without pause he cited his appointment of Earl Warren.

Initially presidential historians gave Eisenhower poor marks for his low-energy leadership style and his failure to assert leadership in the area of civil rights. However, several decades later, presidential historian Fred Greenstein offered a revisionist position that has gained traction. He maintains that Eisenhower successfully led through a less obvious style. Eisenhower, he maintains, presented himself as representative of *all* the American people, thus allowing policies to be developed quietly and beneath a facade of national consensus.

Simon seems to accept this revised assessment, and there is some evidence for it. Eisenhower's attorney general Herbert Brownell and his solicitor general J. Lee Rankin fostered support for *Brown* and were instrumental in framing provisions for the 1957 Civil Rights Act. However, in Simon's account, Eisenhower remains curiously disengaged, as if these were matters for legal experts only and of no concern to him. (Simon never does provide a satisfactory account of why Brownell and Rankin were so active, in contrast to Eisenhower's passivity.) In addition to being friends with Southern racists, Eisenhower often railed against Warren, and he was rude to Martin Luther King Jr. when he finally had to meet him. When the Administration's civil rights bill came to the floor of Congress in 1957, Eisenhower did not offer even token resistance when Southern segregationists gutted its enforcement provision. One final point: If I read Simon right, in a supreme moment of passivity, Eisenhower misunderstood the process of selecting the vice presidential nominee and acquiesced to Nixon, a man he did not want and despised.

In other areas, however, Simon shows us that Eisenhower's instincts were pitch perfect. As president of Columbia University, he protected leftist faculty and campus speakers, and in one area, Eisenhower's strategic silence may have worked. The President was appalled by the actions of Senator Joseph McCarthy but was careful not to be drawn into the expanding fray. Simon suggests that he knew—or hoped—that McCarthy would burst of his own accord. If so, he was right.

In contrast, Simon reveals that Earl Warren continued to grow and expand his understanding of statecraft. While running for attorney general, he engaged in his own Red-baiting. As state attorney general, he actively urged the national government to intern Japanese-Americans, and he vetoed the appointment of liberal Berkeley law professor Max Radin for a seat on the state supreme court. Yet as governor he came under the influence of a new adviser, his Chief Deputy and later executive secretary and aide, William

Sweigert, who led him to embrace more progressive positions in the areas of both social welfare and civil rights.

While he may have known what he wanted from *Brown* before he took his seat on the court, Warren's views in other areas were not yet formed. Dismissing the fawning overtures of Justice Felix Frankfurter, he expanded his notion of equality to cover legislative apportionment. In areas of free expression, he became the willing student of Justice William Brennan, and together they developed new and expansive doctrines of free expression.

Eisenhower and Warren were two titans with enormous talent and emotional intelligence. Both possessed an uncommon ability to lead and both accomplished great things, but when they reached the peak—Eisenhower as President, and Warren as Chief Justice—there was, as Simon reveals, a significant difference: Warren grew with the office; Eisenhower did not.

For Eisenhower, the presidency was the embodiment of the American people as a whole, but he was unable to consider black Americans as part of that whole. This, it seems to me, is the tragedy of his presidency, and indeed the core of the continuing American tragedy. Imagine what might have been if President Eisenhower—war hero, embodiment of the party of Abraham Lincoln, and one who owed his election to votes by African Americans—had acceded to a White House conference on race with Martin Luther King Jr. and had championed the vision of *Brown*.

Malcolm M. Feeley
Claire Sanders Clements Dean's Professor Emeritus
UC Berkeley School of law

STORIES FROM TRAILBLAZING WOMEN LAWYERS: LIVES IN THE LAW, BY JILL NORGREN. NEW YORK: NEW YORK UNIVERSITY PRESS, 2018. 304 PP.; NOTES, BIBLIOGRAPHY; \$30.00, CLOTH.

Stories from Trailblazing Women Lawyers: Lives in the Law is Jill Norgren's third book on the history of women lawyers in the United States. It is a compelling chronicle of twentieth-century female lawyers who blazed paths in all areas of the legal profession in the midst of widespread gender discrimination. Following the first women who struggled and persevered in the 1870s and 1880s to open doors, they were another wave of legal pioneers. In the 1960s and 1970s, they endured employment barriers and pay inequities, lack of promotions despite being more qualified than male colleagues, sex discrimination, and the initial barrier of even getting into law school due to admission quotas for women. *Stories from Trailblazing Women Lawyers* is all the more potent because the accounts are drawn from one hundred oral histories recorded by the women lawyers. Their own words speak power to their gendered experiences.

The oral histories are part of the Women Trailblazers Project (WTP) of the American Bar Association's Senior Lawyers Division. Created and developed by lawyers Brooksley Born and Linda Ferren, the project began in 2005 when senior women lawyers, some of them recipients of prestigious professional awards, were selected for interviews on the basis of their accomplishments and their contributions to law in the years following World War II. They answered queries about their personal histories and professional careers and disclosed particulars of notable cases and policies in which they were involved. The women lawyers worked in private law firms, government agencies, state and federal courts and the U. S. Supreme Court, Congress, law schools, and public interest organizations.

In reading the accounts, Norgren found that patterns emerged from the women's stories of challenging established rules and breaking through glass ceilings. Adding additional research, she wove these individual experiences into collective stories in a linear chronology: childhood influences, the lure of law, law school, work profiles, private firm partnerships, professorships and legal education, public interest law, government and independent agencies, and the judiciary. "The oral histories," she writes, "meld into a larger chronicle in which individual personalities both stand out and blend into a collective memoir and a history of outstanding women in the modern profession of law." Norgren added "entr'actes," literary interludes on social concerns, such as the "clothes closet," and "home hearth, and the pursuit of a career," and a chapter on significant cases in which the women were involved, notably *Arizona v. California*, *Griswold v. Connecticut*, *Hirabayashi v. United States*, *Brown v. Topeka Board of Education*, and the Virginia Military Institute case, to name a few.

Many of the women lawyers featured are well known publicly: U.S. Supreme Court justices Sandra Day O'Connor and Ruth Bader Ginsburg; U.S. attorney general Janet Reno; 9th Circuit judge Mary Schroeder; Congresswoman Patricia Schroeder (Colorado); and, in academia, Professor Barbara Babcock (Stanford Law School). Other women are known primarily within their fields or through their organizational work: Miriam Wolff (Federal Maritime Commission and San Francisco Port Authority); Shirley Siegel (civil rights advocate and litigator); Catherine Roraback (civil liberties and Planned Parenthood); Irma Herrera (Mexican-American legal and education defense); Constance Harvey (African-American rights); and Esther Lardent (pro bono projects leadership). In legal education, Deans Dorothy Nelson (University of Southern California Law School), Herma Hill Kay (UC Berkeley Boalt Hall), and Barbara Aronstein Black (Columbia Law School) achieved the highest academic law positions. In the 1950s Soia Mentschikoff (University of Chicago) was a role model and highly respected law professor known for, among other things, her very significant contribution to the drafting of the Uniform Commercial Code. Before the judiciary was transformed in the 1960s under President Carter, 9th Circuit Judge Shirley Hufstедler was the highest-ranking female jurist in the United States.

"You are taking a man's place" many women law students were told at schools that had no female professors or mentors or institutional support for obtaining jobs and clerkships. Women law students formed their own networks amid harassment, prejudice, and discrimination, and female professors gradually were added to law faculty. Most law firms would not hire women, so it was not unusual upon graduation for women to be recommended for legal secretary positions only, despite being on law review or having a high class ranking. Those few women who were hired at firms found they had to produce more work and do it better than the men, but still they would be denied promotions and partnerships. Some built their experiences and reputations through pro bono work that created more opportunities. Government was hiring, though, and in the late 1960s many women lawyers found a niche at a state or federal department or agency or with a public interest organization, and they effected change through strategic planning and litigation.

These modern pioneering women lawyers who opened the doors deserve to be better known, and with the availability of their oral histories in repositories and posted on websites they surely will be. The hosts of the Women Trailblazers in the Law Project are the American Bar Association Senior Lawyers Division, the Robert Crown Law Library at Stanford University (both have oral histories online), the Library of Congress, and the Schlesinger Library at Radcliffe Institute at Harvard University.¹

1. Online access to oral histories: American Bar Association Senior Lawyers Division, https://www.americanbar.org/groups/senior_lawyers/women_trailblazers_project_listing.html; and Robert Crown Law Library,

Jill Norgren's *Stories from Trailblazing Women Lawyers* greatly enhances the value of the Women Trailblazers Project by providing astute analysis of their collective impact at an important time in the legal profession. These women lawyers, she said, "laid down trails that have changed the landscape of law in the United States." Norgren herself makes a significant contribution to women's legal history in this, her latest work. Both serve as models for state projects in capturing their own histories of women lawyers.

Jacquelyn Kasper
Law Librarian/Adjunct Asst. Professor (Ret.)
University of Arizona College of Law, Tucson

Stanford University, <https://abawtp.law.stanford.edu>. The related Women's Legal History website on pioneering women lawyers is at <https://wlh.law.stanford.edu>.

Repositories for the WTP Collection: Library of Congress, <http://www.loc.gov/item/mm2007085388>, and Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University, https://guides.library.harvard.edu/schlesinger_oral_histories.

MEMBERSHIPS

PATRON

Morrison & Foerster Foundation
Munger, Tolles & Olson
Donald Gaffney, Esq.
Klee, Tuchin, Bogdanoff & Stern LLP
Susman Godfrey LLP
Dean Ziehl, Esq.
Gersham Goldstein, Esq.
Marc M. Seltzer, Esq.
Paul T. Friedman, Esq.
David S. Casey, Jr., Esq.
Seth Aronson, Esq.
Jeremy D. Sacks, Esq.
Crowley Fleck PLLP
Browne George Ross LLP
Charles McClain, Jr.
Gareth T. Evans, Esq.
Farella, Braun & Martel LLP
John Carson, Esq.
Albert F. Pagni, Esq.
Dale A. Danneman, Esq.
Elizabeth J. Cabraser, Esq.
Akin, Gump, Strauss, Hauer & Feld
Farella, Braun & Martel LLP
Debora K. Kristensen, Esq.
Robert H. Fairbank, Esq.
Keker Van Nest & Peters LLP
Rita Haeusler, Esq.
Hughes, Hubbard & Reed
John Briscoe, Esq.
Bruce M. Ramer, Esq.
David S. Steuer, Esq.
The Honorable Milan D. Smith, Jr.
Jerome Braun, Esq.
Nora M. Puckett, Esq.
Jeffrey Portnoy, Esq.
Meryl Young, Esq.
Marshal A. Oldman, Esq.
Per A. Ramfjord, Esq.

STEWARD

The Honorable Christina Ann Snyder
Gail M. Migdal Title, Esq.
The Honorable Procter Hug, Jr.

SPONSOR

The Honorable Paul G. Rosenblatt
The Honorable William H. Orrick, Jr.
The Honorable Richard R. Clifton,
The Honorable Christine W.S. Byrd
Ron Maroko, Esq.
Margaret G. Foley, Esq.
Douglas R. Young, Esq.
Ernest Hoidal, Esq.
Kathleen M. O'Sullivan, Esq.
Peter F. Habein, Esq.
Sonia Martin, Esq.
Robert D. Lowry, Esq.
The Honorable David Carter

GRANTOR

James John Kennings
The Honorable Randall J. Newsome
Robert S. Warren, Esq.
Ross Lipman, Esq.
Arthur Hellman
The Honorable Geraldine Mund
Corey Weber
Robert A. James, Esq.
Keely Duke, Esq.
Kelli Sager, Esq.
The Honorable Ferdinand Fernandez
The Honorable Steve Cochran
Mrs. David McDaniel
Mr. Asim Bhansali
Samuel Lionel, Esq.
The Honorable Janis Sammartino
A. Marisa Chun, Esq.
Wilke, Fleury, Hoffelt, Gould & Birney
Richard D. De Luce, Esq.
Timothy F. Cahill, Esq.
Mather Law Corporation
The Honorable James A. Teilborg
The Honorable Marsha S. Berzon
Cooley LLP
Kelly A. Zusman, Esq.
Cynthia Cohen, Esq.
Eileen Leech
Gregory Stone, Esq.
Peter J. Benvenuti, Esq.
James S. Azadian, Esq.
The Honorable Redfield T. Baum, Sr.
The Honorable N. Randy Smith
The Honorable M. Margaret McKeown
Edwin Harnden, Esq.

SUSTAINING

The Honorable William C. Canby
Brian H. Getz, Esq.
David M. Walsh, Esq.
Ruth J. Lavine, Esq.
Letitia Kim
The Honorable Richard Seeborg
Lawrence M. Friedman
The Honorable Manuel L. Real
Paul D. Gutierrez, Esq.
Charles Berwanger, Esq.
Lawrence A. Anderson
James C. Martin, Esq.
John L. Littrell, Esq.
The Honorable Philip M. Pro
Lilian Tsai
E. Richard Hart
Peter W. Sherwood
The Honorable Carolyn Ostby
Daniel O. Jamison, Esq.
The Honorable Laurel Beeler
Libby Smith
Mary McNamara, Esq.
The Honorable Peggy Leen

John D. Gordan III, Esq.
Dominic J. Campisi, Esq.
Edward Angel, Esq.
The Honorable Raymond C. Fisher
The Honorable Vaughn R. Walker
Tracy Morris, Esq.
The Honorable Stephen V. Wilson
The Honorable Kim McLane Wardlaw
The Honorable James P. Kleinberg
James R. Homola, Esq.
Steven Kazan, Esq.
Grover Merritt, Esq.
John M. Fredenburg, Esq.
Stephen L. Wasby, Ph.D.
Kurt W. Melchior, Esq.
John D. Taylor, Esq.
Tamar Pachter
The Honorable Lonny R. Suko
The Honorable Virginia Phillips
The Honorable Anthony W. Ishii
Leslie W. O'Leary, Esq.
Ryan Bounds, Esq.
The Honorable Karen A. Overstreet
Daniel P. Collins, Esq.
Philip J. Roberts
The Honorable Michael Simon
Mark D. Rubin, Esq.
The Honorable Holly Fujie
Professor David Oppenheimer
The Honorable Edward R. Johnson
The Honorable Harold E. Kahn
Cara W. Robertson, Esq.
The Honorable Ronald S.W. Lew
The Honorable Dorothy W. Nelson
The Honorable Dale S. Fischer
The Honorable Robert J. Bryan
Brian Goldman, Esq.
Nanci Clarence, Esq.
Daniel Donovan, Esq.
Thomas C. Mackey, Ph.D.
Kim Bishop
The Honorable Carlos T. Bea
Michael E. Haglund, Esq.
Kathleen E. Jolly, Esq.
The Honorable Andrew J. Kleinfeld
Bernard Jolles, Esq.
Barry Abrams, Esq.
The Honorable John F. Moulds
The Honorable Michael W. Fitzgerald
Steven Chidester, Esq.
The Honorable Lloyd D. George
Cathy Catterson
The Honorable James Singleton
The Honorable Dolly M. Gee
The Honorable Dean D. Pregerson
Michael Traynor, Esq.
Roy Dwyer, Esq.
The Honorable Bruce Markell
Ann Semaan-Beisch
The Honorable Robert Kwan
The Honorable H. Russel Holland
Edward J. Wynne, Jr., Esq.
Barry P. Goode, Esq.
Mark E. Haddad, Esq.
The Honorable Malcolm F. Marsh
Ragesh Tangri, Esq.

John A. Lapinski, Esq.
Mark V. Asdourian, Esq.
The Honorable Jeffrey Miller
Harry Scheiber, Ph.D.
The Honorable John L. Weinberg
The Honorable Frank R. Zapata
The Honorable Sidney R. Thomas
The Honorable James Robart
Francisca N. Araiza-Kasama, Esq.

ADVOCATE

Michael Griffith
Richard R. Clements, Esq.
The Honorable Justin Quackenbush
Jeffrey Morris
Ms. Pamela Parham
Robert Bruce Parham
The Honorable A. Howard Matz
Stephen Rahe, Esq.
Anne E. Padgett, Esq.
Michael J. Garcia, Esq.
Sheryl Bregman, Esq.
Paul J. Georgeson, Esq.
Laurence S. Zakson, Esq.
Eric G. Messinger, Esq.
The Honorable Robert E. Jones
Diane North
Francisca N. Araiza-Kasama, Esq.
The Honorable Robert N. Block
John Rosholt, Esq.
The Honorable James Selna
Professor John Cary Sims
Mary Ann Rousso, Esq.
Scott Emblidge, Esq.
Professor Michael Magliari
Kristen Jackson, Esq.
Michael Sall, Esq.
Professor Andrea Geiger
Charles J. Diegel
The Honorable Holly J. Fujie
John E. Havelock, Esq.
Cheryl Alcorn
Jacquelyn Kasper
John Feeney, Esq.
Doug E. Kupel, Esq.
Edgar L. Weber, Esq.
L.M. Jacobs IV, Esq.
Roy G. Weatherup, Esq.
The Honorable Diarmuid F. O'Scannlain
The Honorable Karsten Rasmussen
Professor Ronald B. Lansing
The Honorable Edward Leavy
James Tierney
Timothy L. Williams, Esq.
Sarah Andre, Esq.
The Honorable Patrick Irvine
The Honorable David K. Duncan
Howard McPherson, Esq.
The Honorable Sandra R. Klein
James Rigos, Esq.
Jean-Claude Andre, Esq.
The Honorable Ernest Robles
The Honorable Maxine M. Chesney
Professor Robert Marksman
The Honorable John A. Rossmeissl

Chet Orloff
 The Honorable Terry J. Hatter, Jr.
 The Honorable Robert McQuaid, Jr.
 Jordan Luttrell, Esq.
 Dennis A. Fischer, Esq.
 Ann Haberfelde, Esq.
 Chris Tweeten, Esq.
 Professor James Huffman
 Eileen M. Decker, Esq.
 Karen Korematsu
 Thomas C. Mitchell, Esq.
 Ronald Dean, Esq.
 John S. Cramer, Esq.
 Mark Wilson, Esq.
 The Honorable Stephen Pogson
 Randy Sue Pollock, Esq.
 Timothy Armistead
 Timothy Berg, Esq.

SUBSCRIBING

Thomas S. Kidde, Esq.
 Stanley Lehman
 University of Alberta
 MacQuarie University
 University of Victoria
 York University
 L' Universite Laval
 H. Clifford Looney, Esq.
 Southern New Hampshire University, Shapiro
 Library
 Robert Henry, Esq.
 Robert M. Sanger, Esq.
 Roger M. Townsend, Esq.
 Alan D. Smith, Esq.
 Dean A. Bochner, Esq.
 Boise State University
 University of Nebraska, Kearney
 Douglas Littlefield, Ph.D.
 University of Illinois
 Peter J. Gurfein, Esq.
 Judith Stoyko
 Pepperdine University
 San Diego County Law Library
 Patrick Del Duca, Esq.
 Brian Alan Baker, Esq.
 Alfred G. Ferris, Esq.
 W. Manning Evans, Esq.
 Western Wyoming College
 University of Nebraska, Lincoln
 San Francisco Law Library
 Russell J. Speidel, Esq.
 Joanna McCallum, Esq.
 Hon. Christopher M. Klein
 The Honorable Lawrence Piersol
 The Honorable Mary Alice Theiler
 Warren P. Kujawa, Esq.
 Robert M. Ebiner, Esq.
 Marketa Trimble
 The Honorable Neil V. Wake
 Mercer University
 Idaho State University
 The Honorable Helen Gillmor
 James Patrick Shea, Esq.
 University of La Verne
 Edmund S. Schaffer, Esq.

Florida State University
 New York Public Library
 E.P. Ipswich
 Ohio Northern University
 Peter Levinson
 James L. Hiller, Esq.
 Randolph M. Fiedler, Esq.
 Gale Group
 The Honorable Louise A. LaMothe
 The Honorable Charles R. Breyer
 Sina Salvati, Esq.
 Professor David J. Langum
 Keith H. Fichtelman, Esq.
 National Archives--Pacific Region
 Kathryn A. Lee, Ph.D.
 Loyola Law School
 Rachel Osborn, Esq.
 Peter O'Driscoll
 Golden Gate University
 University of Chicago
 Los Angeles Public Library
 Vanderbilt University
 M. Jonathan Hayes, Esq.
 Orange County Law Library
 W. Mark Wood, Esq.
 Brian Malloy
 Adam W. Pollock, Esq.
 University of Iowa
 Paul C. Ray, Chtd.
 Dorothy DeCoster
 Mark I. Harrison, Esq.
 Joseph W. Guzzetta, Esq.
 Jamey Harris
 University of Wyoming
 University of California, Davis
 Kris Carlson, Esq.
 National Archives Library
 Jenna Nalchajian, Esq.
 George Brewster, Jr., Esq.
 JRP Historical Consulting Services
 Stanley J. Grogan, Ed.D..
 The Honorable Robert C. Longstreth
 University of Hawaii
 Quinton Seamons, Esq.
 The Honorable Charles C. Lovell
 University of Maine
 Patricia D. Cafferata, Esq.
 San Francisco Public Library
 Gonzaga University
 Robert L. Cowling, Esq.
 University of Washington
 Kenneth Leyton-Brown, Ph.D.
 Susan E. Torkelson
 Universidad de Malaga
 University of Notre Dame
 Christopher Casey
 John Hansen
 Seattle University
 University of Louisville
 Dr. Louis Knafla

GALA SPONSORS

Farella Braun
 Lieff Cabraser
 Morrison & Foerster

Dentons US LLP
Munger Tolles & Olson Foundation
PerkinsCoie
O'Melveny & Myers
Wilson Sonsini
Pillsbury
Oracle
Gibson, Dunn
Bergeson LLP
Redgrave LLP
Hughes Hubbard
Durie Tangri

Bartko Zankel Bunzel
Wilson Sonsini
PerkinsCoie
Stoel Rives
Briscoe Ivester
Latham & Watkins
California Appellate Group
Cades Schutte
UCLA - CEB
CA Supreme Court Historical Society
Taylor & Patchen

WESTERN LEGAL HISTORY
The Journal of the
Ninth Judicial Circuit Historical Society
125 S. Grand Avenue
Pasadena, California 91105

Non-Profit Org.
U.S. POSTAGE
PAID
PASADENA, CA
Permit No. 244