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Richard H. Chused

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THE TEMPERANCE MOVEMENT'S IMPACT ON ADOPTION OF WOMEN'S SUFFRAGE

Richard H. Chused^{*}

I.	Introduction:	359
II.	Prohibition	363
	A. Early Years of the Temperance Movement	363
	B. Rise of the Women's Christian Temperance Union.....	369
	C. The Progressive Era Shift to National Regulation	373
III.	Suffrage	377
	A. The Overlapping Rhetoric of Prohibition and Suffrage.....	377
	B. Moral Messaging in the National Suffrage Movement	381
IV.	Conclusion	385

I. INTRODUCTION:

It is a truism that amending the Constitution of the United States is a difficult undertaking. Gaining a two-thirds positive vote in both houses of Congress and obtaining ratification by three-quarters of the states are often impossible hurdles to surmount.¹ Not counting the ten revisions made by the Bill of Rights, it has happened only 17 times since 1791—228 years.² The difficulties became painfully obvious to those of us who

^{*} Professor of Law, New York Law School. I extend my thanks to the New York Law School for its continuous support with summer writer grants and to the Constitutional Center at the University of Akron School of Law for inviting me to participate in this conference.

1. U.S. CONST. art. V.
2. Here's the list:
 Amendment XI [Suits Against a State (1795)]
 Amendment XII [Election of President and Vice-President (1804)]
 Amendment XIII [Abolition of Slavery (1865)]

lived through the failure of the Equal Rights Amendment (“ERA”) to gain ratification. States ratifying the proposal peaked at 35 in 1977; it did not receive the three additional positive votes needed by the originally set deadline of 1979; several states actually rescinded their votes.³ Though the deadline was extended by an act of Congress, no additional states ratified the amendment by the new (and potentially invalid) 1982 deadline. Over half a century of effort—the ERA was first introduced in Congress in 1923 at the urging of The National Women’s Party⁴—ended in failure. Contemporary efforts to revive the process also have not met with success.

That history teaches us an important lesson about altering the national charter. In the absence of a broad consensus favoring a change, it probably is impossible to amend the Constitution. A cross section of people favoring an amendment is required to gain approval. Traditional political, cultural, social, demographic, and economic divisions must be

Amendment XIV [Privileges and Immunities, Due Process, Equal Protection, Apportionment of Representatives, Civil War Disqualification and Debt (1868)]

Amendment XV [Rights Not to Be Denied on Account of Race (1870)]

Amendment XVI [Income Tax (1913)]

Amendment XVII [Election of Senators (1913)]

Amendment XVIII [Prohibition (1919)]

Amendment XIX [Women’s Right to Vote (1920)]

Amendment XX [Presidential Term and Succession (1933)]

Amendment XXI [Repeal of Prohibition (1933)]

Amendment XXII [Two Term Limit on President (1951)]

Amendment XXIII [Presidential Vote in D.C. (1961)]

Amendment XXIV [Poll Tax (1964)]

Amendment XXV [Presidential Succession (1967)]

Amendment XXVI [Right to Vote at Age 18 (1971)]

Amendment XXVII [Compensation of Members of Congress (1992)].

3 The Equal Rights Amendment reads:

Section 1. Equality of Rights under the law shall not be denied or abridged by the United States or any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

It was originally proposed by the National Women’s Party shortly after the Nineteenth Amendment was ratified and first introduced in Congress in 1923. Both houses of Congress finally approved it by overwhelming votes in 1972. That resolution provided that state ratification had to occur within seven years. Only 35 of the required 38 states did so by 1979. In 1978, Congress adopted another resolution extending the time period by an additional three years, but no additional states did so. Four actually resolved to rescind their prior actions. Questions about the legitimacy of both the time period extension and the rescissions were mooted by the failure of a sufficient number of states to ratify. The timeline is available at *Equal Rights Amendment*, WIKIPEDIA, https://en.wikipedia.org/wiki/Equal_Rights_Amendment [<https://perma.cc/3WMV-4QW5>].

4 SARA M. EVANS, *BORN FOR LIBERTY* 187 (1989); RICHARD CHUSED & WENDY WILLIAMS, *GENDERED LAW IN AMERICAN HISTORY* 917 (2016).

breached in order to succeed. The Progressive Era years between 1913 and 1920, when four amendments were ratified, exemplified a remarkable historical moment when changing the Constitution was possible. The average rate of one amendment adoption every 36 years between 1792 and 1912 was buried in a flurry of activity. The Sixteenth and Seventeenth Amendments dealing with the income tax and direct election of senators were both ratified in 1913. The Eighteenth Amendment on prohibition and the Nineteenth Amendment on women's suffrage were ratified in 1919 and 1920 respectively. Each of the four changes arose both from an increasing recognition of the importance of the federal government in our national polity and from a sense that compulsion by a central regime was an important aspect of gaining control over business concentration, labor unrest, moral decay, international controversies, and a rambunctious, conflict ridden, and racially and ethnically divided nation.⁵ World War I had a related impact. Sending men overseas to fight, motivating the nation to go to battle, developing national industrial strategies, and enunciating moral obligations to support the nation's armed forces each accentuated the nationalization of moral messaging and governmental authority. A cultural and political environment for national moral controls was solidly in place during the opening decades of the twentieth century.

Such dramatic shifts toward federalizing the structure of the nation required funding—the income tax. The original income tax proposals reached only the highest income brackets, making it more palatable to the nation as a whole. Direct election of senators significantly reduced the influence of state and local governments by removing their authority over selection of senators. It recognized the growing importance of populism on a national level rather than a local level. Suffrage and temperance arose from similar instincts, each spurred by an increasing recognition of the roles of women in American society and their importance in shaping the nature of national political culture. And both temperance and suffrage took the leap from state control—in both cases adopting ideas already accepted in many states—to national standards.

Proposed resolutions for both suffrage and temperance amendments were considered by Congress in 1914 and 1915 respectively—not surprising developments given the times.⁶ The Senate approved a

5. RICHARD F. HAMM, *SHAPING THE 18TH AMENDMENT: TEMPERANCE REFORM, LEGAL CULTURE, AND THE POLITY, 1880–1920* 1–9 (1995).

6. S. Print No. 99-87 at 50, 55. The Prohibition Amendment was defeated on December 22, 1914, the same day it was introduced in the House. The vote was 197–190, a majority but not the two-thirds majority required for a constitutional amendment. The Suffrage Amendment failed to garner a two-thirds majority in either house in early 1915.

resolution supporting the Eighteenth Amendment on August 1, 1917, by a 65-20 vote.⁷ The House followed suit by a vote of 282-128 on December 17 of the same year.⁸ In both houses, support was firm in both major parties. Ratification by the necessary 36 states occurred fairly quickly with five states passing the proposal on January 16, 1919, bringing the total to 38 approvals.⁹ By early 1922, 46 of the 48 states ratified the Amendment. Support clearly was widespread, especially in rural areas.¹⁰ The Nineteenth Amendment's adoption was a much rockier process. Five votes on the proposal were taken in Congress between 1918 and 1919. It failed each time on close tallies. President Wilson, a recent convert to the cause, called a special session to entertain suffrage one more time in 1919.¹¹ The House passed a resolution on May 21, 1919.¹² On June 4, 1919, the Senate, after Southern Democrats finally gave up a filibuster, approved the resolution by a 56–25 vote with many members not voting due to “pairing.”¹³ That event occurred only after intense lobbying and the defeat of two opposing senators in the 1918 elections. Though ratified in about the same amount of time it took for prohibition, with Tennessee approving the new Amendment by one vote on August 18, 1920, opposition was strong. Liquor interests, hoping for mild controls after the adoption of prohibition, and many conservatives fought the proposal. The Tennessee ratification story is the stuff of legend. A young, first-time representative, previously opposed, cast the deciding ballot. Without Tennessee's approval it is not clear when or if suffrage would have been ratified.¹⁴

While this conference gathered to mark and discuss the adoption and consequences of the Women's Suffrage Amendment, my goals are to

7. 65 CONG. REC. 5666 (1917).

8. 66 CONG. REC. 469 (1917).

9. At that point there were only 48 states, so approval required 36 rather than 38 ratification votes.

10. The timeline, state ratifications, and state refusals to ratify are provided at *Eighteenth Amendment to the United States Constitution*, WIKIPEDIA, https://en.wikipedia.org/wiki/Eighteenth_Amendment_to_the_United_States_Constitution [https://perma.cc/9HB4-MHVP]. The two jurisdictions declining to approve the Amendment were Connecticut and Rhode Island. A more complete ratification story is told in a history classic, JAMES H. TIMBERLAKE, *PROHIBITION AND THE PROGRESSIVE MOVEMENT, 1900–1920*, at 149–184 (1970).

11. 68 CONG. REC. 93 (1919).

12. *Id.*

13. 68 CONG. REC. 635 (1919). “Pairing” is the practice of two members whose votes would cancel each other out not appearing for a vote they both wish to or are willing to avoid.

14. This story is described in a classic of women's history. ELEANOR FLEXNER, *CENTURY OF STRUGGLE: THE WOMAN'S RIGHTS MOVEMENT IN THE UNITED STATES* 319–337 (1959). *See also* *Nineteenth Amendment to the United States Constitution*, WIKIPEDIA, https://en.wikipedia.org/wiki/Nineteenth_Amendment_to_the_United_States_Constitution [https://perma.cc/F98E-JNY6].

make a few observations about the nature of the Progressive Era and the Prohibition Movement, and to remind everyone of the important links between the sentiments giving rise to prohibition and those stimulating adoption of suffrage. Though each arose from a somewhat distinct array of reform impulses and overcame varying opposition groups, they were closely related in some ways, supported by overlapping groups of people, advanced by large numbers of women, and, in part, lifted to enactment by similar motivations. Indeed, without the support of many conservative citizens approving both Amendments, it is not clear what the fate of suffrage would have been after World War I. The paper proceeds in two parts—the first on prohibition and the second on suffrage. Each section reviews some of the history leading to the rise of sentiment in favor of adoption of a constitutional amendment, describes the similarities and differences in the two movements, and develops the basis for my overall thesis that adoption of the Suffrage Amendment was significantly enhanced by sentiments that also led to prohibition.

II. PROHIBITION

Adoption of the Prohibition Amendment—the Eighteenth—is viewed by many, perhaps most, contemporary Americans as a reactionary experiment gone terribly wrong—a personally intrusive, unnecessarily oppressive, and terribly misguided effort to control miscreant behavior. While those sentiments speak volumes about contemporary notions of autonomy, individualism, and self-governance, as well as the growing reluctance to police personal behavior even if it may be unhealthy, the actual history of the prohibition effort speaks with remarkably varied, and often quite different, voices. It too was opposed by some with autonomy sentiments similar to our own, but its supporters viewed it as a reform designed to reduce domestic violence, to provide women—especially middle and upper class white women—with greater control over the morality and demeanor of both the home and of society at large, to aid in controlling alcohol-consuming immigrants and people of color, and to furnish a motivation for adoption of women's suffrage.

A. *Early Years of the Temperance Movement*

The history of the Eighteenth Amendment goes deep into America's past. The Temperance Movement—given its name from a cultural sense early in our history that moderating risky or disfavored behavior by use of moral suasion was the proper pathway both to reduction of alcohol consumption and to alteration of other actions deemed socially

destructive—grew notably in the same era as the first significant women’s movement in the 1830s and 1840s. In time, the failure to gain headway in reducing alcohol use led to growth in sentiment to ban drinking. In Maine, for example, The Total Abstinence Society was formed in 1815¹⁵, and the state was the first to move from temperance to prohibition by becoming dry in 1851 when the state legislature belatedly adopted legislation enforcing an alcohol ban first adopted in 1846. It barred sale of alcoholic beverages except for “medicinal, mechanical or manufacturing purposes”¹⁶ to protect the morality and well-being of the state. The process in Maine certainly was not smooth. The state repealed its law in 1856 after an opposition riot seeking access to alcohol stored by the state for medicinal use. But it was readopted off and on until the state’s dry status was enshrined in its state constitution in 1885 during a period of widespread national temperance sympathy.¹⁷

Maine was not the only center of temperance agitation. Twelve other states adopted “Maine Laws” by 1855, though by the Civil War most had been repealed or nullified.¹⁸ Many of the nineteenth century radical suffragists—Anthony, Stanton, Gage, and others—were also temperance supporters, attended temperance conventions, and created social networks in support of their beliefs.¹⁹ Though not allowed to speak at a major meeting of the Sons of Temperance in 1852, Anthony helped organize a separate women’s group the following year, only to drop out when men were given some control over the group and a falling out occurred among the leadership. But many women active in the abolitionist and women’s rights movements maintained connections with the temperance cause before the Civil War.²⁰

While the growth of the movement slowed during the Civil War, it took deep root after hostilities ended. One primary series of events, a

15. Kelley Bouchards, *When Maine Went Dry*, PORTLAND PRESS HERALD (Oct. 2, 2011), https://www.pressherald.com/2011/10/02/when-maine-went-dry_2011-10-02/ [https://perma.cc/NVB3-69UK].

16. An Act for the Suppression of Drinking Houses and Tippling Shops, H.D. 2, Act. 210–218, 31 Leg. (Me. 1851).

17. Bouchards, *supra* note 15.

18. H. M. Cassidy, *Liquor Control in the United States*, in 3 Editorial Research Reports, CQ PRESS (1928), <https://library.cqpress.com/cqresearcher/document.php?id=cqresre1928080700> [https://perma.cc/8JKW-2FEV].

19. RUTH BORDIN, *WOMAN AND TEMPERANCE: THE QUEST FOR POWER AND LIBERTY, 1873–1900*, at 121–23 (1990); JAMES H. TIMBERLAKE, *PROHIBITION AND THE PROGRESSIVE MOVEMENT, 1900–1920*, at 122–23 (1970); ELEANOR FLEXNER, *CENTURY OF STRUGGLE: THE WOMAN’S RIGHTS MOVEMENT IN THE UNITED STATES 185–89* (1959).

20. CAROL MATTINGLY, *WELL-TEMPERED WOMEN: NINETEENTH-CENTURY TEMPERANCE RHETORIC* 23–26 (1998).

catalyst for much of what occurred later, has drawn attention in the literature.²¹ During the early 1870s, large numbers of religious women in southern Ohio began to sit in at bars, pubs, and drug stores²² demanding a halt to the sale of alcohol and virtually shutting down the industry in the area for a time. The trigger for the sudden outpouring of women on the streets of towns in southern Ohio was a speech by an itinerant speaker—Diocletian Lewis—a believer in God, gymnastics, and temperance. He had long urged such dramatic action by women but had largely been ignored as he traipsed about the country. This time, however, he landed in fertile territory.²³

Many white, middle class, Christian, southern Ohio women were ready to act on Lewis' pleas. They were eager to urge a soon to open state constitutional convention to consider proposals for limiting alcohol consumption. In the post-Civil War Era, they were concerned about the debilitating impact of alcohol use, especially the widening use of malt beverages like beer.²⁴ Their interest was piqued not only because alcohol consumption was thought to be a long-standing problem, but also because a large number of German-speaking and other beer-drinking immigrants had arrived in recent decades and opened a raft of breweries, bars, and saloons all across the Midwest.²⁵ In addition, beer was much more

21. The most important books are both by Ruth Bordin. *See generally* BORDIN, *supra* note 19; JED DANNENBUM, *DRINK AND DISORDER: TEMPERANCE REFORM IN CINCINNATI FROM THE WASHINGTONIAN REVIVAL TO THE WCTU* (1984); RUTH BORDIN, *FRANCES WILLARD: A BIOGRAPHY* (1980) [hereinafter *WILLARD BIOGRAPHY*].

22. Many widely available “remedies” were filled with alcohol.

23. See Richard H. Chused, *Courts and Temperance “Ladies”*, 21 *YALE J.L. & FEMINISM* 339, 340–44 (2010).

24. CASSIDY, *supra* note 18 (providing historical consumption rates for various kinds of alcoholic beverages). Between 1840 and 1900 consumption of distilled spirits declined by about half, while the rate for malt liquors rose by a factor of almost 12. This is totally consistent with an array of studies and literature. *See* HENRY WILLIAM BLAIR, *THE TEMPERANCE MOVEMENT: OR, THE CONFLICT BETWEEN MAN AND ALCOHOL* 214 (1888); DEP'T OF HEALTH, EDUC. AND WELFARE, *SPECIAL REPORT TO THE U.S. CONGRESS ON ALCOHOL & HEALTH* (1971); Harry G. Levine & Craig Reinerman, *From Prohibition to Regulation: Lessons From Alcohol Policy for Drug Policy*, 69 *MILBANK QUARTERLY* 461, 469 (1991). Levine and Reinerman concluded that the total amount of absolute alcohol (rather than the volume of beverages) consumed was extremely high before 1840 but declined thereafter, though the consumption of alcohol in malt beverages rose dramatically after that time. The same conclusions are reached in histories of beer. MAUREEN OGLE, in *AMBITIOUS BREW: THE STORY OF AMERICAN BEER* 151 (2006). Beer consumption soared from about one gallon per capita in 1840 to 15 by 1896. *See also* AMY MITTELMAN, *BREWING BATTLES: A HISTORY OF AMERICAN BEER* 22, 34, 38 (2008). Data gathered by the Census Bureau confirms the pattern as fermented malt liquor production grew after the Civil War. *See* BUREAU OF THE CENSUS, UNITED STATES DEPARTMENT OF COMMERCE, *HISTORICAL STATISTICS OF THE UNITED STATES: COLONIAL TIMES TO 1970*, at 691 (1975).

25. BUREAU OF THE CENSUS, UNITED STATES DEPARTMENT OF COMMERCE, *HISTORICAL STATISTICS OF THE UNITED STATES: COLONIAL TIMES TO 1970*, at 106 (1975). Half a million

difficult to store at home than distilled spirits. Bottles did not begin to become common until much later.²⁶ A number of women felt they were losing control over domestic alcohol consumption. In prior decades, drinking had typically occurred out of (often locked) liquor cabinets at home. But by the 1870s, tales of men—both immigrant and native—coming home drunk and beating up their wives and children became standard lore.²⁷ As a result, many white Christian women feared loss of control over both home-based alcohol consumption and cultural hegemony as drug stores, bars, and saloons dispensing alcohol proliferated. Some of the antipathy to drinking certainly came from disdain for newly arriving immigrant populations and changing racial residential patterns. But the fervor with which the women undertook their activities, and their willingness to enter male environments typically off limits for “respectable” women, spoke volumes about a new found level of concern and passion that drove them to break traditional norms. By the time Maine enshrined prohibition in its state constitution in the 1880s, national women’s movements, especially the Women’s Christian Temperance Union, were at the height of their power.

As large numbers of southern Ohio women took seriously Diocletian Lewis’ call for sit-in actions to shut down bars, taverns, and drug stores. In 1874, they dressed up in their Sunday best and began their efforts with prayer and song at local churches before marching down the streets in their finery. They boldly entered male dominated bars, saloons, and drugstores singing hymns, calling for closure of the establishments, and sending men scurrying on their way with their tails between their legs. These events were widely described and commented upon in the local press. Many articles detailed vivid stories about the activities of the women and the reactions of men. Consider these two reports—published on January 26 and February 2, 1874—taken from among a bevy of stories published in the *Cincinnati Commercial*. The first was about a gathering of women in front of Dunn’s Drug Store:

[O]n Wednesday last they called on him [Dunn], and were received very

Germans arrived in the United States between 1852 and 1854, just over 40% of all immigrant arrivals in those years. Almost as many Irish arrived in the same period. See Jack S. Blocker, *Separate Paths: Suffragists and the Women’s Temperance Crusade*, 10 *SIGNS* 460, 468–69 (1985).

26. AMY MITTELMAN, *BREWING BATTLES: A HISTORY OF AMERICAN BEER* 119 (2008). The first mass production bottling system, created at the behest of Adolphus Busch, went online in 1872. MAUREEN OGLE, *AMBITIOUS BREW: THE STORY OF AMERICAN BEER* 64 (2006). But sales of bottled rather than draft beer did not reach 35% of the market until 1935. Now the vast bulk of beer is sold in bottles or cans. *Id.* at 208.

27. SCOTT C. MARTIN, *DEVIL OF THE DOMESTIC SPHERE: TEMPERANCE, GENDER, AND MIDDLE-CLASS IDEOLOGY, 1800–1860*, at 46–53 (2008).

politely, but accomplished nothing. Thursday and Friday they called again, but found the door locked in their faces; thereupon they held short prayer meetings in front of his drugstore, and determined that if the door was locked on Saturday, they would hold an all-day prayer meeting in front of his store. Saturday morning a bitter cold wind made it very uncomfortable on the streets, and many doubted their ability not only to carry out the determination, but of their being able to hold even a short prayer meeting. But promptly at 10 o'clock this determined army were seen coming up from the Presbyterian Church, stopping first in front of Uprig's saloon, where they held their usual prayer meeting, then after visiting the saloons of Messrs. Ward and Bales, they assembled in front of Mr. Dunn's drug store, and as the first song, with the enthusiastic chorus, "I am glad I'm in this army." rose on the air, it carried conviction to the large crowd that had gathered around that they were terribly in earnest and would endure all things until victory crowned their every effort. As prayer after prayer and song after song arose, men wondered at their persistent determination, for the wind blew so bitterly cold that men could scarcely keep warm but by constant exercise, yet those brave-hearted women kneeling on that freezing pavement utterly regardless of the cold, showed the invincible spirit that was within them, and with one accord for almost six hours kept up two prayer-meetings, one at the front and the other at the back door, showing a tenacity of purpose that excited enthusiasm in every beholder.²⁸

Keep in mind the awe and disbelief of some of the men watching the Dunn Drug Store gathering while reading this second newspaper vignette occurring a few days later in 1874—one I find particularly revealing:

A young "blood" gave me, this morning, a most amusing account of the scene when the ladies entered the first saloon. He and half a dozen others, who had been out of town, and did not know what was going on, had ranged themselves in the familiar semi-circle before the bar, had their drinks ready and cigars prepared for the match, when the rustle of women's wear attracted their attention, and looking up they saw what they thought a crowd of a thousand ladies entering. One youth saw among them his mother and sister; another had two cousins in the invading host, and a still more unfortunate recognized his intended mother-in-law! Had the invisible prince of the pantomime touched them with his magic wand, converting all to statues, the tableau could not have been more impressive. For one full minute they stood as if turned to

28. J., *Correspondence Cincinnati Commercial*, CINCINNATI COMMERCIAL, Jan. 29, 1874, at 2. While I cannot be sure about the identity of "J.," it was probably J. H. Beadle who authored many of the articles about the Crusades in the *Cincinnati Commercial* and wrote a book about them. See generally J. H. BEADLE, *THE WOMEN'S WAR ON WHISKEY: ITS HISTORY, THEORY, AND PROSPECTS* (1874).

stone; then a slight motion was evident, and lager beer and brandy-smash descended slowly to the counter, while cigars dropped unlighted from nerveless fingers. Happily, at this juncture the ladies struck up—O, do not be discouraged. For Jesus is your friend.

It made a diversion, and the party escaped to the street, “scared out of a year’s growth.”²⁹

Though these tales may be amusing to contemporary audiences, there are very serious lessons to be drawn from them—the deeply felt sense of the women about the rightness of their cause, the powerful way these middle class, respectable, typically home-making, Christian women marshalled their widely respected reputations for virtue and morality to the service of their movement, and their willingness to enter previously male domains in the service of their high calling. Many, though certainly not all, men of the 1870s were cowed by the steadfastness, determination, and moral suasion of the townswomen many knew quite well. The willingness, nee eagerness, of the women to appear in previously male spaces was a telling and powerful shift in their social behavior—a move from the domesticity of the home to a distinctly male space. And they not only showed up in dozens of bars and drugstores but also in droves in previously all-male courtroom environments to show their support for the movement when some of the bar and drugstore owners brought injunction suits in an effort to stop the demonstrations. Their presence had a palpable impact on the courtroom drama. No injunctions ever were granted, even though one of the local judges, William Safford, who vigorously opposed the women’s actions, resigned his position on the bench to take on the representation of one of the drug store owners.³⁰

A month or so after Safford’s recently acquired client lost his case seeking an injunction, the one-time judge gave a speech that both demonstrated the power of the women and the disbelief of some men that demonstrators actually organized themselves rather than acted at the bidding of men:

[M]y fellow-citizens, it is against this despotism of public opinion [that I speak]; this popular furor, by which our cities and towns are disgraced; this frenzied fanaticism of the hours; this institution of a female commune; this organized subversion of law, to meet outside interpretation of right; so intolerant and insulting, violating law and order, disturbing the tranquility of society, trespassing upon individual right, that I for

29. Beadle, *Correspondence Cincinnati Commercial*, CINCINNATI COMMERCIAL, Feb. 2, 1874, at 2.

30. Chused, *supra* note 23, at 348–66 (telling the litigation story in some detail).

one, must earnestly protest. . . .

. . .

What do we see here today! Honest women who are put forward by dishonest men who are cowards themselves. I will not say anything disrespectful of the mothers, wives, sisters and daughters engaged in this crusade. They have, a great many of them, God knows, reason for making every effort to suppress the whisky trade and we can say to them that we will lend you every aid to suppress it in a legal way. And I tell them today that it was not because I am not a temperance man that I do not aid them in their present moment. This evil of intemperance which is not only the curse of this Nation, but of all Nations, I am willing to do what I can to suppress; but there is a boundary beyond which we cannot go with propriety. I am unwilling that these misguided women should place themselves in the purlieu of vice and immorality, and that [they] should visit these saloons to be remarked upon by the rabble. I am unwilling they shall get upon the streets in the ridiculous attitude of prayer, to coerce men into a compliance with their demands, and not really to supplicate the throne of the Deity.³¹

B. *Rise of the Women's Christian Temperance Union*

Though Safford made a “polite” bow to the virtue of the women and to their cause, he obviously was unable to either support or to fathom the strong and deeply felt motivations behind their public actions well outside a traditional domestic sphere. And the women’s power to organize themselves, to move men to shut down bars, to stir anger in their opponents, and to attempt to move male politicians writing a new state constitution were lessons well learned by the women themselves over the course of the Ohio sit-ins and anti-liquor agitation. Most importantly for purposes of celebrating the arrival of women’s suffrage, their new-found sense of power and their dedication to changing their roles in society did not simply melt away. After the praying, marching, and sitting-in died down when the Ohio Constitutional Convention ended without taking significant action, many of the newly activated women did not give up their public work. They began organizing. Some helped found the Women’s Christian Temperance Union (“WCTU”).³² It grew rapidly. Frances Willard, a well-known Illinois educator and reformer, joined immediately after the Ohio sit-ins in 1874, took over the WCTU’s publication arm in 1876, and became its leader in 1879—a position she

31. *Judge Stafford's Speech at Chillicothe*, CINCINNATI COMMERCIAL, Mar. 16, 1874, at 2.

32. WILLARD BIOGRAPHY, *supra* note 21, at 66.

retained until her death almost 20 years later. Willard was an incredibly charismatic speaker and a convincing pamphleteer.³³

Reactions of suffragists to the crusade were intriguingly mixed. While captivated by the activism of so many women taking on new cultural roles, they were disappointed by the first crusaders disinclination to push for suffrage.³⁴ One of the most interesting responses is reported in a letter from Miriam M. Cole that was transcribed by Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage and published in the *History of Woman Suffrage* well after the Crusades ended:

If the “woman’s war against whiskey” had been inaugurated by the woman suffrage party, its aspect, in the eyes of newspapers, would be different from what it now is. If Lucy Stone had set the movement on foot, it would have been so characteristic of her! What more could one expect from such a disturber of public peace? She, who has no instinctive scruples against miscellaneous crowds at the polls, might be expected to visit saloons and piously serenade their owners, until patience ceases to be a virtue. But for women who are so pressed with domestic cares that they have no time to vote; for women who shun notoriety so much that they are unwilling to ask permission to vote; for women who believe that men are quite capable of managing State and municipal affairs without their interference; for them to have set on foot the present crusade, how queer! Their singing, though charged with a moral purpose, and their prayers, though directed to a specific end, do not make their warfare a wit more feminine, nor their situation more attractive. A woman knocking out the head of a whiskey barrel with an ax, to the tune of Old Hundred, is not the ideal woman sitting on a sofa, dining on strawberries and cream, and sweetly warbling, “The Rose that All are Praising.” She is as far from it as Susan B. Anthony was when pushing her ballot into the box. And all the difference between the musical saint spilling the precious liquid and the unmusical saint offering her vote is, that the latter tried to kill several birds with one stone, and the former aims at only one.

Intemperance, great a curse as it is, is not the only evil whose effects bear most heavily on women. . . Tears, prayers and songs will soon lose their novelty—this spasmodic effort will be likely soon to spend itself; Is there any permanent good being wrought? Liquor traffic opposed woman suffrage, and with good reasons. It knows that votes change

33. *Id.* at 67–73 (providing background on Willard’s joining of the WCTU). The entire book provides information on her long career in the organization, enormous energy, ability to deeply affect audiences, and uncanny ability to capture cultural sensibilities in her writings.

34. *See* Blocker, *supra* note 25, at 469–72.

laws, and it also knows that the votes of women would change the present temperance laws and make them worth the paper on which they are printed. While this uprising of women is a hopeful sign, yet it cannot make one law black or white. It may, for a time, mold public opinion, but depraved passions and appetites need wholesome laws to restrain them. If women would only see this and demand the exercise of their right of suffrage with half the zeal and unanimity with which they storm a man's castle, it would be granted. This is the only ax to lay at the root of the tree.³⁵

The desire of Cole and other suffragists for a shift in strategy among women temperance advocates was soon answered. By the early 1890s the WCTU was the largest women's group in the United States, as well as its largest suffrage organization—facts not commonly discussed today.³⁶ Under Willard's guidance and tutelage it developed a “do everything” strategy to improve the status of women, support the union movement, control domestic violence, raise the age of consent to make it easier to convict men taking advantage of, if not forcibly raping, young women—all the while using anti-alcohol fervor as its primary motivation.³⁷ The WCTU was an extremely powerful element of the Progressive Era Reform Movement. Willard's primary message was contained in a remarkable pamphlet entitled *The Home Protection Manual*—published in 1879, the year she took over the WCTU. Its primary message was encapsulated beautifully in the following brief passage. And note well the ways she used a deeply religious, prohibition-based message to integrate concerns about protecting the well-being of women, safeguarding children, providing for viable means of family economic support, and supporting women's suffrage into a few brief sentences:

But, looking deeper, we perceive that God has provided in Nature an antidote for every poison, and in the kingdom of His grace a compensation for every loss, so for human society he has ordained King Alcohol, that worst foe of the social state, an enemy beneath whose blows he is to bite the dust. Take the instinct of self-promotion (and there is none

35. *Miriam M. Cole*, in 3 *HISTORY OF WOMAN SUFFRAGE* 500–2 (Elizabeth Cady Stanton et al. eds., 1889).

36. *WILLARD BIOGRAPHY*, *supra* note 21, at 153–54.

37. *Id.* at 129–54. She was also a staunch Christian, a socialist, and a proselyte for the Social Gospel Movement. *Id.* at 155–175; *see also* IAN TYRELL, *REFORMING THE WORLD: THE CREATION OF AMERICA'S MORAL EMPIRE* 74–97 (2010) (describing the international reach of Willard, the broader temperance movement, and other moral reform movements). The age of consent movement was very successful. *See* Jane E. Larson, “*Even a Worm Will Turn at Last*”: *Rape Reform in Late Nineteenth-Century America*, 9 *YALE J. L. & HUMAN.* 1, 21–33 (1997).

more deeply seated). What will be its action in woman when the question comes up of licensing the sale of a stimulant which nerves with dangerous strength the arm already so much stronger than her own, and which at the same time so crazes the brain God meant to guide that manly arm that it strikes down the wife a man loves and the little children for whom when sober he would die? Dependent for the support of herself and little ones and for the maintenance of her home, upon the strength which alcohol masters and the skill it renders futile, will my wife and mother cast her vote to open or to close the rum-shop door over against the home?³⁸

Then there is the second instinct, so much higher and more sacred that I would not speak of it too near the first. It is so deep, but how high it reaches up toward Heaven—the instinct of a mother’s love, a wife’s devotion, a sister’s faithfulness, a daughter’s loyalty! Friends, the love of women’s hearts was given for purposes of wider blessing to poor humanity than some of us have dreamed. Before this century shall end the rays of love which shine out from woman’s heart shall no longer be, as now, divergent so far as the liquor traffic is concerned; but through that magic lens, that powerful sunglass which we term the ballot, they shall all convert their power, and burn and blaze on the saloon, till it shrivels up and in lurid vapor, curls away like mist under the hot gaze of sunshine. Ere long our brothers, hedged about by temptations, even as we are by safeguards, shall thus match force with force, shall set over against the dealer’s avarice our timid instinct of self-protection, and match the drinker’s love of liquor by our love of him. When this is done you will have doomed the rum power in America even as your [sic] doomed the slave power when your [sic] gave the ballot to the slave.

While the language of this passage (and many others she wrote and uttered in public oratory during the following two decades) surely seems quaint, hopelessly optimistic, and out of date to most of us, it’s power in the late nineteenth century cannot be gainsaid. It grabbed the souls of tens of thousands of women looking desperately for a renewed sense of security, virtue, economic well-being, and decent home life in an era wracked by depression, labor violence, class conflict, racial animosity, immigration disputes, and greed. The message was plaintive but telling. Thousands of women who had previously stayed out of major political debates eagerly joined those already in the movement. The suffrage message was strong and dramatically different from the traditional

38. FRANCES E. WILLARD, HOME PROTECTION MANUAL: CONTAINING AN ARGUMENT FOR THE TEMPERANCE BALLOT FOR WOMAN, AND HOW TO OBTAIN IT, AS A MEANS OF HOME PROTECTION; ALSO CONSTITUTION AND PLAN OF WORK FOR STATE AND LOCAL W. C. T. UNIONS 9 (1879).

suffragists of Willard's day. It was "the instinct of 'a mother's love, a wife's devotion, a sister's faithfulness, a daughter's loyalty,'" Willard claimed, that will drive her peers to the polls to vote against the liquor interests.³⁹ "[O]ur timid instinct of self-protection," will dominate women's sentiments as they marched to the polls, matching "the drinker's love of liquor by our love of him."⁴⁰ Note how different the ideas in Willard's *Home Protection Manual* were from the equality rhetoric of the traditional suffragist. Willard's message became much more popular and acceptable to many women and men in later decades. While the reformist zeal of the Southern Ohio sit-ins was solidly ensconced in Willard's psyche, she was friendly with, but not cut from the same mold as, the activists of the mid-nineteenth century Suffrage Movement. Rather her message grew out of a sensibility that late nineteenth century women had special religious, moral, and reformist instincts desperately needed by society to facilitate badly needed reforms. She brought deep religious fervor to her life and work, believed strongly in the possibilities of moral transformation, and exerted enormous amounts of energy on an array of important issues.⁴¹ Her political base was enormous. As the best known and most popular woman of the time, she was welcomed by huge crowds in auditoriums all over the country and much of Europe.⁴² As Ruth Bordin wrote, "Frances Willard was a household word by 1889 and her reputation spanned the continent. Of equal importance, she had moved a social philosophy that revolved around temperance and the woman question to support of the Labor Movement and acceptance of Christian Socialism."⁴³

C. *The Progressive Era Shift to National Regulation*

Willard's gradual departure from day-to-day activity with the American WCTU in the 1890s,⁴⁴ first to organize in Europe and then from illness, led to its partial decline from the lofty status it held as the largest women's membership organization in the United States. After her death in 1898, the WCTU returned primarily to a single issue, temperance organization as other groups took over much of the broader reformist

39. *Id.*

40. *Id.*

41. See WILLARD BIOGRAPHY, *supra* note 21, at 155–74 (providing a summary of the way religion, reform, and political work meshed in her life).

42. *Id.* at 127. When she delivered her WCTU Presidential address at the organization's 1888 convention, she filled the then new Metropolitan Opera House with 400 delegates and 4000 other attendees. The event was widely covered in the press. It was only one of many large crowds she spoke to during the 1880s.

43. *Id.* at 154.

44. *Id.* at 190–213.

messaging. The WCTU did remain a powerful organization, but others also arose to take on both prohibition and suffrage, most notably the Anti-Saloon League founded in 1893. The League continued Willard's efforts to obtain adoption of both prohibition and suffrage. Its major national newsletter, *The American Issue*, published numerous articles on both subjects. Its pages included essays with the oft told tales of men coming home to badly mistreat their families⁴⁵, as well as reports on efforts to obtain suffrage and on state level attainments in the field. This article, for example, appeared in 1913.⁴⁶

45. This story appeared in a 1912 issue:

The saloon tells only a small part of the story, however. It is when one follows the victim of drink to his home, if home it may be called, that the full effects are seen. To let wife and children go hungry and naked is a small thing. That goes without saying. The man who is maddened with drink is capable of any crime. One such poor intemperate was met, as he returned home, by his four-year-old son. Had he been sober, he would have pressed him to his bosom; but he had been drinking heavily, and he took that boy by the shoulder, lifted him over his head, and threw him out of the second-story window. They picked the little fellow up with both thighs broken.

Ellsworth Olsen, *Our Responsibility*, 20 AMERICAN ISSUE, Sept. 1912, at 6.

46. *Suffrage Territory Continues to Grow*, 21 AMERICAN ISSUE, Jan. 1913, at 2.

The Progressive Era witnessed a profound shift in attitude about the exercise of government moral and regulatory power after the turn of the twentieth century. As noted, the early temperance fervor typically was based on persuasion not coercion—an effort to convince the population to be temperate in their consumption of alcohol. Willard herself had to convince the WCTU membership to begin moving toward more compulsory regulation during her time as President of the organization. State anti-liquor laws were sought; federal controls were not originally on the table. But the strong morality-based forces of the Progressive Era gradually gained strength. Temperance was not the only movement steeped in such motivations. Agitation for legal control of opiates and other drugs, control of white slavery, limiting immigration to “acceptable” populations, controlling corporate power, cleaning up slums and tenement houses, reducing vagrancy, as well as adoption of women’s suffrage, all began to move from the realms of persuasion, religiosity, and street level social services to compulsion, and for some issues from local and state control to federal regulation.⁴⁸

The Congressional debates on the Prohibition Amendment displayed these trends. Much energy was spent debating whether it was appropriate to shift regulation of alcohol from local to federal control. But there also were many speeches devoted to the debilitating moral impacts of its use on society—especially on women and children. Perhaps Senator William Kenyon of Iowa best summed up such sentiments. While stated with a style of censure Willard never used, she certainly would have applauded his sentiments about the need to protect children, women, and the frail:

It is a trap for the youth; a destroyer for the old; a foul spawning place for crime; a corrupter of politics; knows no party; supports those men for office whom it thinks can be easiest influenced; has no respect for law or the courts; debauches city councils, juries, and everyone it can reach; is powerful in the unity of its vote, and creates cowards in office.

It flatters, tricks, cajoles, and deceives in order to accomplish its purpose; is responsible for more ruin and death than all the wars the Nation has ever engaged in; has corrupted more politics, ruined more lives, widowed more women, orphaned more children, destroyed more homes,

48. The sources on this issue are legion. Here are just a few covering different areas on the impact of moral movements in the late nineteenth and early twentieth centuries. *See generally* IAN TYRELL, *REFORMING THE WORLD: THE CREATION OF AMERICA’S MORAL EMPIRE* (2010); Richard Chused, *Euclid’s Historical Imagery*, 51 *CASE WESTERN RESERVE L. REV.* 597 (2001); NICOLA BEISEL, *IMPERILED INNOCENTS: ANTHONY COMSTOCK AND FAMILY REPRODUCTION IN VICTORIAN AMERICA* (1997); WALTER RAUSCHENBUSCH, *A THEOLOGY FOR THE SOCIAL GOSPEL MOVEMENT* (1918).

caused more tears to flow, broken more hearts, undermined more manhood, and sent more people to an early grave than any other influence in our land.

Its day has come. No subterfuge can long save it. It will be dragged into the open, the influences behind it stripped of their masks. A mighty public conscience is aroused, moving on rapidly, confidently, undismayed, and undeceived. Behind it are the churches of the Nation—Protestant and Catholic—schools, colleges, and homes. This public conscience is not discouraged by defeat or deceived by any cunning devices, by any shams or pretenses. Its cause is the cause of humanity, of righteousness, and God Almighty fights with it.⁴⁹

Related sentiments, I suggest, also motivated much of the Suffrage Movement.

III. SUFFRAGE

Messages about the special moral roles of women in society so loftily presented to the American body politic by the vivid rhetorical presence of Frances Willard and the memory of women exercising their power and influence in southern Ohio during the Women's Crusades remained in the public consciousness for much longer than a generation. And those sentiments were critical to the eventual adoption of women's suffrage. The National American Woman Suffrage Association, headed by Susan B. Anthony upon its founding in 1890, became the largest suffrage organization during that decade. But, as already noted, some members of both suffrage and temperance groups recognized the moral force and power of women in society and favored both movements. Though the coalitions were not totally alike, the overlap among more conservative, often rural, and religious partisans ran fairly deep.

A. *The Overlapping Rhetoric of Prohibition and Suffrage*

Richard Hostadter reminds us in his classic book, *The Age of Reform*, that the urban/rural disagreement over prohibition was serious. Urban residents tended not to favor efforts to ban distribution and consumption of alcohol, and resistance to prohibition there was widespread.⁵⁰ The split was obvious in a 1914 Ohio referendum on a proposal to go dry. It won

49. See 55 CONG. REC. 5636–66 (Aug. 1, 1917) (entirety of the 1917 Senate debates); see also 55 Cong. Rec. 5639 (Aug. 1, 1917) (Senator Kenyon's remarks in the House); 56 CONG. REC. 422–61 (Dec. 17, 1917) (entirety of the 1917 House debates).

50. RICHARD HOFSTADTER, *THE AGE OF REFORM: FROM BRYAN TO F.D.R.* 286–291 (1955). See also SARA EGGE, *WOMAN SUFFRAGE AND CITIZENSHIP IN THE MIDWEST* (2018).

handily in rural areas but lost badly in Cleveland and Cincinnati.⁵¹ And much rural support for prohibition also came from nativism and the Ku Klux Klan, sentiment stimulated by World War I, antipathy to German immigrants and their widespread association with malt beverages and saloons, and post-Civil War racial animosity. Approval for prohibition was high across the country among middle and upper-class religious, conservative, white women, and their male supporters. It is worth noting that the 1920 census was the first in which urban population was more than half the national total.⁵² Rural political preferences largely controlled governmental actions.

The sometimes ugly, and often religious and moral, motivations for prohibition also became props for support of suffrage as a weapon to douse the use of liquor or to take advantage of the ethical attributes of women. Carrie Chapman Catt, who took over leadership of the National American Women's Suffrage Association in 1915, reduced traditional reliance on the rhetoric of equality while ably tapping into both the most upstanding motivations of women as well as the not always attractive currents of American sentiments during the Progressive Era. Robert H. Wiebe, painting a picture of three major figures leading reform efforts during the later years of suffrage agitation—Samuel Gompers of the American Federation of Labor, Booker T. Washington of the Black Self-Help Movement, as well as Catt—described their talents well:

To emphasize their distance from lower-class life, they shaped their appeals to fit traditional values. Catt, cutting America cleanly into respectable and disreputable parts, held out prospects of a far greater respectability in public life through the elevating effects of white women's character and simple moral truths. Gompers cultivated the role of a businessman ready to deal with other businessmen, always as good as his word. Washington promoted equally familiar 19th century values: blacks, given the opportunity, would rise by dint of good habits and honest labor. The three of them wrapped their causes in attractive promises: civic virtue, economic rewards, social harmony.

All of them cultivated reputations as moderates who fending off the radicals just next to them: Washington the upstarts in the Niagara Movement and the National Association for the Advancement of Colored People; Catt the militant suffragists behind Alice Paul; Gompers the strike-minded expansionists in and around the AFL. Sublimating their anger at

51. *Ohio Has Gone Wet*, 21 AMERICAN ISSUE, Nov. 1914, at 11.

52. BEN J. WATTENBERG, U.S. BUREAU OF THE CENSUS, U.S. DEPT. OF COMMERCE, THE STATISTICAL HISTORY OF THE UNITED STATES: FROM COLONIAL TIMES TO THE PRESENT 11–12 (1976).

more obvious enemies—employers, whites, men—they bent every effort, and at least some values, to make the enemies of these enemies their enemies: Gompers the stalwart antagonist of socialism; Washington the earnest opponent of amalgamation; Catt the implacable foe of urban riff-raff. The most telling moment in this record of accommodation came with the First World War, when Catt and Gompers, once pacifists, charged to the head of the military parade.⁵³

Ohio, the WCTU's root, provides a perfect example of the ways the rhetoric of the Prohibition and Suffrage Movements often overlapped. From the very beginning the impact of the Crusades were felt in the state's suffrage debates. During efforts to grant women voting rights in the 1873 Constitutional Convention, for example, Mr. Alvin Voris contended that if politics were too corrupt for women, it was a bad omen "for the future, and . . . a withering commentary on man's management of our public affairs." Granting suffrage rights, he continued, would give women "additional moral force, make her influence greater and better qualify her for her mission, . . . make her a better wife and mother and just as good a Christian."⁵⁴ This interplay between notions of virtuous women and political indecorum continued unabated until suffrage finally was approved—some claiming that women would clean up the polls and others rebelling at the notion that women should dare step foot in the boisterous and unseemly political realm. Suffrage efforts all across the nation were strongly opposed by alcohol interests,⁵⁵ as well as those preferring to leave the issue to the states, or to those taking traditional views on the impropriety of women participating in public, governance activities. The legislature of Ohio, for example, blocked efforts to amend the Ohio Constitution to grant women the right to vote in 1888, 1890, and 1891.⁵⁶ Agitation by liquor interests against suffrage apparently was intense.⁵⁷ Those failures led to efforts to seek more modest reform by allowing women to vote in school elections—a realm filled with women

53. ROBERT H. WIEBE, *SELF-RULE: A CULTURAL HISTORY OF AMERICAN DEMOCRACY* 152 (1995).

54. D.C. Shilling, *Woman's Suffrage in the Constitutional Convention of Ohio*, 25 OHIO ARCHAEOLOGICAL & HIST. Q. 166, 172 (1916).

55. FLEXNER, *supra* note 14, at 188, 231, 306–09.

56. Marian Morton, *How Cleveland Women Got the Vote—and What They Did With It*, at 1 (Jan. 18, 2016), <http://teachingcleveland.org/category/progressive-eratom-l-johnsonnewton-d-baker-19/how-cleveland-women-got-the-vote/> [https://perma.cc/VJJ4-94X5] (Aug. 5, 2019).

57. Evidence about this pops up in many places. See, e.g., *Our Columbus Letter*, DEMOCRATIC NORTHWEST AND HENRY COUNTY NEWS (April 19, 1894). Where it is said that dries in the legislature vote for suffrage and wets do not.

teachers and often thought of as an extension of home life. Ohio's women finally obtained the right to vote in education elections in 1894.⁵⁸

Efforts continued in Ohio to obtain full suffrage, including during vibrant debates on the subject at the 1912 state constitutional convention. In addition to debating prohibition, the right of women to vote took center stage. While the proposal to grant suffrage adopted at the convention later went down to defeat at the polls, debate at the convention was fascinating. One of the most vociferous supporters of suffrage was Mr. Hiram D. Peck from Cincinnati. He gave long speeches on the moral, educational, and spiritual benefits of allowing women to vote. And he did so in ways that by no means commanded support for prohibition as well:⁵⁹

Gentlemen, if you want clean streets in your cities let the women vote. If you want your streets and highways kept in repair and your cities kept sanitary, let the women vote. If you want your school houses kept in order and made sanitary, let the women vote. They will keep them in order. If you want your schools run right and your school teachers kept up to the mark, let the women vote. They will take care of that. If you want playgrounds for the children, let the women look after it by their votes.

These are some of the things women will do and there are many others that I might enumerate. It is all in the one direction. There is nothing but what favors the same conclusion. Take in the matter of civics—anything that pertains to the life of the community, especially the moral welfare of the whole community. I am speaking of this with reference to the whole community; I am not speaking of it as a matter of benefit to the women. I am speaking for the benefit of the men as much as the women. Men need the women in politics just as much as the women need to vote. We want them. We want their assistance.

. . .

[A]s a rule women habitually live on a higher moral plane than men, and

58. 91 Ohio Laws 182 (1894). An Act to secure a voice in school affairs to the women of Ohio on equal terms with men, General and Local Acts Passed and Joint Resolutions Adopted by the Seventy-Second General Assembly. While this Act was a fall back after broader suffrage rights were not obtained, legislation granting women the right to cast ballots in school elections was adopted in many states even before suffrage was an important issue. In such places, the decisions rested on education policy, a desire to allow taxpayers to control the ways their funds were spent close to home, or a recognition of the role women played in educating children. See Kathryn A. Nicholas, *Reexamining Women's Nineteenth-Century Political Agency: School Suffrage and Office-Holding*, 30 J. POL'Y HIST. 452 (2018).

59. Mr. Peck actually voted in favor of allowing the state to vote on a proposal to allow localities to license businesses to sell intoxicating beverages. 2 PROCEEDINGS AND DEBATES OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF OHIO 1808 (1912).

we want that moral force in our politics as it is in our social life. We want to help cleanse our political life. Brethren, there is no reform on earth like an individual reform. You may reform forms of government, and change forms of government and switch them about, and have this sort of a board and that sort of a board, and this sort of an assembly and that sort of an assembly, and this sort of a court and that sort a court, but there is no reform that goes to the bottom of things like individual reform, which makes a man better and purer and more honorable, and that is the kind of reform that the introduction of women in the politics will forward, and that is the fundamental reason why I am in favor of woman's suffrage.⁶⁰

Like Ohio, efforts to obtain suffrage in other states were delayed, stymied, or granted in a limited fashion.⁶¹ But the gradual expansion of suffrage across the nation by the time the issue came before Congress in 1919 certainly had an impact on its final approval.

B. Moral Messaging in the National Suffrage Movement

The tenor of the debates over federal as well as state suffrage revealed the complexity and importance of the moral messaging, the limitations of equality rhetoric, and the importance of race and ethnicity as limitations on both. When, for example, the House of Representatives was in the midst of its final debate on the subject, Mr. Edward C. Little of Nebraska uttered one of the most arresting speeches:

They tell us that woman should not vote merely because she is a female. No other reason has been advanced except that form which says that she cannot bear arms. Every mother who bears a son to fight for the Republic takes the same chance of death that the son takes when he goes to arms. The fact that she is a woman is a reason for, not against, the utilization of every force for the advancement of society. Ninety-nine per cent of

60. 1 PROCEEDINGS AND DEBATES OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF OHIO 614 (1912) (statement of Hiram D. Peck).

61. By the time the Nineteenth Amendment was ratified, 15 states had granted full suffrage rights: Wyoming (1890), Colorado, (1893), Utah, (1896), Idaho, (1896), Washington, (1910), California, (1911), Arizona, (1912), Kansas, (1912), Oregon, (1912), Montana, (1914), Nevada, (1914), New York, (1917), Michigan, (1918), Oklahoma, (1918), and South Dakota, (1918). In a few of these, such as Wyoming, suffrage was granted earlier while the area was a territory. For those locations, the dates reflect the time of statehood. In four states voting for presidential electors was permitted: Illinois (1913), Nebraska (1917), North Dakota (1917), and Indiana (1919). Voting in primary elections was opened to women in Arkansas (1917) and Texas (1918). In thirteen others the vote was granted for school or tax elections. *Centuries of Citizenship: A Constitutional Timeline*, NAT'L CONST. CTR., https://constitutioncenter.org/timeline/html/cw08_12159.html [<https://perma.cc/T6J5-H3LX>], and in the Congressional debates on the Nineteenth Amendment in 1919. 58 CONG. REC. 84 (May 21, 1919) (statement of Mr. Nelson).

the murderers in the world are men. Ninety-nine per cent of the burglars are men. Ninety-nine per cent of the gamblers are men. Ninety-nine per cent of the counterfeiters are men. Ninety-nine per cent of all the thieves, outlaws, forgers, pickpockets, bank robbers, tram robbers, pirates, and drunkards in the world are men. Ninety-nine per cent of all criminals are men.

Ninety-nine per cent of all diseases inherited by reason of evil lives of parents come down from the male side. For every courtesan there is a seducer and panderer and a thousand customers. When one considers the character of the two sexes, he better appreciates the power of the instinct of race preservation which nature has planted in the human kind, which certainly is all that has induced women to remain on the same continent with man for 60 centuries. If the world were open and the best character of votes were the dominating factor, women would control the ballot entirely. If good character were the basis for the franchise, most of the voters would probably have been women long ago.

. . .

Men have argued here for 50 years that woman suffrage would break up the home. But in the Western States, where we have had woman suffrage in one form and another for years, we know of no family that has ever been disrupted by quarrel over politics. We know of no fireside that has burned more dimly because of any difference of opinion about the use of the ballot. To permit the mothers of this country to express their views on important issues will not injure the homes. As I reflect now I realize that every time I followed my mother's advice I did well. Generally when I did not listen to her I lived to regret it. She was a thoughtful and prudent woman. The long and short of the whole matter is that for centuries you have treated woman as a slave, dragged her over the pages of history by the hair, and then you pretend to think she is an angel, too good to interfere in the affairs of men. Give her now a fixed, reasonable status, as becomes a rational human being like yourself.⁶²

It is fascinating that a great deal, probably most, of the oratory supporting the Amendment did not rely primarily or entirely on equality principles. The views of Mr. Little governed the day. Issues of morality and virtue tended to take a back seat among the opposition. They mostly took the positions that the issue should be relegated to the states rather than become a national affair,⁶³ that women don't want suffrage,⁶⁴ or,

62. 58 CONG. REC. 80–81 (May 21, 1919) (statement of Rep. Edward C. Little).

63. *E.g.*, 58 CONG. REC. 84–86 (May 21, 1919) (statements of Rep. Benjamin Kurtz Focht of Pennsylvania and of Rep. Frank Clark of Florida).

64. *E.g.*, *id.* (statement of Rep. Benjamin Kurtz Focht).

taking a racist stance, that the proposed Amendment would wrongly enfranchise half the population of black citizens.⁶⁵ Virtually all of the Senate's final debate before passage was devoted to discussion of proposed amendments to subject suffrage to state veto, effectively nullifying the proposal and subjecting it to racially motivated opposition in the south.⁶⁶

While the widely publicized parading and picketing by the equal rights oriented Women's Party, led by Alice Paul, has justifiably received credit for reviving a moribund national movement for suffrage a half-dozen years before Congress approved it, the organization was working on fertile soil seeded by the deeply felt social sensibility about the differences between men and women. Indeed, the major outrage created by the 1913 failure of police to protect a large 5,000 person march up Pennsylvania Avenue from a mob was widespread antipathy to men assaulting women. A similar binge of outrage greeted the cruel treatment of women arrested for picketing the White House in 1917.⁶⁷ The work of the Women's Party, together with the rejuvenation of the National American Women's Suffrage Association overseen by Carrie Chapman Catt, and the increasing success of state suffrage referenda all helped carry the day. The critical approval of suffrage in a 1917 New York referendum, breaking through the previously solid opposition in the northeast, was critical in convincing those in Congress that the time had come.⁶⁸

Strangely, perhaps one of the most revealing statements made during the final suffrage campaign came not from any member of the legislature, but from President Wilson—a then recent and perhaps reluctant convert to the cause in 1918. Taking a cue from the strategically wise decision of Carrie Chapman Catt and the National American Women's Suffrage Association to support the war effort,⁶⁹ Wilson began his speech by giving credit to the women for their support. He commented on their patriotism, their willingness to take on jobs and tasks normally performed by men, and their sensible judgments that were needed as counselors during and after the conflict. “Are we,” he said, “to ask and to take the utmost that women can give,—service and sacrifice of every kind,—and still say that

65. *E.g., id.* at 90–92 (statement of Rep. Frank Clark of Florida).

66. 58 CONG. REC. 615–634 (June 4, 1919).

67. FLEXNER, *supra* note 14, at 272–274, 286–303 (discussing the important role played by Alice Paul and the Women's Party). See also Sarah Pruitt, *The Night of Terror: When Suffragists Were Imprisoned and Tortured in 1917*, HIST. STORIES (Mar. 4, 2017), <https://www.history.com/news/night-terror-brutality-suffragists-19th-amendment> [<https://perma.cc/9N95-3NW5>] (laying out a brief summary of the 1917 events).

68. *Id.* at 271–303.

69. FLEXNER, *supra* note 14, at 294.

we do not see what title that gives them to stand by our sides in the guidance of the affairs of their nation and ours?"⁷⁰ And he closed with a ringing statement of support for suffrage, based not only on the war support of suffragists, but also on the special spiritual and moral influence that would benefit both the country and the world:

Have I said that the passage of this amendment is a vitally necessary war measure, and do you need further proof? Do you stand in need of the trust of other peoples and of the trust of our women? Is that trust an asset or is it not? I tell you plainly, as commander-in-chief of our armies and of the gallant men in our fleets, as the present spokesman of this people in our dealings with the men and women throughout the world who are now our partners, as the responsible head of a great government which stands and is questioned day by day as to its purposes, its principles, its hopes, whether they be serviceable to men everywhere or only to itself, and who must himself answer these questionings or be shamed, as the guide and director of forces caught in the grip of war and by the same token in need of every material and spiritual resource this great nation possesses,—I tell you plainly that this measure which I urge upon you is vital to the winning of the war and to the energies alike of preparation and of battle.

And not to the winning of the war only. It is vital to the right solution of the great problems which we must settle, and settle immediately, when the war is over. We shall need then a vision of affairs which is theirs, and, as we have never needed them before, the sympathy and insight and clear moral instinct of the women of the world. The problems of that time will strike to the roots of many things that we have not hitherto questioned, and I for one believe that our safety in those questioning days, as well as our comprehension of matters that touch society to the quick, will depend upon the direct and authoritative participation of women in our counsels. We shall need their moral sense to preserve what is right and fine and worthy in our system of life as well as to discover just what it is that ought to be purified and reformed. Without their counsellings we shall be only half wise.

That is my case. This is my appeal. Many may deny its validity, if they choose, but no one can brush aside or answer the arguments upon which it is based. The executive tasks of this war rest upon me. I ask that you lighten them and place in my hands instruments, spiritual instruments, which I do not now possess, which I sorely need, and which I have daily to apologize for not being able to employ.

70. 56 CONG. REC. 10928–29 (Sep. 30, 1918).

Wilson's brief speech reflected the spectrum of rationales used to support suffrage. The work of the women during the war, to the President, framed an argument based on a stilted form of gender equality. On the other hand, their moral sense, their purity, their reforming sensibilities, and their wise counsel signaled the special roles that women played in the cultural life of the nation. It is the shift of these motivations from the home and the saloon to the world of politics and male bastions of power—with its roots in the Ohio Crusades half a century earlier—that was crucial for the adoption of suffrage.

IV. CONCLUSION

When the women of southern Ohio took to the streets to shut down bars, saloons, and drug stores in the 1870s, they surely did not consider their actions to be a precursor of national suffrage. Nor did they fully understand the long term impact their actions would have. Miriam Cole's shocked reaction to the events⁷¹ attested to that. But the Crusades both undermined the narrow view of domesticity so prevalent in most of the nineteenth century and expanded its contours to include use of the virtue, morality, caretaking, learning, and mien of women in traditional households to serve similar purposes in the larger community. The events lowered barriers preventing women from using their higher moral standing to influence political movements on a grander scale. While Miriam Cole found their actions odd, many others in society, especially men, could only stand and watch with shocked expressions. As the prohibitionists themselves, under the influence of Frances Willard and others, began to see the need for suffrage to support their domestically and religiously driven goals, the possibilities grew for growth of a segment of society favoring both restrictions on liquor and enlarging access to the ballot.

That is exactly what happened. While most early suffragists favored temperance, their focus was on the vote. The highly organized women's movements supporting suffrage and prohibition never closely worked together. But there were common ideological factors in both movements that attracted adherents. Many suffragists, like prohibitionists, saw use of alcohol by men as dangerous to women. And many prohibitionists, while eschewing the equality theories of many suffragists, recognized the need for suffrage to control the continued use of spirits. And many men—both supporters and opponents of prohibition—used their attitudes about the

71. See HISTORY OF WOMAN SUFFRAGE, *supra* note 35.

morality of women to justify their support of suffrage. That common ground led many on opposite ends of the political spectrum to support the two changes in the constitution. And it is that odd sort of mutuality, necessary for adoption of most changes to the national charter, that significantly enhanced the likelihood that women's suffrage would become a national undertaking.