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Courts and Temperance “Ladies"

Richard H. Chused

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In 1873 and 1874 parts of southern Ohio were gripped by a remarkable string of marches, religious gatherings, and sit-ins by conservative, Christian, white women intent on shutting down the distribution of alcohol in their communities. The immediate catalyst for the movement was a speech given by Dr. Diocletian Lewis, a believer in God, gymnastics, and temperance. He frequently gave orations urging women to pray at bars for the deliverance of intemperate souls, but he usually was politely received and ignored. On a few occasions his plan to use prayer to obstruct liquor traffic led to small and short-lived demonstrations. But his speech on “The Duty of Christian Women in the Cause of Temperance,” delivered on December 23, 1873, before a group of women in Hillsboro, Ohio, led to an outpouring of temperance fervor. The resulting “Crusade” spread like wildfire across the country’s midsection, choking off the flow of alcohol in more than 250 communities. After the demonstrations ebbed and a sense of normalcy returned to the liquor trade, women active in the movement established the Woman’s Christian Temperance Union—a group that became the largest suffrage organization in the country by the 1890s.

Though these events have been well described by historians, a fascinating series of issues relating to the use of legal institutions to control the demonstrative women arose during the Temperance Crusade in Ohio. Many women in Hillsboro opposed using available legal avenues to suppress the liquor trade, preferring strategies based on moral suasion. But, as with other major controversies in our history, aspects of the Temperance Crusade ended up in court despite the desires of many to avoid such forums. When liquor trade supporters sought injunctions against the sit-ins and marches, murmurs of discontent could be heard on the town’s streets. But once the court hearings began, Crusaders worked together to protect their interests. They regularly occupied large segments of courtroom public-seating areas and participated in some aspects of the legal proceedings. Their entrance into the traditionally male judicial domain had a profound influence on the progress of the move-
ment and the camaraderie of the women. Historians have noted that the Crusade had a transformative impact on some of the women participants. It convinced them that public actions could alter social patterns and reconstruct cultural norms. A major part of that influence was first felt in the small town courts of Southern Ohio.

Setting the Stage

The Temperance Crusade explosion did not appear without warning. Organized opposition to the consumption of alcohol was part of the American political landscape since shortly after the founding of the republic. Beginning with the creation of the first temperance organizations in Massachusetts during the 1820s, hundreds of thousands of Americans became involved in actions to reduce or eliminate the consumption of alcoholic beverages. Before the 1850s the vast bulk of activity involved moral and religious suasion. But the gradual breakdown of tight-knit, small-town life in developing towns and cities, the movement of men to the frontier, the economic and social dislocations caused by the Panic of 1837 and later monetary crises, and the arrival of large numbers of immigrants ruptured many of the links between social or religious disapproval and civic behavior. Groups seeking total prohibition of alcohol emerged by the mid-century. During the 1850s women pouring alcohol from smashed containers in bars became a fairly common activity. But the intensity and breadth of the Temperance Crusade in Southern Ohio, the spread of the movement to many other parts of the country, and the active public role played by large numbers of conservative women differed from any prior events.

The women who took to the streets of Hillsboro, Ohio, were not the sorts typically involved in organized, public, political movements with mass participation. They came, according to Charles Isetts, from the upper crust of town society—mostly women from white, wealthy, religious families of long standing in the community. He discovered that families with members in the Crusade owned the bulk of Hillsboro's wealth, were virtually all white and native-born, and had male household heads with white-collar jobs or successful skilled craftsman positions. Only 5 percent of the Crusaders were immigrants. Perhaps the class and ethnic differences between the Crusaders and those they sought to stop fueled the stunning intensity and fervor of the Crusade. J. H. Beadle, the most frequent commentator in the Cincinnati Commercial on the demonstrations, certainly thought so. Several months into the movement he wrote that it was pitting Catholic against Protestant and native-born against German, as well as one political faction against another. The Crusade was a culture clash.

The leader of Ohio's early temperance movement, Samuel Cary, was among the first to popularize prohibition. In 1847 he published a pamphlet, Cary's Appeal to the People of Ohio, staking out the then growing belief that "moral appliance alone cannot arrest the traffic" in alcohol. In part because of Cary's influence in the state, Ohio's 1852 Constitution barred the granting of licenses to sell alcoholic beverages by localities, making it the responsibility of the General Assembly to "provide against the evils resulting" from the sale of liquor. The burgeoning Prohibition movement in the state, like those in many other areas of the country, was given an added boost by the adoption of the nation's first prohibition law in Maine in 1851. Large petition drives surfaced in Ohio as part of a campaign to have Prohibition written into the new state constitution then being drafted. When that effort failed, campaigns to elect legislators willing to follow Maine's example emerged.

Growth of the Prohibition movement was particularly important for women. They participated in circumscribed ways in church- or social service-based temperance activity through the mid-nineteenth century. But their inability to vote and the social stigma attached to their participation in political agitation led to a reduction in their role in the main national temperance organizations when their strategies shifted from working through churches and social organizations to seeking legal prohibition. Some women, including many in Ohio, remained comfortable using traditional methods of social pressure and continued their work outside the growing Prohibition movement. But more activist temperance and suffrage women found themselves cast aside from major Prohibition organizations.

The intensity of Prohibition activity continued to grow during the years before the Civil War and quickly reemerged when the fighting stopped. Immigration patterns and the growth in beer consumption clearly helped fuel the fire. The scale of German immigration before and after the war was enormous. Just over five hundred thousand immigrants arrived in the United States from Germany between 1852 and 1854—43 percent of all those finding their way to these shores in that short span. For the twenty years following the Civil War, Germans also were the largest national immigrant group. Many moved to the Midwest. Alcohol consumption patterns changed dramatically with their arrival. Beer, previously a minor beverage in America, began to be sold in large amounts after 1840. Sales grew dramatically after the Civil War.

The large growth in beer sales and the opening of large numbers of saloons, especially in places like southern Ohio where many German immi-
grants lived, exacerbated women's fears that alcohol was affecting their home environments. The issue was not so much that more alcohol was being consumed, although more beer certainly was, or that only immigrants or blacks were doing the consuming. Both rich and poor were drinking. The problem was a sense that the practice was decentralizing and disrupting normal methods of social control. Hard liquor could easily be kept on hand at home. No special storage methods were required. If male drinkers had to be controlled, women could put the bottles under lock and key. But beer required special storage and dispensing facilities not typically available in households. Men drinking outside the home became much more common. Saloons, as many drinking establishments came to be known in the 1850s, proliferated and emerged as distinctly male domains. Stories of men drinking in town, coming home drunk, wasting money, and beating up their families, while always present in cultural lore, became much more common and believable.

The final straw for the women of Hillsboro, Ohio, may well have been anger and frustration. Sale of liquor by the drink had been barred in Ohio since at least 1854, the same year that families obtained the authority to sue liquor dispensers for damages caused by their drunken relatives. But owners of saloons, drug stores, beer gardens, and other establishments selling alcohol routinely claimed that their payment of federal taxes and receipt of a federal tax stamp legitimated their trade. Ohio's law, and similar laws in other jurisdictions, went largely unenforced by public authorities. Ballot initiatives in some towns made them legally "dry," but saloons continued to do business. The failure of elected officials to take actions against those distributing alcohol led to substantial anger and frustration.

Some spectacular events began to occur. During the 1850s women in dozens of scattered communities formed bands to invade saloons and destroy their stocks of alcohol. They often obtained the tacit, and sometimes public, support and blessing of local religious leaders and male temperance societies. The war interrupted such actions. But the return of men, habituated to drinking during military service, to their prewar communities, the use of alcohol or beer as part payment of wages in many factories, the postwar onset of large-scale beer production, and the opening of many new saloons exacerbated the situation. Women who led wartime temperance activities sometimes were pushed aside as hostilities ended, adding to the level of discontent. When the major, male-dominated political parties showed little interest in temperance during the 1872 election and Ohio prepared for a constitutional convention in 1873, the moment was ripe for an activist women's Prohibition movement to surface. All that was needed was a catalyst. Diocletian Lewis filled the bill.

Women in Men's Domains: Setting the Tone

Typical nineteenth-century courtrooms, like the saloons that peppered the nearby landscapes, were not women's territory. After the Civil War women appeared as trial witnesses or attended public court sessions from time to time, and they joined the legal profession in very small numbers. But the vast bulk of those present in courthouses across the nation—judges, jurors, court personnel, attorneys, and spectators—were men. There were exceptions, however, and at least two of them played an important role in the emergence of Hillsboro, Ohio, as the epicenter of the Crusade. One began some years before the Crusade in the nearby town of Greenfield, Ohio. A group of women in that town organized to shut down the liquor trade. As they marched in 1865 a woman whose son had been killed during a gunning saloon brawl became particularly incensed in front of the drinking establishment where the fight occurred. Her cries incited the women to use axes and other implements to destroy the saloon, as well as other taverns in town. Bar owners sued the women, and a trial commenced in Hillsboro early in 1867. There "the 'first ladies' of Hillsboro met the defendants when they arrived in town...一件 escorted them to private homes, for generous entertainment during their stay...[and] also took seats with them during the trial, and in every possible way gave demonstration of the morality of the case." After a four-day trial Judge Albert S. Dickey ordered the women to pay $625 in damages. But the proceeding was a precedent for women mobilizing to publicly support the most radical prohibition activities. Perhaps it was not an accident that the women of Greenfield were among the first to join the Crusade after it began in Hillsboro.

The second court proceeding was more remarkable. Suffragist Miriam Cole, in a letter she wrote puzzling over the public displays of temperance sentiment by women in Ohio, recalled a trial in Springfield, Ohio, that occurred just shy of a year before the Crusades erupted. It was a case brought under a dram shop act commonly known, in Ohio, as the Adair Law—an old statute amended as temperance activity intensified in 1870 to allow any person to sue bar owners and sellers of liquor to recover damages caused by an intoxicated buyer. "A woman whose husband had reduced his family to utter want by drunkenness, entered a suit against the rum seller," Cole recalled. After the local paper published an appeal for help from the plaintiff to the women of Springfield, "a large delegation of the most respectable and pious women of the city came into the court." After a week-long adjournment, "the excitement had become so great that when the trial came on the
court-room was full of spectators, and the number of ladies within the rail was increased three-fold." And most surprising of all to Cole, a woman—Mrs. E. D. Stewart—made the closing argument for the plaintiff.

Mrs. E. D. Stewart was not a lawyer but a well-known Ohio temperance advocate. Popularly known as "Mother Stewart," she made something of a career showing up as an advocate in Adair Law cases and was a principal player and frequent speaker during the Hillsboro Crusades. Stewart's advocacy is a revealing portrayal of the way gender roles could be used to influence male behavior in late-nineteenth-century America. She began the central argument of her closing by noting that the plaintiff's husband, "when not under the influence of liquor, was a kind husband and father." He provided "for the necessities of his family. ... [and] even when occasionally giving way to his appetite it had been proven that he was able to earn from $6 to $9 per week." But . . . the influence of drink," Stewart argued, made him "so worthless and incompetent that the wife and mother, besides her regular domestic duties, was obliged to labor to earn the means of support for her family." Powerful rhetoric followed, focusing on the stigma and suffering of the drunkard's wife and children. Finally, Stewart closed the rhetorical vise, asking the jury to "deal with this woman as they would that others should deal with their wife or daughter. And as they dealt with her, might God deal with them." Stewart described the response of the defense attorney: he gesticulated vehemently, declared it was "infamous to bring a female in to influence the court and jury." Mrs. Stewart should be ashamed to come into court, he exclaimed. "She had much better have been at home attending to her legitimate duties." The jury, however, "brought in a verdict of $100 and costs." 34

Stewart knew how to pluck the heartstrings of the male jurors. Recognizing their role as protectors of wives, daughters, children, and grandchildren, she dared them to turn aside from their God-given obligation to provide for their families and kin. Even as she crossed traditional boundary lines to enter and then control the atmospherics of a courtroom, she asked the men before her to make sure that they met their own social obligations. When reading her story, you can visualize the discomfort she caused men unaccustomed to hearing articulate women speak, imagine the nervous twitches of opposing counsel, and sense the male jurors’ recognition that they could not resist Mother Stewart's appeal for help. Stewart took her judicial experience with her to Hillsboro the following year and used it to school her peers there on the importance of ensuring women's presence in generally male bastions—courtrooms as well as saloons.

### Events Giving Rise to Litigation in Hillsboro

Legal events took on major importance in Hillsboro very shortly after the Temperance Crusade began. The town buzzed with chatter about the operations of a grand jury investigating illegal sales of alcohol and the possibility that citizens might be called to testify. 35 Residents also reacted with surprise and some consternation to the posting of a notice by Dr. William Henry Harrison Dunn threatening legal action if the demonstrations in front of his Palace Drugstore continued. J. H. Beadle, in an article dated January 30, 1874, reported on a speech by Judge John Matthews delivered to a gathering of Crusaders at the Methodist Church in Hillsboro the night before and noted the disapproving audience reaction to the judge's comments on the use of law to further the Crusaders' goals. Matthews' remarks, Beadle reported, "were received with great favor, till he reached this passage: 'We all hold . . . [moral suasion] to be the best method. But we are trusting in God, and we must not dictate methods to Him. We had not intended to appeal to the law, but God works by means, and it may be that He has determined we shall make use of the law of Ohio!' At this ingenious attempt to smooth the way to legal proceedings there was quite a titter among the irreverent, and the ladies near me showed decided signs of disapprobation." Beadle noted, "Of the nine saloons (including three hotel bars) five have closed; whether permanently, and whether because of the ladies or the grand jury, is not known. The ladies are earnest in their repudiation of legal measures, and do not fail to protest whenever the matter is broached in their meetings."

It made little difference in Hillsboro, it turned out, whether such protests arose from traditional women's reluctance to leave the path of moral suasion, or from the conviction that God would provide a pathway to success, or from a desire to avoid the male judicial domain, or, simply from frustration at the failure of politicians and prosecutors to pursue illegal drinking establishments. On the morning of January 29, 1874, residents awoke to find a "Notice to the Ladies of Hillsboro" from Dunn posted throughout the town. 36 He called upon Mother Stewart and seventy-eight other women, as well as twenty-five men, "who, although not directly participating in your daily proceedings, are, nevertheless, counseling and advising you in your unlawful proceedings by subscriptions of money, and encouragement in the commission of daily trespasses upon my property" to cease the demonstrations in front of his store. Dunn complained that "my legitimate business has been obstructed, my feelings outraged, and my profession and occupation sought to be rendered odious, by reason of which I have suffered great pecu-
Dunn wrote, “but entertaining the highest regard for the ladies of Hillsboro, distinguished heretofore, as they have been, for their courtesy, refinement and Christian virtues, I feel extremely reluctant to have to appeal to the law for protection against their riotous and unlawful acts.” But, he concluded, “if such action and trespasses are repeated, I shall apply to the laws of the State for redress and damages for the injuries occasioned by reason of the practices of which I complain.”

Dunn sought legal redress and obtained temporary injunctive relief on January 31, a result that, according to Beadle, initially split the movement.26 But Dunn’s actions “had the effect to bring out a large number to the morning meeting” of the Crusaders who voted unanimously to continue their work. A delegation was sent to the mayor and construction began on a “Tabernacle” in the street in front of Dunn’s store. The move to court, it seems, convinced most of the demonstrating women that they had to confront the new environment with political action as well as prayer and devotion.

**Judge William H. Safford**

Judge William H. Safford issued the Hillsboro temporary injunction. After promulgating the order barring the Crusaders from demonstrating in front of Dunn’s business, Safford declined to seek another term as judge. He then became Dunn’s attorney and handled the case for him during a hearing on whether to make the temporary injunction permanent! Less than two weeks after the initial court hearing, he gave an enlightening interview to “Amber,” which was published in the Cincinnati Commercial.27 When Amber asked what he thought of the Crusaders, Safford responded that the women were the finest of citizens but were not really in control of their actions. “I am personally acquainted with some of these ladies, and have accepted of their hospitality,” Safford began. “For intelligence and refinement, and all the female graces and Christian virtues they are not excelled in this or any other State.” “Many of these were in affluence and [from] distinguished and cultivated families,” he continued. “They have appreciated and patronized learning and the arts; they have had the advantages of two, and part of the time three of the best female colleges in the State, conducted by the most successful and experienced teachers in the West.”

But after making this polite bow to the elite women in town, Safford refused to give them much credit for the power of their demonstrations. “When the Yankee peddler of patent temperance societies explained their virtues, the plan of moral suasion pleased their views and gave promise of success;” he opined. “Neither moral nor legal coercion was dreamed of in the commencement. It was intended to use mild and persuasive measures to induce the cessation of the liquor traffic.” Safford continued. But, he complained, “having started in the enterprise, what with the aid of ministers and the encouragement of the male portion of the community, their zeal in the case increased. In the meetings at night they were stimulated by the flattering encouragement they received, and before they were aware of it had raised a whirlwind which they could not control.” The women, in Safford’s view, became the pawns of men. “They then became somewhat coercive and aggressive. They did not stop to make distinctions. Any one who sold liquors had to come down. If persuasion could not accomplish it, he was to be goaded and hectored into it,” the judge bemoaned. “The spirit of conquest was aroused; and they fired prayers at his front door like hail. They gradually and unintentionally got into excesses.” He concluded by arguing that the women lacked any control over their actions.

I think that when matters had arrived at this point, the leaders of the movement would have gladly backed out, had it not been feared, if they did so, the whole thing would have fallen through. They, however, were in the whirl, and had to go with it. I can not believe that the leaders, or, I should say, prominent ladies, ever intended that matters should go so far.

Safford’s statement presents a fascinating mix of politeness and disbelief that the refined, intelligent, well-educated, elegant, Christian ladies of Hillsboro possibly have unleashed such a storm of protest. Despite the obviously well-organized way in which daily demonstrations occurred, with prayer meetings followed by groups of women marching in an orderly fashion to bars, saloons, and drugstores, he found it difficult to believe that the women of Hillsboro actually desired to undertake such activity, intended to pressure their fellow citizens to join the Crusades, planned their course of action, and rejoiced at the power of their prayers.

The depth of his state of disbelief was demonstrated even more strongly a month later—after the judges who took over the Dunn case declined to make his temporary injunction order permanent—when Judge Safford gave a speech in Chillicothe.28 He condemned the Crusaders in very strong language—as a “female commune” trespassing on legal rights, morally coercing citizens, and infringing on freedom of opinion. “Honest women,” he exclaimed,
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.

Judge Safford’s position that the women were “put forward by dishonest men who are cowards themselves” was a stunning misstatement of the Crusade reality. Such a denial that women were responsible for their own actions coursed through the public statements of those opposed to the demonstrations. The men making such statements could not fathom that women voluntarily would “place themselves in the purlieus of vice and immorality” and “be remarked upon by the rabble” supposedly inhabiting such places. Nor were they willing to accept women using “the ridiculous attitude of prayer” to coerce men, rather than soliciting help against the liquor trade from on high. It wasn’t that prayer itself was ridiculous; it was the use of prayer as a way of controlling men that struck Safford as unsupportable.

These comments go to the heart of the public debate that unfolded about the Crusades as they occurred. In a perverse sort of way, they mirrored the reality. Such a denial that women were responsible for their own actions, adding that “ladies have no idea of their legal abilities;” “do not know the components of a promissory note,” and “lose that respect which should be paid them” when they “forget their woman’s sphere.” He ended his peroration with a volley of comments comparing the Crusaders to “Mahomedan” “der­visies” who go “before the door of the person and howl” to “extort” a desired result. Drawing laughter throughout his argument—presumably only from the non-Crusaders in the audience—Sloane not only declined to accept the women as instruments of their own fates, but he also belittled their behavior and demeaned their reputations. It is hard to believe that the women, though
quietly listening, were not seething in their seats, storing their anger for use in the ongoing temperance agitation and, later, in the suffrage movement. Reading such material makes palpable the ways in which the male-dominated legal process could "radicalize" women and turn them into overt political actors.

Eventually, however, the use of humor and the atmospherics it created were far more complex than the remarks of Mr. Ulrich Sloane alone suggest. He was not the only person to poke fun in the proceeding. The rejoinder by one of the defendants' counsel, Mr. James H. Thompson, also had its laugh-provoking moments. "What is this drug store?" he asked. "They have admitted ... that Dunn is a retail liquor seller," Thompson continued. But, he noted with laughter ringing through the courtroom, "he says that the ladies come to his place not to disturb him as a liquor dealer, but to prevent him from selling calomel and jalap ... and sweet drugs for ladies. ... He says 'they have come here to prevent me from selling paregoric.'... Give me Dunn's drug store and I can whip all the Modoc Indians in the country." To more peels of laughter, Sloane concluded, "He is a pirate, sailing under the black flag, and he comes here and says the ladies are injuring him in the drug business. Does any one suppose that the women here would go to Dunn's drug store to pray for him not to sell drugs? Such a thing would be ridiculous."

Although the women of Hillsboro were not the objects of Mr. Thompson's scorn, his jibes posed analytical problems. Were the women comfortable with this sort of argument? Did they appreciate Thompson's humorous use of the biblical character Miriam to critique Dunn's legal position and join in the laughter? Note that he took a very different approach than Mother Stewart in her previously described argument to the jury in the Adair Law case. Rather than playing on men's social obligations to protect "their" women as in Stewart's closing, Thompson focused on the hypocrisy of the saloon keepers. Did Thompson's statements, like those of the plaintiffs' counsel, suggest comfort about the male atmospherics of the courthouse even when women were present? Might it even suggest that somewhere in Mr. Thompson's soul he felt a degree of empathy for Mr. Sloane's strategy, if not his arguments? Did all this say something about men's willingness to use humor in public settings where the Crusaders would have abstained from such behavior?

There is no evidence of whether the women defendants were laughing or silent during various parts of the permanent injunction hearing. But the earnestness of their religious convictions, the steadfastness of their actions in the saloons of Hillsboro, and the strength of their belief in the wisdom of shutting down the liquor trade suggests a seriousness of purpose at odds with the courtroom mood they encountered. Such a culture clash appeared not only in legal settings but also in society at large. We certainly know that male humor was used as an acerbic critique of women who dared to enter the public political sphere. Many documents, pamphlets, and posters distributed during the Crusades and the subsequent prohibition movement portrayed women Prohibitionists in an unflattering light—as abortionists, prostitutes, and power seekers defiling their God-given roles as mothers and companions. Surely at some point the use of demeaning humor caused many if not all the women Crusaders of Hillsboro in attendance to sit uncomfortably in their seats as men made their arguments to the court.

The verbal repartee in the Dunn case was not all laced with jesting. In fact, the speeches went on for days, concluding on February 20, 1874. "One cannot help but be surprised at and admire," one article in the newspaper opined, "the patience with which the ladies sit and listen during the whole day to the dry arguments upon purely legal technical points in the case, which are probably not understood by one-fourth of them." Judge Safford closed the arguments for Dunn with a five-hour oration on the 19th. Much of it dealt with aspects of nuisance law, whether the proper parties were named and the correctness of the procedures used. Near the end, Safford levied a final attack on the agency of the women present. "The ladies erected the booth right in the teeth of that notice of Dunn," Safford claimed. "I am not blaming them for it," he continued, "but unfortunately they had raised a whirlwind and could not direct it." Once again denying their agency, Safford explained, "I think they never intended to trespass laws, but it was brought about by meddlesome men, and for their own purposes, and they prostituted the holy services of the church to the accomplishment of their purposes. There is nothing in woman that is aggressive; they, more than all others, feel the effects of intemperance." After arguing that the traditional rules barring injunctions when damages can be determined, or when remedies at law are adequate, should not prevent the award of injunction relief in Dunn's case, Safford concluded, "You were fast becoming a village of slanderers ... In time of great excitement people must remember that the rights of individuals are to be protected and that the majority must respect the rights of the minority."

At the conclusion of the arguments, the court dissolved the injunction on grounds unrelated to nuisance law. What tripped up the plaintiffs in the minds of Judges Steele and Gray was not the weakness of the allegations made against the women but a procedural problem. Nineteenth-century pleading and procedural law was rife with limitations on the use of court processes that have long since been discarded. Among them was a rule in Ohio requiring that when multiple parties joined together to bring a case,
they all were required to have a valid cause against the defendants. In this
dispute, the landlord Johnson was said not to have a valid claim. Access to
relief in an equity court, the court noted, only was available when the rem­
edies in a court of law were inadequate. In Johnson’s case, the judges held,
it would have been easy for a court of law to calculate the amount of any
damages Johnson had suffered. Once the court concluded that Johnson
could not seek injunctive relief, Dunn was shunted aside because of the pro­
cedural rule requiring that all plaintiffs have a viable equitable claim.
The court therefore dismissed the case without deciding whether Dunn would
have prevailed had he brought the litigation by himself. We can only wonder
whether the presence of so many women in the courtroom had any influence
on the result. It is possible, though totally speculative, that Judge Steele used
a procedural rule to appease the women of Hillsboro without demeaning the
social standing of any of the parties before him.

In general, efforts to use the courts to suppress the Crusades were not
very successful. A result very much like that in the Hillsboro injunction
case unfolded in Morrow, Ohio, about thirty-five miles to the northwest. As
in Hillsboro, an outpouring of women appeared in the courtroom. Beadle
reported, “The whole town of Morrow came over and emptied itself upon
Lebanon. Forty women included in the list of defendants were among the
crowd. These became the special guests of the Lebanon ladies, who gave
them a public dinner.” On the day the hearing began, “These forty marched
from the church to the court-house in solemn procession. The excitem­
tment was intense in the town, and the case the only topic of conversation.” The
image of forty women and their supporters marching through Lebanon to
the courthouse is a telling reminder of how wrong Judge Safford had been
about the inability of the Crusading women to organize themselves, how
important participation in legal proceedings was to their political education,
and how important the court proceedings were as stimuli for camaraderie
and political awareness among the women. After the court announced that
the Crusaders were free to interfere with the operations of gambling and
liquor sales that violated Ohio law, a band marched down the streets of Mor­
row, “followed by an immense throng of men, women, and children, shout­
ing and rejoicing.” The results of the two cases in Hillsboro and Lebanon
must have convinced the saloon keepers of southern Ohio that nuisance litiga­
tion was not going to help them very much. They, like the Crusaders, took
up the mantle of politics instead.

Massive outbursts of public displeasure eventually ebb, and the Crusades
were no exception. As liquor establishments closed and weariness replaced
fortitude, the women and their male supporters returned to more normal lives,
and most of the saloons reopened. But the impact of the Crusades was long­
lasting. The Ohio State Constitutional Convention of 1873–74, whose immi­
nence may have stimulated the Crusaders to take to the streets, was enlivened
by vigorous discussions of Prohibition. Reports about the debates and pub­
lic meetings on the liquor issue commonly appeared in the papers during the
spring of 1874. As the constitutional convention unfolded, women's temperance
leagues from all over the state gathered together, organized, and set the ground­
work for founding the Woman's Christian Temperance Union. The Crusaders’
experiences in the churches, streets, saloons, and courthouses of Ohio dramatic­
ally broke through the cultural and social barriers that had previously lim­
ited their public roles in law and politics. They were no longer afraid to make
their feelings known in places previously occupied only by men. The Woman’s
Christian Union eventually became the vanguard of a new suffrage movement.

Temperance to Suffrage

Today the entry of a group of women into an American saloon is almost uni­
versally viewed as a nonevent. It is difficult, therefore, to imagine how differ­
ent the reactions were 135 years ago. Beadle provides accounts of two Cru­
sade scenes involving interactions between men and women. These provide a
sense of the impact that women dressed in their Sunday finery publicly praying
for intemperate souls had on men. The first describes a saloon scene as
women entered. A group of young men “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 enter­
ing.” The highlight of the story involved customers who saw familiar faces.
One saw “his mother and sister; another had two cousins in the invading
host, and a still more unfortunate recognized his intended mother-in-law!”
Envision the scene. “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
stone; then a slight motion was evident, and lager beer and brandy-smash
descended slowly to the counter, while cigars dropped unlighted from nerve­
less fingers.” The tension broke when the ladies began singing a jaunty spiri­
tual and the young men “escaped to the street, scared out of a year's growth.”

This is a remarkable scene. The women who entered the bar, finely dressed,
perhaps toting prayer books or hymnals, carried a “space” with them. Prior
to the Crusades such “spaces” were much more likely to be associated with a particular site—a church, a home, or the ladies car of a train—where some women could exercise a modicum of authority. The Crusaders broke such links between particular women’s spaces and social control. The women discovered that the domestic authority they carried with them could be used not only to control domesticated space but also to alter behavior in previously male domains. It must have been a heady experience for those Crusaders who had never been socially active to walk into a saloon and see men scurry away with their tails between their legs.

The second, brief Beadle account is about a street scene fairly early in the Hillsboro campaign. “A fresh detail of women has just arrived, and after a lengthy prayer, are dealing out old ‘Coronation’ in heart-moving tones,” he wrote. “The townspeople go and come their accustomed ways with little notice, but it is curiously comical to notice strangers and country people. They begin to step gingerly about a square off, as they get nearer steadily soften their steps, and finally take off their hats and edge their way slowly around the open-air prayer-meeting as one would pass a funeral.” In this tableau, the combination of public prayer and women’s voices had a dramatic impact on those seeing the Crusade as a novel experience. Many town residents, however, by then inured to the sight of women kneeling in prayer on the streets of Hillsboro, went about “their accustomed ways with little notice.” For them, the shock was gone. The risk of expanding the places where women moved and exercised their moral authority was that some stopped noticing or caring.

So it was, at least in part, at the Hillsboro Courthouse during the Palace Drugstore injunction hearing. The reactions of those men running the proceedings and arguing their points were not the same as the young “blood,” slowly dropping his whiskey to the bar or the “strangers and country people” approaching the women praying on the street. They were perfectly willing to put the women back in their “proper place,” at least verbally. As Ulrich Sloane noted in his argument on Dunn’s behalf, “When . . . [the Crusaders] forget their woman’s sphere they lose that respect which should be paid to them.” But in a powerful way, it was that very reaction that may have convinced the women present that further steps were necessary to protect their interests; that intervening more often in public political spaces was required to make their influence meaningful; and, eventually, that seeking the ballot was central to the ultimate freedom they wished to exercise. Men flaunting their lack of concern about women’s efforts to exercise moral authority led some women to alter their views about actively pursuing legal and political goals.

These women, drawn by the charismatic leadership of Frances Willard, gradually became the backbone of the Woman’s Christian Temperance Union. Willard, who rose to the presidency of the Union in 1879, was a brilliant speaker, routinely melding the capacity of women for moral leadership with the need for substantial political and social reform. In her 1879 *Home Protection Manual*, Willard wove domestic violence, the temptations of alcohol, the power of familial love, and womanly virtue into a politically inspired argument for women’s suffrage. The love of a woman’s heart, she wrote, was a “magic lens.” With “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.” Eschewing the egalitarian arguments made by Elizabeth Cady Stanton, Susan B. Anthony and other suffragists who grew up in the abolitionist movement, Willard relied upon much more traditional ideas about female domesticity, moral virtue, and familial obligation to support her call for the ballot. It was a deft move that resonated with the conservative Crusaders of Southern Ohio who founded the Woman’s Christian Temperance Union and their peers across the country. Willard turned their belief in the capacity of women to lead men to new heights of virtue into a reason to join the suffrage cause.

In the long run suffrage was not achievable without such a shift in perspective by rural, conservative women and men. Neither western libertarians nor urban liberals could carry the day for suffrage when substantial numbers of Americans remained religious and conservative. Throughout the eras when temperance and suffrage were subjects of national debate, urbanites constituted a minority of the population. The 1920 U.S. Census was the first to show that a majority of Americans lived in urban areas. Though women’s suffrage first gained a foothold in the west, their influence in Congress was relatively low. The help of women like those who filled the streets of Hillsboro—and their political descendants—was necessary to alter the Constitution. Amendments to our national charter are never adopted without firm support from large segments of the entire political spectrum. Both Left and Right saw the Crusaders’ successors as their darlings. Many Progressives on the left were descendants of longtime temperance advocates and suffragists. And conservative, religiously based movements saw both Prohibition and suffrage as paths allowing women to exercise their moral authority over the culture as a whole. It was no accident that the Prohibition and Suffrage Amendments were embedded in the Constitution at virtually the same historical moment.
NOTES

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3. The best works are the article and book by Ruth Bordin referred to above. See also Ruth Bordin, Frances Willard: A Biography (1986); Jack S. Blocker Jr., "Give to the Winds Thy Fears": The Women's Temperance Crusade, 1873–1874 (1985); Jed Dannenbaum, Drink and Disorder: Temperance Reform in Cincinnati from the Washingtonian Revival to the WCTU (1984); Charles Kynett Carpenter, The Origin of the Woman's Crusade and the W.C.T.U. (1949).
5. The relationships between the Crusading women in Ohio and legal institutions are most keenly revealed in a lengthy series of articles published almost daily in the Cincinnati Commercial.
7. Correspondence Cincinnati Commercial, Cincinnati Commercial, Mar. 18, 1874.
8. Dannenbaum, 86.
15. An Act to Provide against the Evils Resulting from the Sale of Intoxicating Liquors in the State of Ohio, Laws of Ohio, May 1, 1854.
17. See Blocker, 172.
19. Dannenbaum, 204, quoting the Western Christian Advocate, Jan. 30, 1867.
24. This article was signed "Beadle." Woman's Whiskey War: The Hillsboro Battle, Cincinnati Commercial, Feb. 2, 1874.
25. Beadle, Correspondence Cincinnati Commercial, Cincinnati Commercial, Jan. 31, 1874.
26. Id.
27. Woman's Whiskey War: Judge Safford Interviewed; He Rises to Explain, Cincinnati Commercial, Feb. 16, 1874.
29. 3 History of Woman Suffrage 500.
30. The Temperance Injunction Case at Hillsboro, Cincinnati Commercial, Feb. 18, 1874.
31. The Women's Prayer Meeting Injunction Suit at Hillsboro, Cincinnati Commercial, Feb. 20, 1874.
32. The Injunction Case at Hillsboro, Cincinnati Commercial, Feb. 19, 1874.