

[In Progress] Kansas history: a journal of the central plains

Section 254, Pages 7591 - 7620

You'll find the latest in Kansas scholarship in Kansas History, issued quarterly by the Kansas Historical Society, Inc. This scholarly journal, recipient of awards from the Western History Association and the American Association for State and Local History, publishes new research on Kansas and western history and offers interesting, well-illustrated articles that appeal to both the serious student and the general reader. Searchable text is not yet available.

Creator: Kansas State Historical Society

Date: 1978-2009

Callnumber: SP 906 K13qh

KSHS Identifier: DaRT ID: 217226

Item Identifier: 217226

www.kansasmemory.org/item/217226

KANSAS
HISTORICAL
SOCIETY



According to some proslavery men, lawlessness reigned supreme during Kansas territorial elections that were plagued by illegal voting. (Above) Missouri ruffians cross over into Kansas to cast their bogus votes.

Defending truth and justice required bravery, and Larcom continued by marking the courage these men must possess to survive the trials in Kansas:

Brothers brave, stem the wave!
Firm the prairies tread!
Up the dark Missouri flood
Be your canvas spread.¹⁰

Larcom called on Northerners to "stem the wave" of slavery and prevent its extension west, noting that as they moved westward they would have to tread through "the dark Missouri" river, whose banks were peopled with black slaves. As they traversed the prairies, Northern men spread a presumably white "canvas" that covered Missouri's blackness, transforming it into a place where "Father . . . there your sons, brave and good, shall to freemen grow." Thus, proper Northern men not only created a society in the West that embraced free labor but one blanketed

by whiteness. Such a tall order required bravery and a commitment to free labor ideology, values to which Northern manhood increasingly aspired in the mid-nineteenth century.¹¹

Sara T. D. Robinson, wife of the future Kansas governor, argued that in addition to brave and civilized male settlers, Kansas needed men who lived by Christian principles. She lobbied for a refined Northern manhood, modeled after a family friend who just happened to be a minister: "We need such manliness among us, in this new, unsettled state of things; such men, with unwearying [sic] confidence in God, and the humanity of men; with whom the love for a distressed brother is more than one's faith in creeds, and whose faith is strong."¹² Kansas needed men who resolved conflict nonviolently if possible and who respected and lived to serve God. Robinson pleaded with the heavenly powers to dispatch such men to Kansas: "God give us Men! . . . Tall men, sun-crowned, who live above the fog in public duty and in private thinking."¹³

In accordance with certain Christian teachings, the ideal Northern man valued nonviolence and held pacifism in high regard, especially when backed by principles of justice and liberty. After a proslavery mob destroyed the press of the Parkville, Missouri, antislavery newspaper, *The Luminary*, Samuel Pomeroy encouraged the editor, George Parks, to

11. On the formation of free labor ideology and its proliferation at mid-century, see Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970); Jonathan A. Glickstein, *Concepts of Free Labor in Antebellum America* (New Haven: Yale University Press, 1991); Robert J. Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350-1870* (Chapel Hill: University of North Carolina Press, 1991). On the whiteness of free labor ideology, see David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1991); Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth-Century America* (London: Verso, 1990).

12. Sara T. L. [sic] Robinson, *Kansas: Its Interior and Exterior Life* (Boston: Crosby, Nichols and Co., 1856), 60.

13. *Ibid.*, iii-iv.

10. Larcom, "Call to Kansas."

"Be of Good cheer. . . . He whose cause is just is doubly armed—we are here for you. . . . Few in numbers but of strong faith and unconquerable courage! Strong in our adherence to principles strong in the Omnipotence of the right!" Pomeroy assured Clark that although he was caught unarmed militarily and could not prevent the destruction of his property, he was "doubly armed" with a noble cause. "Heart, soul and purse"—not guns—supplied the ammunition for this battle, which Northern men waged with "unconquerable courage" and "the Omnipotence of the right!"¹⁴

Sara Robinson noted the Northerners' penchants for pacifism and implied that Southerners, Border Ruffians in particular, failed to abide by such morals. She wrote, "The people of Missouri call all eastern and Northern men cowards, and are evidently disappointed at the calm determination of the people of Lawrence to protect themselves from mob violence. They do not understand how a people can be brave, yet quiet."¹⁵ From Robinson's subjective viewpoint, she postured Northern manhood and antislavery activism as "brave, yet quiet" and placed negative, excessively violent connotations on the proslavery men's actions.¹⁶

Even some Missourians regarded the quiet, pacifist nature of many free-state men as admirable. A newspaper correspondent for the self-proclaimed politically neutral *Missouri Democrat* met a free-state man whom he described as "quiet, gentlemanly and intelligent." The same reporter argued against using violence to make Kansas free, claiming that, "One good man with a wife and family—one good Free-State bona fide settler—is worth more to Freedom than a dozen rifles."¹⁷ Thus, restraint from violence and cultivating free labor families ensured freedom's survival more than physically compelling its installment.¹⁸

Although Northerners frequently touted nonviolence, free-state men also recognized the necessity of violence when forced to defend themselves, their families, and their principles. Kansas emigration promoters advertised for a particular type of man, a "moral hero" who refrained from reactionary violence, yet bravely persisted in the fight for freedom. Writing to James Blood, member of the State Central Committee of Kansas (an emigrant aid society), George W. Hunt and Charles Stearns defined what they meant by "true men":

The class of men we most need are moral heroes, and not merely fighting bravadoes. We do not wish our war, to be conducted on the principles of Border Ruffianism—those of fiendish rage and savage cruelty. We therefore wish for men of principle and of course, for men of courage for moral heroes are never physical cowards.¹⁹

True men, unlike Border Ruffians, used violence only when absolutely necessary and fought according to a commonly accepted code of war. Samuel Walker wrote an editorial in the *Missouri Democrat* that claimed free-state men "never acted but in self-defense," and maintained that "we banded together for this purpose [because] of the organized bands on the other side."²⁰

A willingness to resort to violence in self-defense or in pursuit of justice composed a central component of proper Northern manhood. Amos Lawrence, namesake of the famous antislavery town, wrote to his uncle, Giles Richards, and assured him of the free-state settlers' laudable goals and their appropriate conduct in war. He claimed, "Those shining pacificators Sharpe's Rifles . . . in hands of good and true 'Free State' men have wonderfully cooled the ardor of the border Missourians. Our people will act *on the defensive only*."²¹ The record does not always support Lawrence's "defensive only" claim, but he carefully postured Northern manhood in a way that fit the innocent ideal.

14. Samuel C. Pomeroy to George S. Parks, April 24, 1855, Correspondence, Samuel Clarke Pomeroy Collection, Library and Archives Division, Kansas State Historical Society.

15. Robinson, *Kansas: Its Interior and Exterior Life*, 13.

16. In reality, many Northern men were just as violent as Southern men, as the popularity of "Beecher's Bibles" demonstrates. However, many Northerners remained committed to the ideal of nonviolence even if the reality only sometimes matched this ideal.

17. *Missouri Democrat* (Fayette), October 29, 1856.

18. The importance of settling the frontier with free-soil families is fully explored by Michael Pierson, "Free Hearts and Free Homes: Representations of Family in the American Antislavery Movement" (Ph.D. diss., State University of New York at Binghamton, 1993), especially 48–55.

19. George W. Hunt and Charles Stearns to James Blood, September 29, 1856, Correspondence, box 281, James Blood Collection, 1854–1861, Library and Archives Division, Kansas State Historical Society.

20. *Missouri Democrat*, October 25, 1856.

21. Amos Lawrence to Giles Richards, December 10, 1855, Correspondence, Amos Adams Lawrence Collection, Library and Archives Division, Kansas State Historical Society.



Southerners who moved to Kansas also defended their mission with moral ardor and claimed that their violence was motivated only by the desire to protect themselves and their property, which often included their slaves. A correspondent for the *Missouri Republican* reported that the emigration parties to Kansas were "composed of honorable men" who were "not in the habit of pledging eternal friendship to robbers and murderers." One man, writing for a proslavery paper, claimed that the "Sack of Lawrence" was "done with order and according to law," and praised the "Law-and-Order men" of Kansas and Missouri.²² Proslavery manhood valued respect for the law, and stood willing to prosecute anyone who disobeyed the Southern version of "law and order."

In fact, the proslavery men in Kansas called themselves the "Law and Order Party," and according to their rhetoric, lawfulness reigned supreme during the various territorial elections that Northerners argued were plagued by illegal voting and ballot box stuffing.²³ One Kansas settler with Southern sympathies reported to Congress that "The people of Missouri acted upon the principle of self-defense" when they crossed the border in March 1855 to vote into power a proslavery territorial legislature. He argued that any violence they might have employed in the process of voting was necessary "to counteract the unusual and extraordinary movements which were being made at the north." He blamed the Northern emigrant aid companies for the strife in the territory, not the Border Ruffians, noting that "the people of Missouri . . . were alarmed and very greatly excited at the unusual movements at the north and east, which they considered would engender civil war."²⁴

Thus, Southern men, like Northern ones, affirmed their manhood by engaging in activities and advancing ideals that touted the use of violence for self-defense. Consequently, the Border Ruffian maintained a harmless, honorable reputation as a proper Southern man. One Missouri Congressman, Mordecai Oliver, bolstered pride in his proslavery constituents and described the Border Ruffians

as "men of wealth, intelligence, and high moral worth." Oliver defended the ruffians against congressional attacks, arguing that they epitomized the best of the "Old Dominion" and the new West: "behold the wide-spread fields, churches of every denomination, numerous school-houses, the high state of civilization and refinement; and then talk about the people of Missouri being 'border ruffians!'" He persisted in this laudable description by emphasizing the ruffians' gallantry and patriotism, noting in particular that they possessed the "nerve to maintain" their rights.²⁵ Perhaps Oliver implied that the use of violence to defend Missourians' rights was part and parcel of a Border Ruffian's honor and manhood.

Similar to Oliver's depiction, an editorial in the *Richmond (Virginia) Enquirer* portrayed the Border Ruffian as a simple farmer who defended Southern rights with valor. The *Enquirer* argued: "The 'border ruffian,' the farmer of the far South and West, is the noblest type of mankind. In his person is revived all the chivalry and generosity of the knights of the Middle Ages. He is the pioneer of a high and honorable civilization." Countering much less favorable interpretations of the Border Ruffian, this report compared him to the ancient Greeks and Romans who established the pinnacle of civilized society. It was no accident that the Greeks and Romans also practiced slavery; the Border Ruffian merely perpetuated the legacy initiated by these ancient slave societies:

He is planting a master race . . . on a new soil; not buying up white men at the shambles, to remove them from slavery to capital in Boston, to make them, in a few generations, slaves to capital in Kansas . . . Free men of the North! . . . Go there [to Kansas]. But invite Southerners with their slaves . . . then the African will be menial, which suits his nature, and you however poor, a privileged and honored class.²⁶

The Border Ruffian's identity relied in part upon the existence of the "menial" African, who performed labor unsuited for privileged white men, thus enabling white Southerners to achieve "independence," whether as

22. *Missouri Republican* (St. Louis), October 16, 1856; *Constitutionalist* (Doniphan), May 23, 1856.

23. Robinson, *Kansas: Its Interior and Exterior Life*, 256, mocked the name of the Law and Order Party, arguing the following: "Such is law and order in Kansas, whose governor, drunken and debauched, insults women in their own dwellings, with language too profane for insertion here, and heads gangs for searching settlers' homes."

24. Matthew R. Walker to Mr. Anderson, May 22, 1856, *Report of the Special Committee Appointed to Investigate the Troubles in Kansas*, 1899.

25. Speech of Hon. Mordecai Oliver of Missouri, March 7, 1856, *Appendix to Congressional Globe*, 34th Cong., 1st sess., 1856, 169. Congressman Oliver was the minority member on the three-member Howard Committee, which compiled the *Report of the Special Committee Appointed to Investigate the Troubles in Kansas*. The majority was William A. Howard, chair (Republican, Michigan) and John Sherman (Republican, Ohio).

26. *Richmond (Va.) Enquirer*, reprinted in *National Anti-Slavery Standard* (New York), April 26, 1856.

yeomen or planters. The reporter noted the white farmer's freedom from enslavement to capital, yet denied his inherent dependence upon the labor of black men and women. The story closed with the assertion that if Northerners joined Southerners and permitted slaves to settle in the territory, "To be a citizen of Kansas, will then be an honour and a distinction, as once it was to be a citizen of Rome."²⁷

Given this apparent link between Southern masculinity and slavery, one can understand the necessity of slavery's expansion westward for the South and especially for Missourians.²⁸ If Southern honor epitomized "power, honor, and respect, for which riches and a body of menials were essential," then the possibility of achieving the pinnacle of economic success without slavery seemed daunting. Slaves not only performed the necessary labor required in making a large profit, but owning slaves also served as a status symbol that marked one's economic and social prestige. A man ruled over his castle and his dependents, and the more he ruled, the more power he possessed. By arguing against the right to own slaves, free-staters threatened the very foundations of Southern honor and Southern manhood.²⁹ Although not all Southerners owned slaves, the threat that antislavery activism posed to even nonslaveholders persisted because slavery was integral to maintaining the larger system of white patriarchy that dominated the South's social and



Southerners often praised the "border ruffian" as a noble pioneer, perpetuating an honorable and privileged class of white men dominating the menial African slave.

economic relations. Because one's gender identity was closely tied to one's racial identity, the battle between proslavery and antislavery forces also was articulated as a battle between Northern and Southern manhood.³⁰

The most extreme rhetorical attacks on Southern and Northern manhood came from their respective enemies. Free-state women evaluated Southern manhood according to an accepted gender code that was based in part on notions of the Christian gentleman, and they expected Southern men to display chivalry and exemplify Southern honor.³¹ In her journal-like book *Kansas: Its Interior and Exterior Life*, Sara Robinson reflected upon her ideas about Northern and Southern manhood, and Southerners

27. Ibid.

28. Bertram Wyatt-Brown was not the first to suggest that the code of Southern honor and hence Southern manhood was linked to slavery and racism, but he has explored the relationship most extensively in his work. He argued in *Southern Honor*, 16, that "white man's honor and black man's slavery became in the public mind of the South practically indistinguishable." While Wyatt-Brown acknowledged that a concept of honor existed before slavery became racialized, slavery's growth and expansion in the South coexisted with Southern honor's entrenchment in Southern society. Kenneth Greenberg, *Honor and Slavery*, (xiii), has gone further than Wyatt-Brown by arguing that "since Southern gentlemen defined a slave as a person without honor, all issues of honor relate to slavery."

29. Greenberg, *Honor and Slavery*, 17.

30. Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and The Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995).

31. For one study that examines the gendered expectations between men and women in the South, see Brenda Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996), 37–62.



Following the 1856 sack of Lawrence, depicted in this sketch, free-state women questioned their safety against Southern men, whom they viewed as savage, violent "dogs of war."

repeatedly came up short of her ideal. She experienced firsthand the sack of Lawrence, and several proslavery men pillaged her homestead. They raided her closets and drawers, set her bed on fire, and destroyed letters and daguerreotypes that had been locked inside a trunk. Robinson castigated one of the perpetrators and questioned the viability of Southern honor: "This man, so busily prying into bureau drawers and private correspondence, was one of the principal men in the 'law-and-order party.' O, southern honor! How her gloss has become dim, when her chief men, the self-constituted champions of southern institutions, attempt to gain their ends by stealing private correspondence, and pillaging a lady's drawers!"³² Robinson wondered what kind of man would resort to such means to accomplish even more deplorable ends. Proslavery manhood stood under constant moral assault from women such as Robinson, and much of the free-state propaganda claimed that Southern chivalry was mere hypocrisy.

Hannah Ropes, another pioneer freestater, joined Robinson in noting the lack of chivalry displayed by Southern men, especially Missourians. She wondered, "How we, at the North, have always believed implicitly in the chivalry of the South. . . . It is not until we arrive in Kansas . . .

that the truth really dawns upon us. Mother, there is no indignity to be mentioned which has not been heaped upon us." Ropes castigated the Missourians repeatedly, citing examples that proved Southern chivalry waned in Kansas. She argued that the ruffians, "shoot at defenceless [*sic*] people with as much cool indifference as they would at partridges or prairie chickens," and she feared that not "a single cabin [was] safe from outrage anywhere."³³ Indeed, many women felt vulnerable without the guarantee of chivalry to protect them from Southern aggression.

Preston Brooks's brutal caning of Charles Sumner in May 1856 left many Northern women afraid that Southern chivalry was indeed dead. One "true-hearted woman" sat next to a nicely dressed young man during a train ride, and they struck up a conversation about the events in Congress that week. The stranger stated that he had no sympathy for Sumner. The woman promptly replied:

Sir, it seems to me that you are an advocate of ruffianly violence against unsuspecting and defenceless [*sic*] men for the utterance of their opinions upon a great public question; and as I have no assurance that you will not put your theory in practice upon myself, if I venture to express my sentiments . . . I do not feel it safe to sit so near you.³⁴

In theory, Southern chivalry assured women of a certain amount of respect and protection from Southern men (and it did provide many women with that protection). After Bleeding Kansas and "Bleeding Sumner," however, some Northern women wondered if chivalry would continue to shield them from harm. In its report of the caning, the *New York Tribune* argued, "No meaner exhibition of Southern cowardice—generally miscalled Southern chivalry—was ever witnessed."³⁵

Some freestaters not only questioned the validity of Southern chivalry, but they also placed proslavery men on the boundary between man and animal. They often equated Missourians with animals and accorded them savage-like

32. Robinson, *Kansas: Its Interior and Exterior Life*, 248.

33. Hannah Ropes, *Six Months in Kansas, by a Lady* (Boston: J. P. Jewett and Co., 1856), 151, 208–9.

34. *New York Daily Tribune*, June 21, 1856.

35. *Ibid.*, May 23, 1856.



qualities. Hannah Ropes described them as, "a horseback people; always off somewhere; drink a great deal of whiskey, and are quite reckless of human life. . . . They ride fine horses, and are strong, vigorous-looking animals themselves." She concluded her evaluation of the Border Ruffians by arguing that "the west portion of Missouri is mostly inhabited with a partially civilized race, fifty years behind you in all manner of improvements."³⁶

Julia Louisa Lovejoy, a free-state woman originally from New Hampshire, used language that was particularly illustrative of this process of constructing the Missouri Border Ruffian as the violent, savage "other." Lovejoy commented on their violent habits and emphasized the moral, civilized response of her Northern, middle-class brethren:

The Free State men, are shot down by pro-slavery villains, as beasts of prey . . . the dogs of war, are let loose. . . . All is commotion. Murder, unwhipt by Justice, stalks abroad, at noon-day. . . . This is an awful crisis, and unless heaven interpose, we shall be swept away, by an overwhelming army, led on by the whiskey-demon, to deeds of the blackest hue!³⁷

Lovejoy implied that murder, "whipt" by justice, antislavery justice, was perhaps less reprehensible than proslavery murder. Proslavery settlers, influenced by the "whiskey-demon," committed "deeds of the blackest hue." Were these deeds in reference to carnal transgressions such as rape? Or was Lovejoy implying that if the freestaters lost their struggle, Kansas would fall to slavery and thus be forced to engage in a sin of the "blackest hue?" In either case, Lovejoy castigated the proslavery men for their apparent efforts to convert the free soil of Kansas into a Southern plantation, where she believed the sin of slavery encouraged proslavery men to rape and pillage without restriction.

36. Ropes, *Six Months in Kansas*, 111. The first quotation and the language she employs suggests that Ropes exhibited a certain kind of attraction for these "brawny" Southern men. While Northern manhood may have been more refined and proper, it also may have lost a sense of sexual virility. Ropes's opinions not only reflected her belief in the inherent savageness of western, "uncivilized" men but undoubtedly related to her class values as well. Ropes's upper-middle-class roots shaped her opinions about the Missourians, and her derogatory statements resonated with a condescending attitude toward lower-class people in general. Thus, it is not surprising that the men who received Ropes's most acute derision most likely resided on the lowest rung of the economic ladder.

37. Julia Louisa Lovejoy diary, July 8, 1855, and August 20, 1855, Library and Archives Division, Kansas State Historical Society.

In the end, Northerners criticized Southern manhood primarily for its connection to slavery. One Northern woman implied that any man who committed the sin of slaveholding, whether in theory or in practice, lacked manliness. She argued, "Every man at the South . . . who had any manhood left, would desert their shameful and ignominious cause and enlist under the banner of freedom and justice." This woman encouraged Southern men to salvage their manhood by embracing the antislavery cause.³⁸

Southerners vehemently resisted any attempts to attract men to the abolitionist cause, and they retaliated against these rhetorical attacks on their manhood by questioning the manliness of Northern men. While describing a congressman who considered accepting the "Crittenden Compromise" (a bill that would have prohibited slavery in Kansas but permitted its extension below 36°30', the old Missouri Compromise line), one proslavery newspaper referred to the "coqueting and coyness on the part of the attractive Mr. Giddings and sundry other belles . . . at the advances of Mr. Crittenden." The story continued by criticizing Crittenden's supporters, referring to them as "duennas," or ladies in waiting. The reporter implied that men who supported the free-soil movement in Kansas mimicked feminine behavior, and he nullified their manhood because of their willingness to compromise on the slavery question.³⁹

Congressman William R. Smith of Alabama characterized free-state men as cowardly, treasonous, and sly, while he defended the bold actions of proslavery men during the Kansas territorial elections. On the floor of the House, Smith argued that "there have been outrages in Kansas, deliberate and designed, which are without parallel." He clarified which actions he found most appalling, citing those that are "committed in the dark by the quiet but deadly maneuvering of those ingenious peace men who, with a puritanical devotion to human liberty, utter speeches which are slobbered all over with treason."⁴⁰ "Peace men," men who surreptitiously advanced their agendas in Kansas, fared much worse in Smith's opinion than did the

38. "Testimony of a Woman," *National Anti-Slavery Standard*, June 21, 1856 (emphasis in original).

39. *Washington (D.C.) Union*, March 31, 1858.

40. Speech of Hon. W. R. Smith, March 10, 1856, *Appendix to Congressional Globe*, 34th Cong., 1st sess., 1856, 158.

Border Ruffians, because "there is more devil in a sneak than in a bully." Smith lauded the Border Ruffians for their aggressive, violent defense of proslavery ideals and insinuated that the Northerners lacked the gumption to assert their free-soilism openly, thus resorting to less daring and more covert modes of expression. Perhaps Smith implied that Northerners were less manly because they failed to follow the Southern gendered etiquette of resolving conflicts via the duel. If a true Southern man had a problem with another man, he did not sneak around and surreptitiously assault his enemy, but rather he called him to a duel and confronted him with confidence.

One Southern newspaper agreed with the sentiments expressed by Smith, claiming that some Northern men not only lacked manly self-assertion but were wholly out of their league when it came to the stuff of war. The *Journal of Commerce* reported: "When Eastern clergymen undertake to play bowieknife and pistol with 'Border Ruffians,' they are pretty sure to get worsted. Their strength lies in the arts of peace and the principles of religion. Had they stuck to these . . . the pride and passions of the South and Southwest would not have been roused."⁴¹ If these eastern clergymen had adhered to their proper brand of manhood and not invaded the Southern male domain of "bowie knives and pistols," then the South might have allowed their co-existence on the Kansas frontier. But in fact, Northerners eventually engaged Southerners on the same playing field, challenging them to an actual and metaphorical duel, a battle between North and South.

Considering how important the duel was to Southern concepts of masculinity, any implications of Northerners' inability to handle firearms or their reluctance to use violence certainly indicates a criticism of Northern manhood.⁴² Some Southerners repeatedly critiqued freestaters' poor marksmanship and their unwillingness to use guns to re-

solve social or political conflicts. Congressman Mordecai Oliver noted the freestaters' apprehensions about using force in the territorial conflicts. Speaking about the men who formed one of the emigrant aid companies sent to Kansas in 1855, the Missouri congressman argued, "I take it that no men who would allow themselves to be herded upon steamboats, and shipped to the place of destination for a particular purpose, under the control and management of an association of men, would have any particular desire to indulge in the exercises incident to physical strife with deadly weapons."⁴³ Oliver portrayed the members of the emigrant party passively, comparing them to cattle (or slaves?) who were forced to Kansas to pursue a goal not of their own making. As drones, controlled and managed by other men who imposed their own ideas upon the emigrants, these male settlers shied away from taking up arms to defend free-state ideals.

Another Southern commentator criticized Northern men for their reluctance to use guns and their inability to use them effectively. He conceded that Northern men outperformed Southern men in some tasks, but marksmanship was certainly not one of them. The Missourian claimed, "[Northern gentleman] do excel us in the manufacture of wooden clocks and such like enterprise . . . but history has not shown, not even in the history of Kansas, that they are our masters in the polite art of rifle-shooting, either in skill or willingness with the weapon." The Missouri man euphemized gun violence as a "polite art" and proudly asserted his Southern and western brethren's prowess in rifle shooting and their willingness to use gun violence to defend their ideals. Northern men, he argued, "may find that they have mistaken their vocation if they expect to conquer Southern and Western men in the open field." He attacked Puritan men, in particular, and asked, "Would it not be better to cross the Puritans with a race of men who will use weapons when they are put into their hands?"⁴⁴

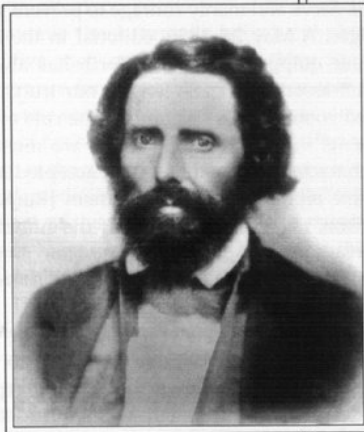
It appears that Southerners reserved their most trenchant critiques of Northern manhood for New Englanders and the men associated with the northeastern-based emigrant aid companies. The editors of Leavenworth's *Kansas Weekly Herald* repeatedly depicted New Englanders as less

41. *Journal of Commerce* (Kansas City, Mo.), reprinted in *New York Daily Tribune*, May 28, 1856.

42. If the duel exemplified the epitome of Southern honor, as Kenneth Greenberg defines it, then proslavery men must have endorsed the duel as a method of boldly illustrating the honor that resided within each Southern man. Greenberg argues that the concept of the duel is not limited to armed conflict or threats of such conflict; lower-class men used fist-fights as a method of dueling and defending honor. Thus, Border Ruffians, the majority of whom lived a middle- and lower-class existence, might have expressed their honor and manhood by presenting a rough, warlike appearance. To their fellow Southerners, arguing and fighting with other men proved that proslavery settlers maintained their honor in Kansas. See Greenberg, *Honor and Slavery*, xii.

43. Speech of Hon. Mordecai Oliver, March 7, 1856.

44. *Western Dispatch* (Mo.), May 23, 1856, reprinted in *New York Daily Tribune*, June 2, 1856.



than manly, even as freaks of nature. In one article, the author described a gathering of the Lawrence "Emigrant Aid" men and demoted their manhood to the level of prehistoric man:

It is more amusing than instructive, to observe the little knots of sharp-eyed, thin-nosed, poaked-stemmed bi-peds, that are constantly gathering like spawn in a frogs pond; and to listen to their verbal essays about Abolition, Maine Law, Bloomer, Spiritual Manifestations, Mesmerism, or whatever their fanaticism directs their attention to for the time being.⁴⁵

In this quotation, Northern fanaticism, ranging in focus from abolitionism to mesmerism, stands out in stark contrast to Southerners' practical, ordered traditions such as slavery and patriarchy. In fact, the South's "benevolent pa-

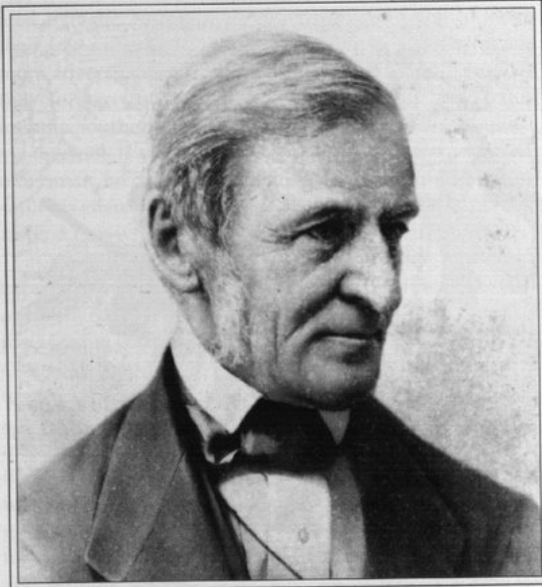
Some Northerners lauded the aggressive acts of freestater Colonel James Montgomery and his jayhawker troops, who resorted to violent tactics "in pursuit of antislavery justice."

ternalism" served civilization's needs more effectively than "free" labor, for under its aegis white male "slaves" were forced to work as mindless cogs in the North's factories.⁴⁶

Like the free-state settlers, the proslavery editors of the *Herald* constructed their own identities as civilized, refined settlers and even criticized fellow proslavery settlers when they tarnished such an image: "We are astonished that the intelligent Editor of the [*Squatter*] "Sovereign" should have

45. *Kansas Weekly Herald* (Leavenworth), March 9, 1855. The "Aid" folks this settler observed undoubtedly were members of the New England Emigrant Aid Company.

46. The most enduring proponent of this proslavery defense was George Fitzhugh, who argued in favor of Southern "domestic slavery" and against the slavery of Northern "Free Society." See Fitzhugh, *Sociology for the South or the Failure of Free Society* (Richmond, Va.: A. Morris, 1854); Fitzhugh, *Cannibals All! Or Slaves without Masters* (Richmond, Va.: A. Morris, 1857).



Prominent individuals such as Ralph Waldo Emerson (above) heartily endorsed John Brown's military plans for Kansas. According to Emerson, Brown was neither savage nor unmanly, but rather a moral hero.

made use of the low and debasing word D—d in speaking in defense of Mr. Donaldson's rights. . . . We most cordially endorse the sentiments of the *Squatter Sovereign*; but we deprecate the profanity of its language." The *Herald* editors "cordially endorsed" the opinions of the *Squatter Sovereign*, yet they censured their comrades' use of "vulgar language."⁴⁷ As the *Herald of Freedom* and the *Squatter Sovereign* quibbled over the proper behavior exhibited by true Southern men, their Northern counterparts wondered whether free-state men had any manhood left at all.

47. *Kansas Weekly Herald*, April 20, 1855. The *Squatter Sovereign* was published in Atchison, another proslavery community, while the *Herald* was published in Leavenworth. The language employed by the *Herald* and *Squatter Sovereign* may indicate class and educational differences between certain groups of proslavery settlers. The editors of the *Herald* tried to project an educated, thus wealthier image of themselves and their paper; however, data regarding the class background of each of the papers' readerships in Leavenworth and Atchison have not been uncovered.

Freestaters and Northerners debated and criticized their fellow brethren in Kansas about what kind of masculinity they displayed. A few Northerners were not surprised by either the repeated attacks on Lawrence or Senator Sumner's beating, and some implied that the North lacked the nerve and manly courage to prevent such Southern outrages. A May 24, 1856, editorial in the *New York Daily Tribune* quipped that, "the North has always lacked manly self-assertion. . . . So long as our truly civilized and refined communities succumb to the rule of the barbarian elements in our political system, we must be judged by the character and conduct of our accepted masters." One *Tribune* reporter argued, "Let them [Ruffians] seize and imprison, ravage and destroy; if the American People do not rise to the rescue of the Free State men of Kansas, they will deserve to be execrated to the last syllable of time."⁴⁸

Another reporter related Sumner's beating to the violence in Kansas and connected these incidents to the North's inability to control its own affairs. The report claimed, "If, indeed, we go on quietly to submit to such outrages, we deserve to have our noses flattened, our skins blacked, and to be placed at work under task-masters; for we have lost the noblest attributes of freemen, and we are virtually slaves."⁴⁹ Other reports articulated the theme of virtual slavery by claiming that freestaters and Northern politicians had become the subjects of a "slave oligarchy" that forced innocent citizens to submit to tyranny.

Free-state manhood faltered in Kansas, leaving many men humiliated by the Northern settlers' inability to protect and defend the free-soil cause and the families who populated the area. One editorial in the *Tribune* bullied Kansans into violently defending their state from the extension of slavery by citing a Southern source that criticized Northern inaction. Reprinting a story from the *Lexington (Missouri) Express*, the paper cited a Missourian's opinion of Kansas male honor: "As a Southern man, loyal to the State I live in, I would say that [a] Northern man must be base and destitute of all honourable feeling who believes in acquiescing in such a measure [as the repeal of the Missouri Compromise]."⁵⁰ Even some Southerners could see why the North must respond to the outrages committed by the South, and the *Tribune* aimed to use this

48. *New York Daily Tribune*, May 24, 1856; *ibid.*, May 22, 1856.

49. *Ibid.*, May 23, 1856.

50. *Lexington (Mo.) Express*, reprinted in the *New York Daily Tribune*, May 30, 1856.

kind of persuasion and intimidation to rally Northerners to support freedom in Kansas with arms as well as words.

Although many Northern abolitionists continued to eschew violence, one man repeatedly stood out in forceful opposition to nonresistance. John Brown organized and led an attack on proslavery settlers who lived near Pottawatomie Creek, brutally killing and physically disfiguring five men on the night of May 24, 1856. Claiming vengeance for the sack of Lawrence and other attacks on free-state settlers, Brown and his men (among whom were four of his sons) systematically rounded up and executed some of the men they believed responsible for the proslavery depredations in Kansas. Although Brown denied being present at the Pottawatomie Creek murders, several witnesses identified Brown and his sons as the chief executors of the bloody deeds.⁵¹

The extreme brutality of the Pottawatomie Creek murders and the national response to that massacre illustrates several aspects of the conflicted discourse over manhood at mid century. Most freestaters and Northerners condemned the attack, arguing that Brown exceeded the proper boundaries of antislavery manhood and activism in murdering and especially in mutilating his victims. *Herald of Freedom* editor George W. Brown (no relation to John Brown) subsequently criticized Brown's antislavery methods, claiming that "his policy was one of blood, which the best minds labored to counteract."⁵² Although cloaked in claims of divine justice, most Christian abolitionists were reluctant to embrace Brown's violent methods.⁵³

51. Many abolitionists who argued against violence during the initial settlement of Kansas gradually changed their course and supported military action after peaceful negotiations proved ineffective in combating proslavery forces. See Kristen Tegtmeier, "The Ladies of Lawrence are Arming!" 215. In addition to John Brown, James H. Lane often stood ready to respond with violence when engaged in conflicts with proslavery men. See W. E. B. DuBois, *John Brown, A Biography* (New York: M. E. Sharpe, 1997), 83–85. After the sack of Lawrence, Brown was "indignant that there had been no resistance; . . . [he] denounced the members of the committee and leading free state men as cowards, or worse," and said that "something must be done to show these barbarians that we too have rights!" See DuBois, *John Brown*, 74. Affidavits of Mahala Doyle, James Harris, Louisa Jane Wilkinson, and Morton Bourn in *Report from the Special Committee on Kansas, 34th Cong., 1st sess., 1193–1200*, to confirm Brown's involvement in the crimes. Only James Redpath, Brown's friend and biographer, denied that Brown committed the Pottawatomie murders. See James Malin, *John Brown and the Legend of Fifty Six* (New York: Haskell House, 1971).

52. George W. Brown, *The Rescue of Kansas from Slavery with False Claims Corrected* (Rockford, Ill.: 1902), 150–51.

53. Most Christian "nonresistant abolitionists" were committed to nonviolence, but even Garrison, the most popular nonresistant, was moved by Brown's actions to consider violent action as a legitimate re-

sponse to proslavery aggression. See Lewis Perry, *Radical Abolitionism: Anarchy and the Government of God in Antislavery Thought* (Ithaca: Cornell University Press, 1973), 57, 259.

Southerners, of course, were outraged by Brown's actions, which turned out to be a prologue to his 1859 raid on Harpers Ferry. While the South attempted to undermine Brown's significance by labeling him a butcher and a traitor, the murder of five proslavery men by a white abolitionist undoubtedly struck fear into the hearts of all Southerners. One popular song, "Old Man Brown, a Song for Every Southern Man," warned in its chorus that, "Old Osawatimie Brown . . . [will] run the niggers away."⁵⁴ From some planters' perspectives, "The South was under siege," and Brown's actions in Kansas and at Harpers Ferry confirmed their worst fears about abolitionism. Soon after the raid, Edmund Ruffin, a fire-eating Virginian, claimed that Northern abolitionists "designed to slaughter sleeping Southern men and their awakened wives and children."⁵⁵

In contrast to the majority of opinions about Brown, a few Northerners, most prominently men such as Ralph Waldo Emerson and women such as Lydia Maria Child, lauded Brown's behavior in Kansas and supported a "by any means necessary" retaliation to proslavery aggression and expansion. In December 1861 Child confided to Colonel James Montgomery that he and Brown had been two of the only men who truly understood the weight and import of halting slavery's expansion. She eloquently expressed her enthusiasm and support for Montgomery and his "jayhawker" troops (then stationed in Kansas), whom many knew to resist enforcement of the Fugitive Slave Law. She wrote, "Your name is peculiarly endeared to me by the accounts I have often had of you from my beloved relatives. . . . They sympathize with all that is good and true; and since John Brown's spirit ascended to Him who gave it, I think no man has more of their respect than your

sponse to proslavery aggression. See Lewis Perry, *Radical Abolitionism: Anarchy and the Government of God in Antislavery Thought* (Ithaca: Cornell University Press, 1973), 57, 259.

54. Peter Wallenstein, "Incendiaries All: Southern Politics and the Harper's Ferry Raid," in *His Soul Goes Marching On: Responses to John Brown and the Harpers Ferry Raid*, ed. Paul Finkelman (Charlottesville: University Press of Virginia, 1995), 158. *Liberty (Mo.) Tribune*, May 30, 1856; see also D. R. Atchison, letter to the editor, *Boonville (Mo.) Observer*, August 23, 1856.

55. See Wallenstein, "Incendiaries All," 149. See also James McPherson, *Ordeal by Fire: Civil War and Reconstruction* (New York: McGraw Hill, 2001), 128–29. While Ruffin's quotation may seem at odds with earlier Southern accounts of Northerners' unwillingness to use violence, I believe the two forms of verbal attacks lead to the same conclusion: Southerners feared Northern abolitionists and demeaned their capabilities as men to discount and deflect this fear. Perhaps the shift in language in relation to Brown indicates a desire to "rally the troops" and acknowledge the very real threat that abolitionists such as Brown posed to Southern slavery.

honored self." Child praised Montgomery's stalwart tactics, likening them to Brown's, and encouraged further resistance to the Fugitive Slave Law, even if such resistance meant boldly defying the U.S. government. She went on to support the violence of civil war by arguing, "better this fierce ordeal, than the drowsy degeneracy preceding this war."⁵⁶ According to Child, manly aggression and violence in pursuit of antislavery justice deserved a great deal more respect than the "drowsy degeneracy" and pacifism that characterized the majority of activism before the war.

Like Child, Emerson valued Brown's vigilance and portrayed him as a martyr to liberty. When Emerson heard Brown speak in March 1857 he wrote, "one of [Brown's] good points was, the folly of the peace party in Kansas." Soon after this meeting, Emerson and thirty other Bostonians heartily endorsed Brown's military plans for Kansas and formed a committee to financially support and advise Brown. For Emerson and the Kansas Committee, Brown was neither savage nor unmanly, but rather a moral hero who deserved the utmost respect and praise.⁵⁷

Inherent in the support and criticism of Brown lies a judgment about his manhood which, because of his notoriety at mid century, exemplifies two conflicting meanings of manhood before the Civil War—one that sanctioned violence and one that advocated self-restraint. Stephen S. Foster, a self-proclaimed nonresistant, praised Brown's methods and said, "I think John Brown has shown himself a man, in comparison with the Non-Resistants!"⁵⁸ Similarly, Emerson emphatically endorsed Brown's tactics and encouraged other Northern men to take up arms against slavery. He wrote, "I am glad to see that the terror at disunion and anarchy is disappearing. Massachusetts, in its heroic day, had no government—was an anarchy. . . . Every man throughout the country was armed with knife and revolver and it was known that instant justice would be administered to each offence." For Foster and Emerson, manhood, indeed humanity itself, carried with it the oblig-

ation to pursue moral truth and justice, which in this case meant literally combating slavery.⁵⁹

Emerson's sentiments regarding the necessity of war rang true with an increasing number of Northerners as the events in Kansas and around the country proved to many that violence was the only effective response to Southern aggression. One newsman reported from St. Louis that the means to peace between the proslavery and free-state forces was war: "Little can be done here by men of moderate opinion. . . . There can be no peace until you rise up and in a mighty exercise of power, put an end to the fell spirit of slavery propagandism."⁶⁰ Much of this push toward violence implied that Northerners needed to reconfigure their definition of true manhood to incorporate violence—preemptive and revolutionary violence, not merely violence in self-defense. After the sack of Lawrence, the *Cleveland Herald* announced, "Let it be distinctly understood, then, that men!—Men!! . . . are needed and must come, or Kansas is lost!" The North had not sent the "right kind of men" to Kansas, and they now needed to dispatch the men and "the means to use and carry on all the arts of peace."⁶¹

The most infamous tools used by free-state men to carry on the war in Kansas were Sharps rifles or "Beecher's Bibles." By 1856 many in New England became convinced that settlers must employ violent means to accomplish the free-state goals, and sympathizers in the East sent numerous shipments of Sharps rifles to Kansas in late 1855 and 1856. According to one of Henry Ward Beecher's biographers, Beecher believed that, "Since the conscience of the southerner was destroyed by slavery, the Bible was of little use and only force could make him uphold the laws."⁶² Accordingly, Beecher and his parishioners raised enough money to send more than fifty Sharps rifles to Kansas "for defense of the state." Beecher received much criticism for his endorsement of violence in Kansas, but he continued to "wave the torch of bleeding Kansas" and argued that to attack slavery in Kansas was to perform the "most Godlike work of religion."⁶³

56. Lydia Maria Child to James Montgomery, December 26, 1861, Correspondence, James Montgomery Collection, Library and Archives Division, Kansas State Historical Society.

57. Joel Porte, ed., *Emerson and His Journals* (Cambridge: Belknap Press, 1982), 474. Emerson wrote in early 1858, "All the children born in the last three years or 8 years should be charged with love of liberty, for their parents have been filled with Kansas & antislavery." See *ibid.*, 481.

58. *Practical Christian*, November 26, 1859, cited in Perry, *Radical Abolitionists*, 259.

59. See "From Moral Sense to Universal Man," in David Robinson, *Apostle of Culture: Emerson as Preacher and Lecturer* (Philadelphia: University of Pennsylvania Press, 1982), 50–55.

60. *New York Daily Tribune*, May 20, 1856.

61. *Cleveland (Ohio) Herald*, reprinted in *New York Daily Tribune*, May 26, 1856; *National Anti-Slavery Standard*, June 21, 1856.

62. Clifford E. Clark, *Henry Ward Beecher: Spokesman for a Middle-Class America* (Urbana: University of Illinois Press, 1978), 123; see also "The Connecticut Kansas Colony," *Kansas Historical Quarterly* 12 (Spring 1956): 1–7.

63. Clark, *Henry Ward Beecher*, 125.

Eventually the North heard many cries for war and some even embraced its arrival. One of the most vocal advocates for war had originally harbored a staunch commitment to pacifism and nonresistance, only to be converted to violence while living in Kansas. Charles Stearns, the Kansas correspondent for the *National Anti-Slavery Standard*, refused to consider a military response to border ruffianism until he experienced the spoils of war firsthand:

When I came to Kansas, little did I dream of ever becoming a soldier. . . . Not until the war had existed for ten days did I arm myself, and then only in consequence of becoming convinced that we had not human beings to contend with. I always believed it was right to kill a tiger, and our invaders are nothing but tigers. . . . I made up my mind that our invaders were wild beasts and it was my duty to aid in killing them off.⁶⁴

Stearns constructed the Border Ruffians as wild animals, arguing they were not even human and were most certainly not proper Southern gentlemen. Stearns justified using not only violence against these "wild beasts" but also argued that the Border Ruffians deserved nothing less than total destruction at the hands of proper Northern men like Stearns.

Thus, as Southern men lost their humanity and assumed animal-like qualities in Northern eyes, the "free sons of the North" somewhat ironically met the challenge of the "myrmidons of border ruffianism" in a battle to the death. Rather than lobby for a manhood that restrained itself in the face of provocation, freestaters began to find the utility in cultivating an ideal of manliness that stood ready and willing to strike the first blow. Even before the bloody days of May 1856, Garrison's *Liberator* argued, "The alarming situation of the Kansas settlers is urged as demonstrating the worthlessness of the principles of peace; because . . . returning good for evil, the martyr-spirit, [is] derided as folly and madness against 'border ruffianism.'"⁶⁵ Free-state



Henry Ward Beecher (above) and other free-state sympathizers in the East sent shipments of Sharps rifles to Kansas "for defense of the state." Beecher was much criticized for his support of violence in Kansas.

men would be mad to think that a refined, proper manhood could combat the savagery of Border Ruffianism. What became proper, instead, was the kind of manhood they had once criticized in their enemies—one that took an eye for an eye without first asking permission.

Thus, seen through a gendered lens, the sack of Lawrence was a virtual prelude to Fort Sumter. The Border Ruffians and freestaters provoked each other verbally and rhetorically until they finally confronted each other on Southern terms—on the battlefield. The South and the North would seek to prove the superiority of their respective societies in part through asserting the prominence of their manhoods. In the process they engaged in a grand duel that led hundreds of thousands of men on both sides to their deaths. [KH]

64. *National Anti-Slavery Standard*, January 5, 1856.

65. *Liberator* (Boston), reprinted in *National Anti-Slavery Standard*, April 12, 1856; see also *Liberty (Missouri) Tribune*, May 30, 1856; D. R. Atchison, letter to the editor.



Tiera Farrow, dressed for graduation from the Kansas City School of Law, 1903.

“But I’m Only a Woman”

Tiera Farrow’s Defense of Clara Schweiger

by Gerald R. Butters Jr.

On May 1, 1915, Louis Schweiger lit a large cigar in the main corridor of the Kansas City, Missouri, courthouse. His former wife, Clara Schweiger, approached him from behind with a gun and began firing shots into him. Mrs. Schweiger had just learned that her attorney’s motion to set aside her divorce and allow her to obtain custody of her son Norman had been rejected by the judge in the case. Immediately after the shooting, Tiera Farrow, Mrs. Schweiger’s attorney, rushed to her side to provide moral and legal support. These two women would become embroiled in a case that would make national headlines as Farrow defended Clara Schweiger on murder charges. It would be one of the first times that a female attorney defended another woman on murder charges in the United States.

The language used by the press in the media circus surrounding the Schweiger murder trial was highly indicative of contemporary attitudes toward female professionals. As the murder trial continued in court, Mrs. Schweiger took on secondary importance as Farrow became the focus of the media spotlight. This article will examine how the popular press regarded female attorneys in the mid-1910s and why the suspected murderess became less important than the woman who defended her. Farrow worked in a profession that still marginalized its female members, yet her adoption of traditional gender prescriptions in the course of the trial won her the support of male journalists covering the case. Although Farrow was an active feminist, she espoused traditionalist views on gender roles, allowing her to fight for women’s rights while still retaining the support and sympathy of the Kansas City press.

Gerald R. Butters Jr. is an associate professor of history at Aurora University, Aurora, Illinois. His research and publication interests examine the intersection of race and gender in American popular culture. He has studied Oscar Micheaux extensively, and his most recent book is *Black Manhood on the Silent Screen* (University Press of Kansas, 2002).

Tiera Farrow was born in Indiana in 1880, the third of ten children. At age fourteen, her family moved to Garnett, Kansas. Her father, a merchant, owned the local general store. Tiera was active in the family business and could hold her own with men who came to see her father.¹

As a high school student, Farrow dreamed of becoming an attorney. In her autobiography *Lawyer in Petticoats*, Farrow explained, "I was ambitious, but uncertain of how to earn my livelihood and work toward the fulfillment of my dreams. . . . If I were only a man, I'd certainly strive to become a lawyer. Were there any women lawyers, I wondered. I had never heard of any."² Female lawyers actually had been practicing in the United States since the 1860s. Iowa had been the first state to admit a woman to the bar in 1869. A number of successful female lawyers practiced in Kansas during the 1890s, but the marginalization of these women by the press may have led to Farrow's ignorance about her potential role models.³ The 1900 Census Bureau reported 1,010 female lawyers in the United States. Women were a distinct minority in the profession, making up less than 1 percent of all lawyers, and law remained one of the most difficult professions for women to enter in the early to mid-twentieth century.⁴ Quotas and restrictive barriers severely limited the number of women admitted to law schools. Susan Ehrlich Martin and Nancy C. Jurik note that those law schools that did allow women limited the number allowed per class.⁵

Farrow realized that to meet her career goals she needed to relocate to a larger city. In 1899 she moved to Kansas City, Missouri, where she worked as a stenographer for a grain company. Now employed in a predominantly male environment, Farrow quickly recognized the distinct gender prescriptions placed on women in the workplace. She asserted, "The men [at the office] exhibited a dictatorial and haughty manner toward me. . . . Frequently I was reminded . . . that was no place for a pretty girl. . . . I noticed that the men took office liberties that were not permitted to

me. . . . The men also had more freedom in their manner of dress."⁶ Within the confines of the grain company office, distinct yet unwritten rules separated the sexes.

Farrow began writing to law schools, only to be informed that women were not admitted. Her research, however, eventually led her to the newly opened Kansas City Law School, which had an evening program of study. She met with the hesitant registrar, William Borland, who insisted she have a male escort walk her to and from classes if admitted to the program.⁷ She was accepted, and from 1901 to 1903 Farrow dedicated her life to law school. As the only woman in her class, she was initially considered an oddity but quickly became "one of the gang." As Farrow learned about the legal inferiority of women in her studies she "began to see existing laws through the eyes of a woman in a man's world." In 1903 Farrow became the first woman to graduate and practice law in Kansas City, Missouri.⁸

Marriage was problematic for professional women in the early twentieth century. Farrow became engaged to a classmate while in law school, and her fiancée spoke enthusiastically of having them open a practice together. However, she broke off the engagement when she discovered that he intended for her to do the office work while he went to court. Farrow would only be married briefly once during her lifetime. Like the majority of female lawyers in the early twentieth century, as an independent professional woman, she would remain single.⁹

After graduation, Farrow made the rounds looking for a position at a law firm. When the male partners realized that she was a law school graduate rather than a would-be stenographer or secretary, they treated her as "just another woman freak." Eventually the firm of Dail and Carter hired her at a lower salary than she had received as a stenographer at the grain company.¹⁰

After the Dail and Carter partnership dissolved, Farrow decided to try her hand at politics. She ran against Democratic candidate Avid Chadborn for the position of city treasurer in Kansas City, Kansas, in 1907. The press duly noted the unique situation of two female candidates vying for the same position. Farrow defeated her opponent, becoming the first woman elected to office in that municipality, and she was re-elected for a second term in 1909.¹¹ She

1. Perl W. Morgan, *History of Wyandotte County and its People* (Chicago: Lewis Publishing Co., 1911), 965–66.

2. Tiera Farrow, *Lawyer in Petticoats* (New York: Vantage Press, 1953), 10–11.

3. Lorraine Dusky, *Still Unequal: The Shameful Truth About Women and Justice in America* (New York: Crown Publishers, 1996), 138; Susan Ehrlich Martin and Nancy C. Jurik, *Doing Justice, Doing Gender* (Thousand Oaks, Calif.: Sage Publications, 1996), 105; Linda D. Elrod, "Women in the Legal Profession," in *The Law and Lawyers in Kansas History: A Collection of Papers Presented at the 116th Annual Meeting of the Kansas State Historical Society, October 4th and 5th, 1991* (Topeka: Kansas State Historical Society, 1991), 104.

4. Virginia G. Drachman, *Sisters in Law: Women Lawyers in Modern American History* (Harvard: Cambridge University Press, 1998), 173–74.

5. Martin and Jurik, *Doing Justice, Doing Gender*, 107.

6. Farrow, *Lawyer in Petticoats*, 14–16.

7. *Ibid.*, 20–21.

8. *Ibid.*, 14–16.

9. *Ibid.*, 33; Drachman, *Sisters in Law*, 178.

10. Farrow, *Lawyer in Petticoats*, 33.

11. Dawn Bradley Berry, *The Fifty Most Influential Women in American Law* (Louisiana: Lowell House, 1996), 78.

lived in Kansas City, Kansas (where today a street is named after her), but she practiced law in Missouri.

Following her terms as city treasurer, Farrow applied once again to numerous Kansas City law firms for a position. After having been turned down by every firm, Farrow opened a practice with another young female graduate of the Kansas City Law School, Anna L. Donahue. Donahue and Farrow worked not as partners in the same firm but as independent contractors, sharing the same office. The new "firm" was a first for Kansas City, Missouri, and the local press found it noteworthy. A *Kansas City Star* article on the two women appeared in the January 4, 1914, issue. It read, "Donahue and Farrow—Attorneys at law. Are either of the attorneys in? Both are pretty and young and fresh looking and both are simple and sincere in manner. Like most intellectual women, these clever young lawyers are sweet and frank."¹²

The *Star*'s choice of adjectives to describe the women is indeed fascinating. Young male lawyers certainly would not be described in such physical terms, but clearly the newspaper did not want to portray the women as "man-nish," a negative term frequently used to describe professional women of the period. The *Star* continued, "Since the two girls opened their law office two years ago in the New York Life Building they have served hundreds of clients, most of them women."¹³

Women who received legal work often labored in low paying specialties deemed appropriate for women, such as probate law and domestic relations.¹⁴ Later in her career, Farrow emphasized the difficulty the two women had in making ends meet in their practice. Most men would refuse to hire the services of female lawyers, while most women had little independent wealth of their own to pay Donahue and Farrow for their services. Farrow claimed, "I nearly starved the first five years of my career."¹⁵

Many female lawyers held on to the belief that women were a unique client group based on the argument that they would feel better talking to other women. Other female attorneys rejected this notion, arguing that if women in law were to be truly successful they had to have clients of both sexes. The economic realities of practicing law in Kansas

and Missouri meant that female lawyers had to take any clients and any form of payment that they could obtain. Farrow pointed out, "When I first began to practice . . . women did not have much money of their own. And not infrequently I have had to take fruits and vegetables or a set of crocheted doilies or other handiwork in return for legal services."¹⁶ Farrow, therefore, was eager to take on any clients, even if their economic resources might be limited. One such client was Clara Schweiger.

Clara and Louis L. Schweiger were married in February 1902 and lived together until Louis filed for divorce in October 1913. Schweiger, vice president of a construction



Clara Schweiger, whom Tiera Farrow represented in a divorce case and subsequently defended for the murder of her husband, Louis L. Schweiger.

company, filed for divorce on the grounds that Clara had an uncontrollable temper. When the divorce was granted, Louis was given custody of their nine-year-old son, Norman.¹⁷ Clara Schweiger approached Tiera Farrow about contesting the initial divorce decree. Clara was determined to preserve her marriage and to keep custody of her son.

12. *Kansas City Star*, January 4, 1914; Donahue and Farrow, 1912–1916 file, Tiera Farrow Papers, Wyandotte County Historical Society, Bonner Springs, Kans. All newspaper citations for this article were obtained from the Tiera Farrow Papers at the Wyandotte County Historical Society. Many of the clippings were incomplete in regard to their sources, dates, and page numbers. These papers are cited according to the data Farrow transcribed in the clipping file.

13. *Kansas City Star*, January 4, 1914.

14. Martin and Jurik, *Doing Justice, Doing Gender*, 107.

15. *Olathe Daily News*, October 20, 1971.

16. "Legal profession Gaining Ever Increasing Number of K.C. Women," *Kansas City Journal*, May 3, 1931.

17. Inventory Folder, KC242, Clara Schweiger Trial Records, Western Historical Manuscript Collection, University of Missouri–Kansas City; "Shot at Courthouse," *Kansas City Star*, May 1, 1915.

A passage in Farrow's autobiography is telling in regard to the attorney-client relationship. Farrow begins by describing Schweiger in predominantly physical terms: "She was in her late thirties, tall and thin with light hair and pale blue eyes. Her complexion was sallow and drab; she used no make-up. Lines of worry marked her face." The physical description perfectly complemented Farrow's claim that Schweiger was a "woman of colorless personality."¹⁸

But Schweiger's bland characteristics stood in sharp contrast to her emotional traits. Farrow claimed, "She was extremely nervous and upset as she related, interrupted by spells of crying, the many details of her domestic difficulties through the years, stressing the unfair and harsh treatment she has received at the hands of her husband."¹⁹

Like many of Farrow's female clients, Schweiger had little money of her own but Farrow took the case anyway. She explained that she would file a motion to have the divorce set aside. If that motion was successful, the judge would grant a new trial; if the motion was denied, Farrow would file an appeal.

The court date for the divorced couple was May 1, 1915. Farrow commented on the acute differences between the former husband and wife who refused to acknowledge each other in court. Mr. Schweiger was "a well-dressed man . . . stockily built, the picture of health. Mrs. Schweiger, in comparison, was shabbily attired and her physical appearance was certain evidence of her ill health."²⁰

The judge ruled unfavorably for Mrs. Schweiger. The attorneys and their clients walked out of the courtroom after the judge's decision and entered an elevator. As it descended, Farrow explained to her client that she would have to drop off records at the clerk's office and asked whether Clara would like to accompany her. Obviously distraught, and now in close proximity of her ex-husband, Clara failed to answer her attorney.

The elevator opened on the ground floor, and Farrow walked immediately into the clerk's office. She then reported hearing a series of shots. People began heading for cover, into the clerk's vault or crouching behind their desks.

At this point the media's retelling of the events and Farrow's account in her autobiography differ sharply; neither version is fully reliable. The press, in this heyday of

sensationalistic journalism, realized that it had a "hot" story on its hands. On the other hand, Farrow gave her account almost forty years after the events, which calls into question the reliability of her memory.

Farrow claims she realized her client was in trouble and rushed into the corridor. Hysterical, Clara kept crying out, "I loved him! My darling! . . . I want Judge Bird [the judge in the proceedings]." Quickly attempting to size up the situation, Farrow went to Clara's aid, noticing that her client was bleeding. She then discovered that Clara had shot both herself and her ex-husband several times each. Louis Schweiger was stretched out on the floor with blood flowing from his abdomen. Farrow sternly informed her semi-conscious client not to say another word. When she inquired as to how Clara had received her wounds, she received conflicting reports. Some witnesses claimed that a deputy sheriff had attempted to dislodge the gun from her hand, causing her to accidentally shoot herself, while others claimed that she attempted to commit suicide after shooting her ex-husband. Ten shots ultimately were fired: three in Clara, three lodged in the courthouse walls, and four in Louis.²¹

The press immediately painted Clara Schweiger as a crazed woman. The *Kansas City Star* reported that Clara had shot Louis three times in the back and twice more as he rolled in agony on the floor screaming, "Don't shoot any more! I didn't lie!" The *Star* did substantiate Farrow's claim that Schweiger cried out as she shot Louis, "I want to see my darling boy! I love you! I want my sweetheart back."²²

Another newspaper claimed that Clara even attempted to shoot Sam Strother, Louis's attorney, for testimony he introduced into court. The paper sharply contrasted the behavior of Clara with that of Farrow. Mrs. Schweiger was described as a "mad woman," "screaming," "hysterical," "with a frenzied look in her eye." The headline of the article proclaimed, "Woman Attorney For Mrs. Schweiger is Calmest Person on Tragic Scene."²³

The press immediately pounced on the more sensationalistic aspects of the Schweiger marriage and dissolution, regardless of the legitimacy of the facts. The *Kansas City Star* claimed that Clara received a letter with a live adder during the divorce proceedings. The *Star* noted that the couple had attempted unsuccessfully to conceive a child for years and finally decided to adopt an infant but strongly disagreed over the desired gender. Clara clearly

18. Farrow, *Lawyer in Petticoats*, 84.

19. *Ibid.*

20. *Ibid.*, 85.

21. *Ibid.*, 84-90.

22. "Shot at Courthouse."

23. Unidentified newspaper clippings, Farrow Papers.

had wanted a female child, but Louis made the decision of a male child at the orphanage. Clara expressed concern about the physical similarities between her newly adopted child and her husband, leading her to the conclusion that the infant really was Louis's illegitimate son. The *Star* even reported that Clara traveled to Cincinnati for proof of Louis's infidelity.²⁴

Perhaps the most far-reaching story was Louis's "last statement to deputy prosecutor Latshaw." He supposedly stated, "She deliberately shot me. She took out her revolver out of her pocketbook and shot me. She threatened to shoot me before we were separated but I thought it was a bluff. I loved her, and wanted to do the right thing by her, but she was so contrary."²⁵

Louis was taken to German Hospital and Clara was transported to City General Hospital, a facility for indigent patients. The *Star* claimed that Clara "tossed wildly on a pallet in the x-ray room" while a representative from the prosecutor's office attempted to obtain a statement from her.²⁶ Farrow argued that she refused to allow the prosecutor's office to interview her client.

That afternoon, Louis Schweiger died. What had started as a straightforward divorce proceeding now became a murder case as the prosecutor immediately brought charges against Clara Schweiger. Farrow eventually agreed to represent Clara, but realizing that she would need help on such an ominous case, she obtained the support of Judge Wade Stanfield, a former employer, and James Shannon, a friend of Clara's family. It must have seemed necessary for Farrow to obtain male co-counsel for two critical reasons. First, Farrow had never represented a client in such a case in which life and death were clearly at stake. Second, in cooperating with gendered prescriptions, Farrow sought male expertise.

For nearly a year continuances and delays plagued the case, as did the substantial pre-trial publicity. In her autobiography, Farrow described it as a double-header—a

woman charged with murder was being defended by a female attorney.²⁷ In the early twentieth century, while many women fought for suffrage, the male-dominated media was quick to categorize women into "types." Clearly Clara Schweiger typified the hysterical type, a pathological category of womanhood. Tiera Farrow, on the other hand, was an ideal type, and the press gave her a favorable portrayal as a womanly woman, strong-minded yet respectful of male domination. Lisa Tickner argues that "journalists lingered lovingly over the details of [the] classification and pathology" of female types.²⁸ Farrow was a female attorney



Tiera Farrow (left) became the focus of the media spotlight in her defense of Clara Schweiger (right). This sketch of the two women in court appeared in the March 1, 1916, *Kansas City Star* with the headline "Husband Slayer and Her Woman Attorney."

but not described as a "masculine" woman, a derogatory phrase that would have made her a threat to the principal discourse of civil society. She was considered a career-minded, womanly woman.

Much of the media focus was on Farrow. The *Sapulpa Daily Argus* claimed, "She has already gained considerable fame as a modern Portia." Another newspaper stated, "[She is] young, good-looking and most feminine in appearance—not at all the sort of person one would connect

24. "Had Trouble Over Adopted Son," *Kansas City Star*, May 1, 1915. During the trial, Farrow pointed out that the Schweiger's adopted son looked remarkably like Louis, questioning whether the couple had adopted Louis's biological child.

25. Ibid.

26. "Too Hysterical to Talk," *Kansas City Star*, n.d.

27. Farrow, *Lawyer in Petticoats*, 93.

28. Lisa Tickner, *The Spectacle of Women: Imagery of the Suffrage Campaign, 1907–14* (London: Chatto and Windus, 1987), 167.

with wranglings of attorneys and the heated debates usually attendant upon murder trials."²⁹

A female attorney defending a client in such an unsavory case was highly unusual. Substantial prejudice and discrimination toward women still occurred in the courtroom in 1916. One female lawyer of the era, Alice McClanahan, stated, "You have all of the difficulties which confront young men lawyers starting and more than double their handicaps because of your sex. You will meet with rudeness, be patronized, swept aside and often have to fight for the merest right. You will find judges inclined to give the best of an argument to your male opponents. You will be condescended to, ignored, and you will have to fight every step of the way."³⁰ Such handicaps as these necessitated that in the Schweiger case Stanfield be chosen as chief counsel for Clara when the trial began on February 25, 1916. Despite this fact, Tiera Farrow claimed that she did most of the pre-trial work, seeking out and interviewing witnesses and providing a verbal report of her findings to the other two attorneys. Stanfield announced to the press that he would enter an insanity plea in his client's defense.

The court had difficulty obtaining a suitable number of impartial jurors. Women were not allowed to serve on juries in Kansas City, Missouri, in 1916.³¹ The prosecutor's chief question in examining the male jurors was whether the defendant's gender would influence the juror's verdict. One potential juror, W. R. Price, was asked, "Mr. Price, the defendant in this case is a woman. If you were selected as a juror to try this case and swore that by a juror upon the law and the evidence, would the fact of her sex cut any figure with you in the trial one way or another?" More than two-thirds of the male jurors disqualified themselves because they felt the defendant's gender would cause them to be lenient.³²

The trial was sufficiently noteworthy to require that special wires be installed in the courtroom to carry news of the proceedings. Wide publicity brought a crowd of spectators from the opening day. Judge Ralph Latshaw presided over the case in the criminal division of the cir-

cuit court. The prosecution, led by Floyd Jacobs and assisted by Ed Curtain, subpoenaed more than one hundred witnesses for the state, and the defense subpoenaed sixty. By March 2 the jury had been selected.

Floyd Jacobs began the proceedings by delivering a ruinous opening statement, claiming the Schweigers' marriage "was a tragedy of domestic woe."³³ Speaking of Clara, he argued that despite the "kind treatment her husband had shown her . . . she in turn had berated him." Clara hated her husband, Jacobs asserted; she was simply a gold digger who frequently embarrassed her husband by calling him names in front of others. The attorney went so far as to claim that Clara said, "You should keep your husband under thumb like I do, that's the only way to get along with a man." Clara allegedly would throw Louis out of the house, screaming, "Get out of here you cur! You God Damned Dutchman! Get out of here you dog!"³⁴

Hearing Jacobs's harsh words proved too much for Clara, seated in the courtroom; she cried out, "Oh my God! This is too much!" and throwing up her hands wildly, she sobbed and moaned aloud. Years later Farrow remembered that Clara's actions made the male jurors look restless and the spectators uneasy. After a recess, Jacobs continued his relentless attack, asserting Clara had told a friend that if her husband obtained a divorce, she would kill him. He also claimed that as her husband lay writhing on the courthouse floor, she deliberately continued firing gunshots into him and screamed, "You lied to me!"³⁵ By the time Jacobs finished speaking, Clara Schweiger was hysterical.

At this point in the trial, the two male defense attorneys agreed that Farrow might make a more effective presence in front of the all-male jury because she was more familiar with the facts of the case. Farrow was terrified to give the opening statement. Her experience before a jury was limited, and she only had a few scribbled notes prepared.³⁶ But at her co-counsels' insistence, she agreed to make the opening remarks. Farrow claimed that Clara Schweiger suffered a form of insanity. She experienced "melancholia . . . brought on by some great anxiety and sorrow." Farrow then explained to the jury that Clara had been brought to this emotional state because Louis was "cold, indifferent and cruel," that he "neglected her" and quarreled with her often.³⁷ Portraying a victim of domestic abuse, Far-

29. *Sapulpa (Oklahoma) Daily Argus*, April 5, 1915; quotation in Berry, *The Fifty Most Influential Women in American Law*, 80.

30. Quotation in Karen Berger Marelle, *The Woman Lawyer in America: 1638 to the Present* (New York: Random House, 1986), 175.

31. In 1945 the State of Missouri passed a constitutional amendment [Article I, Section 22 (b) of the U.S. Circuit Court of Appeals] making women eligible to serve on a jury in Missouri.

32. Folder 3, KC242, Schweiger Trial Records; "Scores Dodge Jury Service in Schweiger Case," unidentified newspaper, Farrow Papers.

33. Folder 8, KC242, Schweiger Trial Records.

34. Farrow, *Lawyer in Petticoats*, 96; Folder 8, KC242, Schweiger Trial Records.

35. Farrow, *Lawyer in Petticoats*, 96.

36. *Ibid.*

37. *Ibid.*

row claimed that Louis "slapped her and knocked her against the wall," "choked her and threw her upon the floor," and "shoved her head against the wall." She also asserted that Louis was unfaithful to his wife. Farrow argued that Clara's inability to conceive children and her unsolomized marriage caused her great sorrow.³⁸

Charging that this "faithful wife" and "good mother" became "frantic with grief" after losing her child and home, Farrow explained that Clara had completely forgotten most of the events of the day of her husband's death. She painted a vibrant picture of a well-dressed, smiling Louis who spent all of his money on cigars while his poorly clad ex-wife went without much-needed food. Farrow declared that Clara Schweiger had simply lost everything and that Louis was gloating in her face. It was this set of circumstances that caused her to commit the acts that she did, and her client should expect a full acquittal.³⁹

The press paid little attention to Clara Schweiger; Tiera Farrow indeed was the center of attention. The *Kansas City Post* explained, "She wore a simple black dress and white collar. Above the collar was a young, fair, soft face, crowned with light hair. From the opening words, spoken in a clear but natural tone, to the very end, everyone paid close attention. At times she spoke feelingly and the effectiveness of her words and manners were apparent on the faces of the jurors." This "universal spectacle" played out before an audience that was two-thirds female. The *Post* stated, "Admiration was expressed in whispers after Miss Farrow had concluded." The *Kansas City Times* also noted that Farrow appeared "calm and collected."⁴⁰

On March 3 the prosecution began three days of damning testimony against Clara Schweiger. Jacobs claimed the accused frequently called patrolmen to her house because she feared someone was trying to break in. Patrolman W. A. Bauswell eventually concluded, "She was insane." Policeman Al Bergman was called to the Schweiger home in March 1913. He said that Louis explained, "My wife's crazy—take her to a hospital." Bergman explained, "Her hair was disheveled. Her eyes were wild. She resisted efforts . . . to remove her. They were compelled to use force to place her in an ambulance."⁴¹ The prosecution's strategy was to depict Clara Schweiger as a hysterical shrew, not as an abused woman.

Edith Hiatt and Mrs. W. J. Casey, operators for the Home Telephone Company, also testified for the prosecution. They stated that Clara Schweiger often called and talked to them for as long as twenty-five minutes regarding family members. They eventually sent a "special girl" to investigate her claim that people were listening in on her phone conversations.⁴² The prosecution then called Tiera Farrow as a witness on the stand. Jacobs asked her, "You represented her in fighting a divorce proceeding and you failed to urge insanity then. Why didn't you tell the judge she was insane? Why didn't you?" Apparently Farrow's only response was, "Because."⁴³



Although challenging the gender barriers, Farrow was held in good favor by the press because they approved of her as a "womanly woman." Giving attention to her feminine attributes, the press described her as having "a young, fair, soft face, crowned with light hair."

During the prosecution's case, the defense team claimed that the state's attorney used coercion in obtaining signed statements from their witnesses. Two female witnesses swore that prior to the start of the trial they had been pressured in the prosecutor's office. Geraldine Seigler

38. Folder 9, KC242, Schweiger Trial Records; Farrow, *Lawyer in Petticoats*, 96.

39. *Ibid.*, 96–8.

40. "Women's Voice Seconds in Murder Trial," *Kansas City Post*, March 2, 1916; *Kansas City Times*, March 2, 1916.

41. "The Insanity Plea Gains," *Kansas City Star*, March 4, 1916.

42. *Ibid.*

43. "Days of Thrills at Schweiger Trial," *ibid.*, March 5, 1916.

claimed that Deputy Prosecutor Curtain warned her, "We have a place for obstinate people like you." Seigler eventually signed a false statement out of fear of imprisonment.⁴⁴ Judge Latshaw sharply criticized the prosecutor's office for this and other abuses.

As the defense began its case, the attorneys planned to establish three major points. First, Louis Schweiger mistreated his wife. Second, he refused to give her money. Third, he refused to have their marriage solemnized in the Catholic Church. However, Judge Latshaw threw up numerous roadblocks in the defense of Clara Schweiger. For example, when the defense attempted to show photos of Clara Schweiger during various periods of her thirteen-year marriage to demonstrate her physical decay, the judge rejected the evidence.⁴⁵ The *Kansas City Journal* summed it up by saying, "Latshaw said it would not be proper to defame the dead man. Attorneys for Mrs. Schweiger may introduce testimony to show her mind was unbalanced. But to go further and try to show that Schweiger mistreated his wife would not be permissible."⁴⁶

The defense also faced three huge stumbling blocks. First Stanfield, who cross-examined many of the witnesses in court, apparently came to trial unprepared to defend his client. Both Farrow and Shannon examined most of the witnesses during the second half of the trial. The second problem was Clara Schweiger's emotional condition. Her periodic hysterical outbursts during the proceedings warranted sedation every day of the trial. One newspaper claimed that by March 6 she was near a complete collapse. During the weekend recess it was reported that she "lay awake weeping and moaning."⁴⁷ The third and most devastating blow to the case was the testimony of George Gray, a Kansas physician who had treated Clara for years. He told the defense team in advance that he considered his patient insane, yet on the witness stand he testified that she was sane under his care, completely stunning the defense team.⁴⁸

The courtroom was packed on March 7, the day of the closing arguments. Floyd Jacobs, as prosecutor, made a strident speech condemning Clara Schweiger, but the press largely ignored him. On the other hand, Tiera Farrow's defense of her client in her closing argument proved by far to be the most important speech of her life and one that would change her career. The *Kansas City Star* reported, "Although

she spoke in a low, well-modulated tone, she showed much emotion and at times her voice broke."⁴⁹ The *Kansas City Journal* observed, "Although this was her first experience as a criminal lawyer, Miss Farrow made a dramatic and yet intensely womanly plea that appeared to have a telling effect on the jury. She spoke directly and although at times her emotion made her tones falter and tears glisten in her eyes, she held to her discourse firmly and spectators in the rear of the thronged courtroom could hear every word."⁵⁰

The press considered Tiera Farrow an effective defense attorney specifically because of the "feminine" virtues she displayed in defense of her client. Because of her "emotion" and tears, she played into gender stereotypes regarding women, which the male members of the jury apparently accepted. This is not to discount the true feelings Farrow must have had for her client, but her closing was especially well received because she did not "act" like a male attorney. The first paragraph of Farrow's closing argument substantiates this view of womanhood, being a strictly feminine appeal by a distinctly female attorney: "The defendant in this case is a woman. And when I say a woman, I mean one of those creatures whom God has created as the highest type of humanity." Farrow claimed that women were "filled with love, sympathy and tenderness" and that they were "pure, lovely and lovable." This archetypal woman was all women. They were to be "mates . . . mothers" and by all standards, "ruled by love." Farrow then went through a lengthy list of historical lovers (Antony and Cleopatra; Mary, Queen of Scots, and Boswell; Dante and Beatrice—all doomed lovers, per se) to demonstrate that love is an unreasonable emotion.⁵¹

Farrow clearly attempted to paint Clara as a sick woman and tragic character, and she placed much of the blame on the ex-husband, claiming, "He apparently forgot the marriage vows. . . he forgot what marriage means. . . he humiliated her more and made her worse by calling the police."⁵² Clara was portrayed in standard Victorian garb—nervous, weak, crying. Farrow implied that Louis Schweiger should have been her white knight, her savior. She asked, "Why didn't he take Mrs. Schweiger in his arms, kiss away her tears and tell her all is well?" Farrow then told a story of neglect and abuse that magnified Clara's mental instability. She was terrified in her own home, in-

44. Ibid.

45. "Photos of Mrs. Schweiger Are Barred Out," *Kansas City Post*, n.d.

46. "Court Denies Story of Family Trouble," *Kansas City Journal*, n.d.

47. "Slayer Can't Take Stand," *Kansas City Star*, March 6, 1916.

48. Folder 20, KC242, Schweiger Trial Records.

49. "Woman's Love Her Plea," *Kansas City Star*, March 7, 1916.

50. "No Early Verdict on Schweiger Case," *Kansas City Journal*, March 8, 1916.

51. Closing Argument of Miss Tiera Farrow in case of State of Missouri v. Clara T. Schweiger on Tuesday, March 7, 1916, 1, Farrow Papers.

52. Ibid., 6.

sisting that she heard intruders. She kept a crowbar, a pair of scissors, and an ice pick under her pillow.⁵³ Ultimately, Farrow claimed, on the day of the divorce proceedings Clara snapped. The attorney pleaded that what her client needed was "God's great out-of-doors . . . sunshine . . . fresh air, and above all, medical care." Why, Farrow asked, is Clara here? "Because she loved. She has fulfilled the law of womanhood."⁵⁴

Finally, to truly assert her own womanhood, to defend her own femininity and that of Clara before the all-male jury, Farrow drew attention to prosecutor Floyd Jacobs, observing that "it is his duty to prosecute this unfortunate woman. He can use the prestige of his office. . . he is making a name, a reputation." Farrow called Jacobs a man "with a great deal of brains, a bright lawyer, a splendid orator."⁵⁵ Then, perhaps not in a spirit of denigration but rather of temperance, Farrow noted the contrast between herself with Jacobs: "I have not received one cent for anything I have done. I am not endowed with the brains of Mr. Jacobs. I am no orator. I am not looking for fame. I do not care for a reputation in the legal profession. I am only a woman—first, last and all the time a woman. Just as Mrs. Schweiger is, and I am standing her before you, pleading, pleading for the life and liberty of this woman." The *Kansas City Star* reported that during the conclusion of Farrow's closing arguments, Clara Schweiger and many of the women in the audience wept aloud.⁵⁶

Following the closing remarks, Judge Latshaw instructed the jury that this case had only five possible outcomes. Clara Schweiger could be found guilty of first-degree murder and receive the death penalty or life imprisonment; a finding of second-degree murder would sentence her to ten years to life; fourth-degree manslaughter meant two years in the penitentiary; insane at the time and presently insane would require Clara's forced confinement in an asylum; or insane at the time of committing the crime and sane now meant an acquittal.⁵⁷

After twelve hours of deliberation, the jury returned the verdict: guilty on charges of second degree murder. The judge confined Clara to prison for two years, followed by parole on account of ill health. Tiera Farrow kept contact with Clara Schweiger during the last few years of the ill woman's life, but the murder of her ex-husband, the subsequent trial, and her imprisonment all but destroyed her physically and emotionally.

53. *Ibid.*, 7.

54. *Ibid.*, 10.

55. *Ibid.*

56. *Ibid.*, 11; "Woman's Love Her Plea."

57. Farrow, *Lawyer in Petticoats*, 101.

Farrow "lost" the Schweiger case but she had secured for her client a lesser charge. The trial significantly propelled her own legal career, marking a new period in her life. She claimed, "The publicity I received during the trial . . . had [the] effect of making me widely known as a lawyer to the public."⁵⁸ Farrow began to secure more clients and was appointed as a divorce proctor for Kansas City, Missouri.

Farrow proved to be an effective lawyer in the first half of the twentieth century because she often capitalized on



Tiera Farrow proved to be an effective lawyer, capitalizing on preconceived gender stereotypes before all-male juries while practicing her feminist beliefs outside the courtroom.

preconceived gender stereotypes before all-male juries. Outside the courtroom she practiced her feminist beliefs. Throughout the 1920s she conducted legal classes for women, familiarizing them with issues that impacted their daily lives.⁵⁹ She also was the first woman to be sponsored for (and denied) membership in the Kansas City Bar Association. Both a pragmatist and a trendsetter, Tiera Farrow successfully hurdled many obstacles that female professionals faced in the early twentieth century. [KH]

58. *Ibid.*, 112.

59. Clarice Feinman, *Women in the Criminal Justice System*, 3d ed. (Westport, Conn.: Praeger, 1994), 125.

John M. Houston

Congressman and Labor Mediator

by R. Alton Lee

Scholars have neglected John M. Houston despite his having an interesting and most productive career, both as a congressman and as a policymaker on the National Labor Relations Board during an important phase of its development. Houston was especially remarkable because he was a businessman who became active in professional organizations that were overwhelmingly Republican in a Republican-dominated state. Yet he was a Democrat who was successful, in part, because he represented a basically Democratic congressional district during the Great Depression when Kansans were supporting Franklin D. Roosevelt and his New Deal programs. Houston was able to take advantage of the fact that his constituents predominantly supported the philosophy of the New Deal in assisting citizens in dire need while rejecting certain of its more revolutionary programs. His intellectual growth from a middle-class businessman to a distinguished public servant with a pronounced sympathy for the laboring man was almost unprecedented in the annals of Kansas labor history.

John Mills Houston was born at Formoso, Jewell County, Kansas, on September 15, 1890, to Samuel J. and Dora (Neives) Houston. The family farmed in Jewell County at the time, but Samuel Houston soon joined his brother in the lumber business, an important enterprise in small but growing towns on the Great Plains. In 1907 the elder Houston struck out on his own, and in 1914 the Houston-Doughty Lumber Company was chartered with yards scattered across Oklahoma and Kansas. Samuel Houston also was president of the Fox-Rigg Company, supplying oil companies in the Midcontinent Field with drilling equipment, and the Fleeger-Houston Oil and Gas Company in Wichita.

R. Alton Lee is a former professor of history at the University of South Dakota. His research interests include twentieth-century American political history and Kansas history. He is the author of *T-Town on the Plains* (1999) and *The Bizarre Careers of John R. Brinkley* (2002).

Know the Man You Vote for!
JOHN M. (Jack) HOUSTON
for Congress - - 5th District of Kansas

A personal friend
of, and a worthy
successor to our
genuinely loved
"Bill" Ayres.

**ELECT
HOUSTON!**



If you favor
the continuation
of economic im-
provement under
The New Deal -

**ELECT
HOUSTON!**

An Acknowledged Leader - - Read This Record

Born forty-four years ago in Jewell County, Kansas.

Attended grade school, high school, Fairmount, Wichita Business College.

Served two years in the U. S. Marine Corps.

Is married and his family consists of a wife and two children.

Manager of the Houston-Doughty Lumber Co., Newton, Kan.

President of Kansas Lumbermen's Association.

Served as Mayor of Newton Two Terms.

President of Newton Chamber of Commerce.

Twice elected to the Board of Directors of the Kansas State Chamber of Commerce.

Elected President of the Lions Club of Newton.

Served as Exalted Ruler of B. P. O. Elks of Newton, Lodge No. 706 for Four Terms.

Served as president of Kansas State Elks Association.

Chairman of Harvey County Federal Relief Committee since its inception under Harry Woodring.

Commander Wayne G. Austin Post No. 2, American Legion.

Elected Secretary of the Kansas State Democratic Central Committee.

"I AM A DEMOCRAT - A ROOSEVELT DEMOCRAT"

A 1934 campaign advertisement urging voters to elect John M. Houston to the U.S. House of Representatives.

Educated in the Oklahoma City and Wichita public schools, John M. Houston enrolled at St. Johns Academy in Salina for two years, attended Fairmount College of Wichita, and spent two years in the Wichita Business College. During summer vacations he gained valuable experience working in the family business, which included sixteen lumberyards in Oklahoma and Kansas with headquarters in Wichita. Theatrics was his first love, however, and he joined a touring group, seeing much of the United States, Canada, and Alaska.

When America entered the World War in 1917, Houston was playing in a New York City theatre. He quit the company and joined the marines for two years, serving for a time as part of President Woodrow Wilson's honor guard but never experiencing military glory in Europe. Following the Armistice, Houston, a gregarious, well-built, ruggedly handsome fellow with an engaging personality, entered the family business. For some fifteen years he managed the Houston-Doughty lumberyard in Newton. This type of occupation entailed his belonging to the Masons, Shriners, Elks, and American Legion. He directed the state chamber of commerce for two terms, served as president of the state lumberman's association and the Newton Chamber of Commerce, and was able to parlay this modest, entrepreneurial background into a political career and a successful stint on the National Labor Relations Board.¹

Jack Houston became increasingly involved in politics, using his theatrical experience and communications skills for addressing gatherings of Young Democrats and rallies of Democratic county and state committees. In April 1927 he was elected mayor of Newton, and during his first term he and fellow commissioners modernized city ordinances, something that had not been undertaken for two decades. Meanwhile, Houston found himself increasingly involved on the speaking circuit in support of Democratic aspirants for political office. He was in continual demand as an orator throughout his congressional career. During his campaign for a fourth term in Congress in 1940, for example, the chairman of the Democratic National Congressional Committee noted Houston's "outstanding ability as a public speaker and as a defender of Democratic principles"

and inquired about his availability as a speaker "outside your Congressional district for the last few weeks of the campaign." Even James Farley, postmaster general and chairman of the Democratic National Committee, requested Houston's services to campaign that year "outside" his district.²

During the fall campaign of 1932 the president of the Sedgwick County Young Democrats invited Houston to Wichita to speak:

I can't tell you how much I enjoyed your talk at the banquet at Emporia. It was splendid! Altogether it was by far the most enjoyable political speech I have ever heard.

So thus my cry becomes Encore! Encore! And by all means you must favor us with the same speech, the same wit, humor and horse sense as that with which you overwhelmed Emporians and other benighted citizens of the Fourth District. More than that: I hope you are ambitious. With such a thought I implore you to visit us so that I may have a chat with you in regards to what is rather hopelessly known as the future (in this depression).³

Houston was politically ambitious and decided in 1934 to employ his talents to further his political career by running for the Fifth District seat held by retiring Democrat William Ayers.

Ayers was a popular politician who represented this lone Kansas Democratic stronghold, which included Wichita and Sedgwick County for nearly twenty years, having lost the seat only once during the Republican sweep of 1920. Following the primary elections in August 1934, Franklin D. Roosevelt appointed Ayers to the important Federal Trade Commission. At the time the president was feuding with its Republican members and needed additional support. Wanting to retain control of the district and needing a winner who could run a campaign on short notice, Democrats chose Houston partially because he was an outstanding speaker. He had become well known by that time for his efforts on behalf of Democratic

1. William E. Connelley, *History of Kansas State and People*, vol. 5 (Chicago: American Historical Society, 1928): 2421-22; "Ex-Kansas 'New Dealer' is Dead," *Wichita Eagle*, May 1, 1975; *Official Congressional Directory*, 2d ed., 77th Cong., 2d sess., 1941 (Washington, D.C.: Government Printing Office, 1942), 37.

2. *Newton Journal*, April 21, 1927; Jed Johnson to John M. Houston, September 9, 1940, John M. Houston Papers, file 8, box 3, Special Collections, Ablah Library, Wichita State University, hereafter cited as Houston Papers; James Farley to John M. Houston, August 3, 1940, *ibid.*

3. Charles F. Swan to Jack Houston, October 6, 1932, file 24, box 1, Houston Papers.

candidates, and he had the important support of the popular incumbent. A full-page political ad noted that he endorsed "the entire New Deal Program" and would inherit the congressional files and blessings of Congressman Ayers. In early October the young Houston noted that since winning the approval of the Democratic Party, "I haven't let any grass grow under my feet—or in the middle of the street as Hoover would put it." Houston delivered from three to ten speeches daily.⁴

Republicans expected their candidate, Ira C. Watson, to win on a platform stressing "constitutional government," as many Kansans were becoming concerned about Roosevelt's unprecedented uses of power to alleviate depressed economic conditions. The previous year's "Hundred Days" session of Congress had enacted far-reaching measures such as the National Recovery Act and the Agricultural Adjustment Act (AAA) to help business and farmers survive the devastating effects of twenty-five-cent wheat and an unprecedented 25 percent unemployment. While Kansans appreciated the work relief and price supports of these programs and other early New Deal laws, they were based on a broadly liberal interpretation of national powers that many Kansas conservatives resisted and that soon would be declared unconstitutional by the Supreme Court.⁵

Houston, nevertheless, ran as a New Dealer. At a huge Democratic rally in Wichita he spoke on national issues and praised the Roosevelt administration for its assistance to destitute citizens. He wound up his campaign in Newton, telling the crowd that he believed the office of congressman should be "a nonpartisan one." Farmers, he noted, were entitled to "a reasonable return for their labor." In addition,

our millions of workers in America can well afford to look into the future of [sic] hope because under the leadership of the real humanitarian in the White House the Democratic party will again take up its duties in the next Congress with a view to further improvement of the conditions of those who toil.

4. *Wichita Eagle*, October 2, 1934; *Wichita Beacon*, November 4, 1934.

5. James C. Durham, "Constitutional Conservatism: The Kansas Press and the New Deal Era as a Case Study," *Kansas Historical Quarterly* 60 (Winter 1977): 432–47, is a good study of the constitutional thinking of Kansas editors of the time. James L. Forsythe, "Clifford Hope of Kansas: Practical Congressman and Agrarian Idealist," *Agricultural History* 51 (April 1977): 406–20, presents the constitutional views of a congressman representing wheat farmers.

*Houston
became involved
in politics
addressing
gatherings of
Young Democrats and rallies
of Democratic county and
state committees.*



Houston won handily with an eighteen-thousand-vote majority.⁶

Freshman Congressman Houston quickly became popular among his fellow Democrats in Congress and with the Roosevelt administration. During his first term he supported relief laws, the Soil Conservation Act, the Resettlement Administration, Rural Electrification, the Guffey–Snyder Bituminous Coal Stabilization Act, and the Soil Conservation and Domestic Allotment Act. In addition, in what was unusual for a new congressman, even in these unusual times, Houston introduced several bills. His old-age pension proposal would have reimbursed states up to 50 percent for pensions of a maximum of fifty dollars monthly for couples over age sixty-five or thirty-five dollars for elderly singles. This and similar concepts, such as the Lundeen Unemployment Insurance bill, were re-written and combined into the four programs of the Social Security Act of 1935. He introduced a House Joint Resolution to amend the Constitution to elect representatives every four years instead of every two, a utilitarian idea that went nowhere, and another amendment with language similar to the Sixteenth Amendment to empower states to levy income taxes, a proposal many deemed unnecessary because they already possessed that power. Most importantly for his future, Houston supported the Wagner Act of 1935 that

6. *Wichita Beacon*, November 6, 1934; Kansas Secretary of State, *Twenty-Ninth Biennial Report, 1933–1934* (Topeka: State Printer, 1934), 96.



Houston was politically ambitious and decided in 1934 to further his career by running for the Fifth District seat held by retiring Democrat William Ayers.

established the National Labor Relations Board (NLRB) to serve as a referee in labor management relations. The law guaranteed workers the right to organize and bargain collectively and empowered the NLRB to supervise union elections and mediate labor management disputes.⁷

Jack Houston proved to be an ideal congressman who placed his office at the service of his constituents, and this sound policy was rewarded. In fact, long after he was appointed to the NLRB, former supporters were still requesting his assistance, and he accommodated them whenever possible. He ran for re-election in 1936 on his record and won handily, this time with a majority of nearly twenty-one thousand votes. Near the end of his campaign Houston addressed a large rally in Wichita. In rebuttal of the Old Guard Republican charge that the New Deal was communistic, Houston observed that he was "surprised to learn that I am a Communist. If feeding the needy and clothing the naked is communism then I am a

Communist," he declared, adding that "Franklin Delano Roosevelt will go down in history as the greatest humanitarian of this generation." Several labor leaders addressed the gathering and Houston proudly displayed a gold card given him by the American Federation of Labor (AFL), observing that "only a few of these are owned by House members."⁸ Again he wrapped up his campaign in the Newton auditorium.

In just one session Houston had made a real impression on Democratic congressional leaders. Thus, when he returned to Washington in 1937, they made him an assistant majority whip for his district that encompassed the states of North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma, an unusual honor for a second-term congressman. More important politically, he traded seats on four other committees to obtain one on the powerful Appropriations Committee. In his second term he again supported the New Deal agenda by voting for the second AAA, which replaced the first AAA that the Supreme Court had struck down; the Guffey-Vinson Bituminous Coal Act; and the Fair Labor Standards Act (Wages and Hours Law) of 1938.

Houston broke with the administration, however, to follow his constituents' isolationist thinking and support the Ludlow Amendment. During the emerging war crisis in Europe, Congressman Louis Ludlow of Indiana unsuccessfully proposed that a national referendum be required to declare war, except in cases of emergency, which Franklin Roosevelt declared would "cripple" the president in conducting foreign policy. Houston reportedly wrote an essay dated November 26, 1939, for the *Wichita Beacon* in which he concurred with Ludlow's position that the only reason for not requiring such a referendum was the archaic notion that conducting such a vote would take too long—an argument nullified by modern communications. Ludlow gratefully had Houston's article reprinted in the *Congressional Record* with a laudatory account of the Kansan's World War I record.⁹

Houston had to make an important political decision before 1938: should he seek re-election in the Fifth District or should he challenge Democratic incumbent George McGill of Wichita for his Senate seat? After careful deliber-

7. File 12, box 2, Houston Papers. For the Lundeen bill, see Kenneth Casebeer, "The Workers' Unemployment Insurance Bill: American Social Wage, Labor Organization, and Legal Ideology," in *Labor Law in America*, ed. Christopher L. Tomlins and Andrew J. King (Baltimore: Johns Hopkins University Press, 1992). The two best sources on the early NLRB are James A. Gross, *The Making of the National Labor Relations Board* (Albany: State University of New York Press, 1974); Harry A. Millis and Emily Clark Brown, *From the Wagner Act to Taft-Hartley* (Chicago: University of Chicago Press, 1950).

8. *Wichita Eagle*, October 20, 1936; Kansas Secretary of State, *Thirtieth Biennial Report, 1935-1936* (Topeka: State Printer, 1936), 136.

9. *Congressional Record*, 75th Cong., 2d sess., 1938, 82, pt. 3: 331.

ation and consideration of the fact that a Republican trend was underway in Kansas, Houston wisely decided against the statewide Senate race. McGill thanked Houston for his decision and promised to help him in his Fifth District campaign. The senator needed all the help he could obtain that year, because he faced difficulties with a divided Democratic Party. McGill's supporters opposed the Guy Helvering-Harry Woodring faction and, among other factors, Helvering lusted for McGill's Senate seat. According to historian Donald R. McCoy, Randolph Carpenter, former Democratic congressman, "agreed with John Houston that some of their party's Kansas leaders had been trying to get McGill out of the senate." Houston reported that because of his membership on the Senate Judiciary Committee, McGill was "very upset and embarrassed by various independent moves to get another judgeship for Kansas" and to arrange McGill's nomination for the position. This would effectively remove McGill from Kansas Democratic politics. "He is in a tight spot and he knows it," asserted Houston. Ultimately, McGill went down to defeat at the hands of former Republican governor Clyde Reed, and Helvering and former Democratic governor Walter Huxman received appointments to federal judgeships in Kansas.¹⁰

Houston campaigned hard to retain his House seat, again endorsing the New Deal. National indebtedness had grown from twenty-two billion dollars under President Hoover to a current forty billion, he admitted, but this money "went to feed and rehabilitate Americans" and "into public works for which a dollar value was given for every dollar spent." In an appeal to constituents' isolationist sentiment, he noted that the national debt of twenty-two billion dollars was a carryover from the World War, which had resulted in "repudiated debts, ingratitude and disillusionment and—something more tragic still—thousands of little white crosses on the battlefields of France." The New Deal was spending money on Americans, he added, not for foreign wars. Houston won again in 1938, but this time by only a few hundred votes as the tide turned even more strongly for Republicans. He became the only Democrat in the Kansas delegation to Congress the next year.¹¹

The coming of the Second World War in Europe strengthened the isolationist spirit in Kansas, but the flow of orders for war materials from Europe was altering the attitude of Wichitans and enhancing the importance of their aircraft industry. The *Wichita Eagle* headlined, "War Rains Dollars Into Wichita." As President Roosevelt phased his defense plans into operation, the nation's aircraft industry expanded. In 1939 Wichita's plants were operating at one-fourth capacity. Then the Army Appropriations Act, passed in 1940, called for an unprecedented national production of 2,566 planes, of which 2,200 were trainer models built in Wichita.

The city rapidly was becoming one of the nation's major centers of aircraft production. To assist his constituents and his home base in Wichita in May 1939, Houston introduced HR 6399, authorizing the expenditure of ten million dollars in the city for construction of an aeronautical research center. This laboratory would become one of the three recommended by Colonel Charles A. Lindbergh following his tour of Europe, where he inspected the effectiveness of air power there, especially Herman Goering's Nazi Luftwaffe. In defending his proposal, Houston praised Wichita as an ideal site for the project. Its 91.9 percent native white population made it a "minimum hazard" for sabotage and espionage; in 1938 weather limited air operations on only nine days; four aircraft plants currently operated there—Beech, Cessna, Swallow, and Stearman (later Boeing of Wichita); the "wholesome" city had five-cent bus fares and "unsurpassed schools"; the labor force was "progressive, patriotic, loyal, steady, reliable, and [had] a relatively high degree of education"; the mile-square municipal airport would be a good refueling base; and Wichita citizens were offering a seventy-five-thousand-dollar tract of land for a site. Martin Smith, a colleague, congratulated Houston on his "strong presentation" of HR 6399, but Congress and the administration were not yet ready to spend that much money to upgrade an air force of unproven worth in warfare.¹²

When he ran for re-election in 1940, Houston faced a dilemma. He wanted to stress his New Dealism, but Kansans had elected Republicans in 1938 to their other six congressional seats, and these men had campaigned vigor-

10. Donald R. McCoy, "Senator George S. McGill and the Election of 1938," *Kansas History: A Journal of the Central Plains* 4 (Spring 1981): 5, 5 n. 9.

11. Campaign literature, file 9, box 2, Houston Papers; *Wichita Eagle*, November 7, 1938; Kansas Secretary of State, *Thirty-first Biennial Report, 1937-1938* (Topeka: State Printer, 1938), 116.

12. *Congressional Record*, 76th Cong., 1st sess., 1939, 84, pt. 5: 5768; *ibid.*, pt. 8: 8636; Miscellaneous documents, file 12, box 2, Houston Papers; *ibid.*, file 29, box 5; *Wichita Beacon*, June 25, 1939.

ously against the New Deal. Houston also did not help himself in September 1940 when, just before the election, he was the sole delegate from Kansas to vote for the first peacetime military conscription program in American history. "He remained conspicuously silent during the lengthy and well-publicized deliberations on the issue," noted historian Philip Grant, and the six Republicans who opposed the measure were "undoubtedly reflecting" Kansas sentiment.¹³

J. Earl Schaeffer, president of Stearman, added a "p.s." to Houston in a routine letter saying "This may or may not be worth a damn but it is given as a bit of conscientious sincere advice—DONT tie your campaign too closely with FDR—go on your own personality and record." Houston responded to Schaeffer's admonition that he "had reached the same conclusion as expressed by you, and will watch this closely."¹⁴

He continued to be in great demand as a speaker and could devote only one month during the congressional recess for his own "whirlwind campaign," working to gain the support especially of African Americans and labor. Raymond J. Reynolds, "colored attorney of Topeka," spoke at his Newton rally, and labor leaders again eagerly endorsed his candidacy. In June 1940 Houston persuaded John L. Lewis, who, with Sidney Hillman, had founded Labor's Nonpartisan League, to write Henry Allai of Pittsburg, chairman of the Kansas unit, that Houston deserved his endorsement. Lewis obligingly noted that the Kansas Democrat had voted for "the most important legislation" labor wanted during his career and "merits the wholehearted support of labor." He emphasized that in the current Congress Houston had worked diligently against establishing a committee to investigate the alleged "excesses" of the NLRB in 1939, with labor-hating Congressman Howard Smith of Virginia as its chair. He added that Houston also had voted against the "crippling Smith amendments" to the Wages and Hours Law changes in 1940. As usual he enjoyed the endorsement of the AFL.¹⁵

Houston's major newspaper supporter, the *Wichita Beacon*, earlier carried a full page ad and story on the con-

gressman's role in bringing the federal food stamp program to Wichita. Begun in May 1939 in Rochester, New York, the plan was in effect in thirty-five cities a year later and, although one hundred other cities had requested being involved, Houston was able to bring it to Wichita because of his membership on the powerful Appropriations Committee and his position as assistant whip. The election of 1940 resulted in a 5,585 vote margin of victory for Houston over Republican Stanley Taylor of Augusta.¹⁶

In the summer of 1940 France fell to the Nazis, and by the end of the year only Great Britain was left standing to meet the Axis challenge. Early in 1941 President Roosevelt asked Congress to enact the Lend-Lease program, which would place America's meagre but growing military arsenal at the Allies' disposal. British credit for purchases was exhausted, and this program would allow the president to lend, lease, sell, transfer, or exchange equipment and supplies to any country whose defense he deemed vital to American defense. Kansans strongly opposed this alarmingly interventionist concept, but Houston correctly saw the danger in the European situation, believed in the administration's initiative, and boldly supported its enactment. He noted that his Kansas colleagues in Congress said, "they favor defense measures, but; they favor a well trained Army and Navy, but; they favor aid to Great Britain, but. But they vote no." As a pragmatist Houston had to abandon some of his isolationist tendencies to support his constituents' interests. He faced a far greater problem than isolationism, however, in his bid for re-election in 1942.¹⁷

First, Houston had to decide whether to challenge Arthur Capper for his Senate seat. Houston had at least one strong supporter in Kansas for this effort. The assistant to Vice President Henry Wallace wrote him that he had received the following message from Charles F. Fox of Topeka:

Jack Houston of the Fifth Congressional district can beat any man in Kansas in the primary, the election as well. For United States Senator he will be a cinch—recall those words, should he run, if I am yet on earth, I will see to it. He is strong, very strong. I have been feeling around for some weeks.

13. Philip A. Grant Jr., "The Kansas Congressional Delegation and the Selective Service Act of 1940," *Kansas History: A Journal of the Central Plains* 2 (Autumn 1979): 198, 205.

14. J. Earl Schaeffer to John M. Houston, July 25, 1940, file 9, box 1, Houston Papers; Houston to J. Earl Schaeffer, July 26, 1940, *ibid.*

15. *Wichita Eagle*, November 3, 1940; file 9, box 2, Houston Papers.

16. *Wichita Beacon*, February 11, 1940; Kansas Secretary of State, *Thirty-Second Biennial Report, 1939–1940* (Topeka: State Printer, 1940), 104.

17. File 30, box 5, Houston Papers; Phillip A. Grant Jr., "The Kansas Congressional Delegation and the Lend Lease Act of 1941," *Kansas History: A Journal of the Central Plains* 14 (Summer 1991): 72–81.

In February 1942 Houston wrote retired congressman and current supporter Randolph Carpenter of Marion, calling attention to Capper's vote against the federal plan of a thirty-dollar monthly pension for those older than age sixty. "I am sure you can make some 'hay' out of this," he noted, "especially with the old age pension folks whom Capper has been kidding along for seven or eight years." Houston would have loved to challenge Capper but decided not to contend with the venerable Republican senator who appeared unbeatable.¹⁸

Republicans concluded they probably would be unable to field a candidate strong enough to defeat the popular Democrat, so they took advantage of an opportunity to redesign Houston's district. Kansas lost one seat because of the census of 1940 and the Republican-dominated state legislature redrew congressional boundaries before the election of 1942. They removed Sumner County from the Fifth District and added Chase, Coffey, Dickinson, Geary, Greenwood, Lyon, Marion, Morris, Osage, Wabaunsee, and Woodson Counties, a Republican area controlled by Ed Rees of Emporia, congressman of the Fourth District. This action caught the attention of columnists Drew Pearson and Jack Anderson, and their syndicated story announced that the state legislature had hit "the lone Kansas Democrat with everything but the water bucket in gerrymandering his district," adding that he takes it "philosophically." "When a salesman makes good on the job," Houston told the reporters with a grin, "his territory is increased." That summer Houston detailed his political dilemma to AFL president William Green to ensure his important support. Neither he nor Rees had any opposition in the primaries or the general election, and Houston's was the better labor record. Green agreed that "Congressman Rees has an exceptionally bad labor record covering three Congresses" while Houston's was "very good." Despite labor's endorsement, the enlarged territory was too much for the Democrat to handle, and the Republican trend was against him. Rees defeated Houston fifty-five thousand to forty-one thousand, and in 1943 the Kansas delegation was 100 percent Republican.¹⁹

18. Harold Young to John M. Houston, May 14, 1941, file 25, box 1, Houston Papers; Houston to Randolph Carpenter, February 20, 1942, file 5, box 2, *ibid.*

19. Newspaper clippings, file 30, box 5, *ibid.*; *Topeka Daily Capital*, November 3, 1942; John M. Houston to William Green, June 24, 1942, file 9, box 2, Houston Papers; Kansas Secretary of State, *Thirty-third Biennial Report, 1941-1942* (Topeka: State Printer, 1940), 89.

*"This may or
may not be
worth a damn
but it is given
as a bit of con-
scientious sin-
cere advice—*

*DONT tie your campaign too
closely with FDR."*

FOR FREEDOM
4FR
FOUR FREEDOMS

Houston had a remarkably successful, and for a Kansas Democrat relatively long, career as the people's representative. At a dinner in Newton in 1938, Dudley Doolittle of the Democratic National Committee, himself a former Kansas Democratic congressman from Strong City, commented that "the Congress of the United States could well contain more intelligent, hard-working, patriotic members with backbone like your fellow townsman Jack Houston." Doolittle's remarks were followed by "spontaneous cheering." Ten years after Houston's loss to Rees, Max Levand of the *Wichita Beacon* paid him high tribute:

You are responsible for a lot of good deeds that have been accomplished in Wichita over a period of many years just as much as the Levands. When you were in Congress you always worked for Wichita and this Congressional District and you did the best job that was ever done and nobody has ever done a better job since you left.

But what to do now? He was young—a month older than the current Allied commander in Europe, Dwight D. Eisenhower—and had many years of service to offer if the proper opportunity arose.²⁰

20. Dudley Doolittle to John M. Houston, April 9, 1938, file 9, box 2, Houston Papers; Max Levand to Houston, August 21, 1952, file 13, box 2, *ibid.*