

MORE THAN BLACK AND WHITE: WOMAN SUFFRAGE AND VOTING RIGHTS  
IN TEXAS, 1918-1923

A Dissertation

by

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## ABSTRACT

I explore the intersection of the woman suffrage movement and minority voting rights in Texas, a state that did not require voters to be citizens but disfranchised all servicemen for the length of their enlistment during World War I. I scrutinize congressional and legal records, newspapers, and correspondence to show how the Nineteenth Amendment, which removed sex as a legal barrier to voting, ultimately strengthened white political control in the state. My dissertation analyzes how Anglo, black, Mexican American and Mexican immigrant women, working separately or collectively, participated in and at times benefitted from the woman suffrage movement, which caused unforeseen relaxations of minority voting restrictions before the legislature acted to further restrict voting rights. I analyze how laws regulating elections affected women differently based on race and citizenship status. I maintain that politicians pass enfranchising legislation when it in some way benefits those already in power, and likewise they deploy fears of unethical or illegal voting when it benefits them as well. I argue that from WWI through the early 1920s, full citizenship was increasingly defined by the ability or right to vote.

## DEDICATION

This work is dedicated to the people who encouraged me along the way: To my mother, Shelly Gunter, and my aunt, Donna Gardner, who encouraged me to apply to graduate school; to my undergraduate and master's adviser, Dr. Angela Howard at the University of Houston Clear Lake, and my doctoral adviser, Dr. Sara Alpern, for encouraging me in that process; and to my husband, Christopher Mathey, for always assuring me that I was intelligent, fierce and capable.

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## NOMENCLATURE

AERA	American Equal Rights Association
AWSA	American Woman Suffrage Association
DNC	Democratic National Convention
LWV	(National) League of Women Voters
NAACP	National Association for the Advancement of Colored People
NAWSA	National American Woman Suffrage Association
NWSA	National Woman Suffrage Association
TAOWS	Texas Association Opposed to Woman Suffrage
TESA	Texas Equal Suffrage Association
TWSA	Texas Woman Suffrage Association
TLWV	Texas League of Women Voters
WJCC	Women's Joint Congressional Committee
WCGG	Women's Committee for Good Government
WCTU	Women's Christian Temperance Union

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## CHAPTER I

### INTRODUCTION: “THE FIRST *SOUTHERN* STATE TO RATIFY”: THE SUCCESS OF WOMAN SUFFRAGE IN TEXAS

After years of exhausting work leading the Texas Equal Suffrage Association (TESA), white suffragist and Texan Minnie Fisher Cunningham paused to contemplate the sweet victory of being able to register to legally vote in the 1918 Texas primary:

I registered today. And honey you’ll never know how I felt when I walked out with that piece of paper. But I know how a mocking bird feels when he perches on the top most swaying bough and fast tells his hearts [*sic*] secrets to the world. But for a hundred and sixty pounds excess baggage and the trifling matter of lack of voice, I could have done it myself!<sup>1</sup>

More than 250 miles away, African American suffragist Christia Adair had a very different experience come election day. Adair had led a group of black women working alongside white suffragists circulating petitions and pressuring Texas politicians to pass the 1918 primary suffrage bill that gave Texas women the right to vote in primary elections two years before the Susan B. Anthony Amendment banned voting

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<sup>1</sup> Minnie Fisher Cunningham (hereafter MFC) to Jane McCallum, undated [Monday, 1918], Box 3K84, File: Jane Y. McCallum: Women’s Suffrage, Correspondence, Letters Received, 1918-1921 & Undated, Jane Y. and Arthur N. McCallum Papers, Dolph Briscoe Center, University of Texas, Austin, Texas (hereafter Jane & Arthur McCallum Papers); Sections of this chapter are reprinted with permission from, “Without Us, It is Ferguson with a Plurality: Woman Suffrage and Anti-Ferguson Politics,” in *Impeached: The Removal of Texas Governor James E. Ferguson, A Centennial Examination*, eds. Jessica Brannon-Wranosky & Bruce A. Glasrud (College Station, TX: Texas A&M University Press), Copyright 2017 (Texas A&M University Press).

discrimination based on sex. Expecting to take advantage of the fruits of her labor, Adair went to the polls on primary election day in 1918:

And so the first election that they had after the bill passed...the white women were going to vote. And we dressed up and went to vote, and when we got down there, well, we couldn't vote. They gave us all different kinds of excuses why, but we just stayed. We stayed, we asked, 'We want to know why we couldn't vote.' The answers to the questions were so invalid, we were not satisfied. So finally one woman, a Mrs. Simmons said, 'Are you saying that we can't vote because we're Negroes? And he said, 'Yes, Negroes don't vote in primary in Texas.' So that just hurt our hearts real bad and we went on. There was nothing we could do about that but just take it as it was.<sup>2</sup>

That same day in San Antonio, a Spanish-language newspaper reported on women voters' preparations for election day concluding "Today, we will see them go to their respective precincts, proud to finally make the dream of many years a reality."<sup>3</sup> As people of Mexican descent were legally considered white in Texas, they were not routinely prevented from voting in the Democratic Party's all white primary in the 1910's. The legal identity of Mexicans as white was convenient for the system of boss rule in South Texas, a system in which political bosses controlled the votes of working class Mexican immigrants and Mexican-Americans. While Texas allowed non-citizens, or legal resident aliens, to vote, women's derivative citizenship status, in which women were forced to automatically assume the citizenship status of their spouse, meant that few if any female immigrant aliens were legally able to vote under the primary woman

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<sup>2</sup> *Black Women Oral History Project Interviews*; Christia Adair interview, April 25, 1977, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass, 15-16.

<sup>3</sup> "Día de intensa lucha será éste en que por primera vez las mujeres van a ejercitar el derecho del sufragio" in *La Prensa: Diario Popular Independiente*, Saturday July 27, 1918; accessed through America's Historical Newspapers Database.

suffrage law. Few immigrant women were single, twenty-one years or older, and applied for naturalization independently of any family members. Alien immigrant men who filed their intention to become citizens, were eligible to vote, although they had not completed the naturalization process. The wives of such men did not experience a change in legal status until their husbands became citizens; women were not allowed to vote based on their husbands' intention to become citizens.<sup>4</sup>

The 1918 primary woman suffrage law is a classic example of how a law appearing to be racially neutral affected women very differently depending on their race and citizenship status.<sup>5</sup> The Texas woman suffrage movement resulted in numerous changes to election laws, many of which appeared on the surface to be racially neutral despite their intentions or consequences. Sometimes these disparate outcomes were intentional, as when legislators purposefully drafted laws targeting a specific group of people. Other times tampering with election laws caused unforeseen consequences, which left legislators scrambling to stop the unintended changes to other groups' voting

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<sup>4</sup> Evan Anders, *Boss Rule in South Texas: The Progressive Era* (Austin: University of Texas Press, 1982), 272; I use the phrase "Mexican American" to refer to American citizens of Mexican descent. I use the term "Mexican immigrant" to refer to people who emigrated from Mexico to the United States. I use the term "Mexican," "Mexicans," "people of Mexican descent" and "brown" to refer to both groups collectively or to those whose citizenship status is unclear. "African American" and "black" are used interchangeably. "Anglo" refers to non-Hispanic whites.

<sup>5</sup> For intersectionality theory, see: Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex," *University of Chicago Legal Forum* (1989): 139-167; and Sumi Cho, Kimberlé Williams Crenshaw and Leslie McCall, "Toward a Field of Intersectionality Studies: Theory, Applications and Praxis," *Signs: Journal of Women in Culture and Society*, Vol. 38, No. 4 (2013): 705-810.

rights or privileges. The voting rights of all peoples were connected, and changes to one group impacted the rights of other groups as well.

Texas in the 1910s was the site of a strange confluence of laws regulating voting rights. Here, the Jim Crow restrictions of the poll tax and all-white primary met boss rule, a system in which political bosses controlled the votes of many Mexican immigrants and Mexican-Americans, which was based on non-citizen (or legal resident alien) voting, which was further complicated by women's dependent citizenship. Texas added to this mix a peculiar disfranchisement of servicemen for the length of their military service, and usually a while beyond that as those who returned after the poll tax window closed on February 1, had to wait another year in order to pay the tax and vote. It was within this convergence of voting laws that suffragists sought the ballot in the 1910s.

In Texas, the twentieth century white woman suffrage movement was inextricably linked to minority voting rights and civil rights, both those of African Americans and Mexicans. As one population gained ground, others gained or lost as well. When the voting rights of one group became fluid, all people's voting rights ceased to be static. This could have resulted in an expansion of suffrage for multiple groups. However, as voting rights expanded to include women, Texas politicians ensured that they retracted further to restrict black and brown voting rights. In 1919 and 1921, voters choosing to extend rights or privileges to women would, through the very same piece of legislation, simultaneously seek to deny those rights and privileges to the Latino population.

Voting rights were constantly in flux in Texas during the Progressive Era. Voting was still considered a privilege, not an inherent right of citizens. However, by the end of the era, experts, politicians, and most Americans began referring to voting as a right, at least as a right of white citizens. Texas law contained only two Jim Crow voting restrictions, the all-white primary and the poll tax, which had to be paid by February 1 in order to vote in that year's elections. Black men who could afford the poll tax were usually barred from voting in the Democratic Party's all white primary, but could vote in general and special elections. Mexican immigrants and Mexican-Americans were considered legally white in Texas and were not routinely turned away by the all-white primary. Citizenship was not a requirement for voting in Texas, and immigrants who filed their intention to eventually become citizens could vote. Progressives and reform Democrats abhorred voting on "first papers," and they fought to outlaw it, while south Texas political machine bosses depended upon non-citizen voters to remain in power. German and Mexican immigrant voting would become particularly troubling to reform-minded Texans during World War I (WWI) and after the release of the Zimmerman Telegram.<sup>6</sup>

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<sup>6</sup> Handbook of Texas Online, O. Douglas Weeks, "Election Laws," accessed March 12, 2017, <http://www.tshaonline.org/handbook/online/articles/wde01>; Handbook of Texas Online, Sanford N. Greenberg, "White Primary," accessed March 12, 2017, <http://www.tshaonline.org/handbook/online/articles/wdw01>; Handbook of Texas Online, Evan Anders, "Boss Rule," accessed March 22, 2017, <http://www.tshaonline.org/handbook/online/articles/wmb01>; The Zimmerman Telegram was "a secret telegram transmitted in code to the German ambassador in Washington for transmittal to the president of Mexico. It promised Mexico that if she would join Germany and encourage Japan to join the Central Powers, Germany would assist Mexico to regain her lost territories in Texas, Arizona, and New Mexico by conquest." See:

While election laws discriminated based on race and socio-economic status, women were completely barred from voting in government elections in Texas. Texas and American women in the early 20<sup>th</sup> century were also restricted by dependent citizenship. Their legal status as citizens depended upon the citizenship status of their fathers or husbands. In 1855, the United States congress passed a Naturalization Act allowing immigrant women to automatically assume the citizenship status of their citizen husbands.<sup>7</sup> Immigrant women who wished to maintain their previous citizenship status were denied the ability to do so. Instead, their citizenship was entirely dependent upon that of their husbands. Girls, whose fathers naturalized while they were underage, likewise became citizens through their dependant legal status.

In 1907, Congress acted again, this time automatically expatriating or denaturalizing any American woman who married an alien, regardless of where they resided.<sup>8</sup> Once again, women's actual desire for citizenship did not alter the automatic change of citizenship status upon marriage. With this act, women were officially dependent citizens. While most vestiges of coverture were slowly dying off, the Congress' efforts to enforce dependent citizenship "appeared to be a statutory reassertion

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Handbook of Texas Online, Ralph W. Steen, "World War I," accessed April 02, 2017, <http://www.tshaonline.org/handbook/online/articles/qdw01>.

<sup>7</sup> Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Berkeley, Los Angeles, & London: University of California Press, 1998), 15.

<sup>8</sup> Bredbenner, *A Nationality of Her Own*, 4.

of the single-identity theory of marriage.”<sup>9</sup> While the Congress appeared to be acting against the trend of women gaining legal protections and independence at the turn of the century, they were in fact in line with another prevailing trend of the early twentieth century: nativism.

The Expatriation Act of 1907 was one of a set of laws aimed at curbing immigration and immigrants’ rights in early twentieth century America. Because it was out of step with concurrent laws, court decisions, and the common law, many women’s rights advocates expected it to be struck down. However, in 1915 the Supreme Court upheld the law, signaling their acquiescence to Congress in regulating immigration and citizenship.<sup>10</sup> Women’s rights advocates and suffragists began working for women’s independent citizenship, rightfully seeing it as crucial to the success of the woman suffrage movement and the other reforms they sought. Independent citizenship was one of the original goals of the League of Women Voters when it formed.<sup>11</sup> This convergence of women’s rights with immigration and citizenship law existed both in Texas and in the United States. As political efforts to reinforce white supremacy and

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<sup>9</sup> Coverture was the legal process in which women suffered civil death upon marriage and became one legal entity with their husbands; See: Bredbenner, *A Nationality of Her Own*, 5.

<sup>10</sup> Bredbenner, *A Nationality of Her Own*, 6.

<sup>11</sup> The goal was “direct citizenship for women, not citizenship through marriage, as a qualification for the vote.” See: “The Official Program of the Committee on American Citizenship of the League of Women Voters,” by Mrs. Frederick P. Bagley, Chairman, in Box 7, Folder 29, Minnie Fisher Cunningham Papers, UH Special Collections [hereafter MFC Papers].



suppress black voting dictated the strategy of southern suffragists in earlier decades, nativism would inform the strategy of suffragists particularly during WWI.<sup>12</sup>

Black Texans legally maintained the privilege of voting, but the all white primary and the poll tax effectively disfranchised most black Texans. The all white primary was established when the Democratic Party required participants to swear that they were white and would support the Democratic Party candidate. The direct primary was adopted in 1903 and the state left it to the parties to determine membership qualifications to vote, which were understood to exclude black voters. Historian Darlene Clark Hine notes, “The white primary was, ironically, a mutant form of the direct primary that had been widely heralded as an instrument to purge southern elections of the corruption that had typically disgraced them.”<sup>13</sup>

Like other voting reforms in the Progressive Era, laws that were instituted under the guise of limiting election fraud often disfranchised black and brown voters.<sup>14</sup>

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<sup>12</sup> For more on southern suffragists’ strategies of arguing for woman suffrage as a way to reinforce white supremacy and suppress black voting in earlier decades, see: Marjorie Spruill Wheeler, *New Women of the New South: The Leaders of the Woman Suffrage Movement in the Southern States* (New York & Oxford: Oxford University Press, 1993).

<sup>13</sup> Darlene Clark Hine, *Black Victory: The Rise and Fall of the White Primary in Texas* (Columbia: University of Missouri Press, 2003), 70. The direct primary was adopted in Texas in 1903 after the poll tax had been adopted in the general election in 1902.

<sup>14</sup> Progressivism started as a social reform movement and became a political movement in the early twentieth century. Progressives tended to be educated and reside in cities. They supported a series of reforms to varying degrees including prohibition, woman suffrage, worker’s rights, and limits on corporations. Progressives usually supported segregation as well, and progressive President Woodrow Wilson was responsible for segregating the federal government. See: William A. Link, *The Paradox of Southern Progressivism: 1880-1930* (Chapel Hill & London: The University of North

Progressives considered these voters to be easily bribed into voting for certain politicians or causes and disfranchising them was part of the progressive plan to clean up elections. Progressive Texas Democrats viewed both the white primary and the direct primary as “purifying” and improving elections. Allowing political parties to determine membership qualifications in primary elections left open considerable loopholes, as not all local party officials excluded black voters and in close elections, some white politicians even campaigned for the black vote.<sup>15</sup> When white Texans most feared the expansion of black voting, they strengthened the all white primary.

Finally, a poorly phrased section of the original Texas constitution, intended to prevent military service in the state from qualifying out-of-state servicemen for residency, carried over into all subsequent constitutions.<sup>16</sup> The wording barred members of the United States military from voting in the state of Texas for the length of their enlistment, despite their state of residency. This became particularly important during WWI. Servicemen were absolutely disfranchised for the length of their service, and then effectively disfranchised upon returning home until the next poll tax window opened in the fall. They would then pay the poll tax to vote in the coming year’s elections. It was into this confusing mélange of voting rights that woman suffrage activists worked for the right to vote in Texas.

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Carolina Press, 1992); Handbook of Texas Online, Lewis L. Gould, "Progressive Era," accessed March 22, 2017, <http://www.tshaonline.org/handbook/online/articles/npp01>.

<sup>15</sup> Merline Pitre, “In Retrospect: Darlene Clark Hine’s *Black Victory*,” in Darlene Clark Hine, *Black Victory: The Rise and Fall of the White Primary in Texas* (Columbia: University of Missouri Press, 2003), 25; Hine, *Black Victory*, 84 and 92.

<sup>16</sup> Texas Constitution of 1845, Article III, Sec. 1; Debates of the Convention, 1845; page 159. <http://tarlton.law.utexas.edu/constitutions/texas1845/debates/jul21>.

Historian Aileen Kraditor argues in *The Ideas of the Woman Suffrage Movement* that suffragists mainly used arguments based on “justice” in the nineteenth century and arguments based on “expediency” in the Progressive Era. Justice arguments emphasized natural or universal rights. The expediency arguments emphasized how women would use the vote to better society, end corruption in politics, and improve social services.<sup>17</sup> Historians continue to distinguish between the two types of suffrage arguments, although most argue against the idea that there was a particular moment when suffragists switched primarily from one argument to the other. Historians have expounded the ways in which the expediency or instrumental arguments “often contained racist assumptions about white women’s superiority.”<sup>18</sup> According to Historian Louise M. Newman, “Kraditor’s fundamental insight [is] that a political movement devoted to the extension of democracy contained within it antidemocratic and racist elements.”<sup>19</sup> In analyzing “how white suffragists articulated egalitarian statements about women’s equality alongside racist assertions about white supremacy,” Kraditor led scholars to analyze how “pro-suffrage arguments were infused with ethnocentric, xenophobic, and antidemocratic sentiments.”<sup>20</sup> According to Newman, Kraditor “definitively showed how one of the

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<sup>17</sup> Aileen S. Kraditor, *The Ideas of the Woman Suffrage Movement, 1890-1920* (New York: Columbia University Press, 1965; repr., New York: Norton, 1981); Louise M. Newman, “Reflections on Aileen Kraditor’s Legacy: Fifty Years of Woman Suffrage Historiography, 1965-2014” *The Journal of the Gilded Age and Progressive Era* 14 (2015), 294.

<sup>18</sup> Newman, “Reflections on Aileen Kraditor’s Legacy,” 290.

<sup>19</sup> *Ibid.*

<sup>20</sup> Newman, “Reflections on Aileen Kraditor’s Legacy,” 291-293.

nation's most dramatic movements for democracy had both antidemocratic motivations and consequences."<sup>21</sup>

Marjorie Spruill Wheeler was one of the first historians to take issue with Kraditor's argument that suffragists abandoned justice arguments for expediency arguments in the Progressive Era. Wheeler argues that elite white suffragists used racist strategies in an unsuccessful attempt to get woman suffrage passed in southern states in the late nineteenth century.<sup>22</sup> Louise Newman also rejects Kraditor's framework and argues that egalitarianism or feminism and racism were "fundamentally interconnected," instead of separate rhetorical phrases of the movement. She maintains "notions of racialized sexual difference and racial hierarchy were consistently *foundational* to how white Anglo Saxon women conceived of their political roles and responsibilities in the nineteenth and twentieth centuries."<sup>23</sup> Newman also contends that white suffragists "were capable of recognizing other individual nonwhite women as their equals, but not entire races, because their assumptions about racial superiority were grounded in beliefs that their sexual differences were racial traits that were characteristic of the white race and helped account for their society's supposed higher civilization."<sup>24</sup> In her landmark study of suffrage in the West, Rebecca Mead also argues against Kraditor's assertion

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<sup>21</sup> Newman, "Reflections on Aileen Kraditor's Legacy," 307.

<sup>22</sup> Newman, "Reflections on Aileen Kraditor's Legacy," 295; Marjorie Spruill Wheeler, *New Women of the New South: The Leaders of the Woman Suffrage Movement in the Southern States* (New York & Oxford: Oxford University Press, 1993).

<sup>23</sup> Louise M. Newman, *White Women's Rights: The Racial Origins of Feminism in the United States* (New York: Oxford University Press, 1998); Newman, "Reflections on Aileen Kraditor's Legacy," 295-296.

<sup>24</sup> Newman, "Reflections on Aileen Kraditor's Legacy," 297.

that justice arguments gave way to arguments of expediency. She contends that both arguments were used together, complementing each other instead of opposing one another.<sup>25</sup>

Similarly, historian Allison Sneider critiques Kraditor's framework for leaving historians trying to explain how individual nineteenth century suffragists changed over time to embrace "race-based claims for white women's ballots" instead of acknowledging that racism was "integral to the intellectual traditions of liberalism and republicanism from which these suffragists drew." Sneider continues: "neither the classical liberal nor republican traditions on which nineteenth-century U.S. suffragists and abolitionists drew were inconsistent with the belief in natural hierarchies between men and women or between races. To speak in the language of constitutional rights, or of a citizen's right to vote does not preclude the belief that some men and women are more fit to exercise these rights than others."<sup>26</sup>

Conversely, as much as liberalism and republicanism rested on racism, they relied on sexism as well. Citizenship based in natural rights eroded inherited status, while expanding distinctions between sexes and among races. To quote historian Estelle Freedman, "The flip side of natural rights was natural sex and natural race."<sup>27</sup> Women

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<sup>25</sup> Rebecca Mead, *How the Vote Was Won: Woman Suffrage in the Western United States, 1868-1914* (New York: New York University Press, 2004); Newman, "Reflections on Aileen Kraditor's Legacy," 295.

<sup>26</sup> Allison Sneider, *Suffragists in an Imperial Age: U.S. Expansion and the Woman Question, 1870-1929* (New York: Oxford University Press, 2008), 12-13; Newman, "Reflections on Aileen Kraditor's Legacy," 295.

<sup>27</sup> Estelle Freedman, *No Turning Back: The History of Feminism and the Future of Women* (New York: Ballantine Books, 2007), 64.

did not fit easily into the imagined community of citizens. Freedman notes “Historically, homemaking has been set in contrast to full citizenship.”<sup>28</sup> Multiple scholars have commented on the unusual and uneven way women fit into concepts of natural rights and citizenship. In *The Sexual Contract*, Carole Pateman argues that, “the social contract included a sexual contract...that subjugated all women to all men in a fraternal patriarchy.”<sup>29</sup> The king’s patriarchal control of society was replaced by men’s patriarchal control of women. Joan Wallach Scott argued in *Only Paradoxes to Offer* that once women (or minorities) were excluded from rights in a democracy “they had to act on behalf of women [in order to argue for rights] and so invoked the very difference they sought to deny.”<sup>30</sup> Women’s opponents then blamed the difference women invoked for the lack of parity.<sup>31</sup>

In her classic work, *Feminism and Suffrage*, historian Ellen Carol DuBois argues that woman suffrage became a primary concern of white women’s rights activist after the Civil War. She documents the creation of the American Equal Rights Association (AERA), which later split over the issue of whether or not to support the Fourteenth and Fifteenth Amendments as written. The AERA later became the American Woman Suffrage Association (AWSA), and continued to support the amendments, which prioritized black male suffrage. Susan B. Anthony and Elizabeth Cady Stanton broke

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<sup>28</sup> Freedman, *No Turning Back*, 130

<sup>29</sup> Carole Pateman, *The Sexual Contract* (California: Stanford University Press, 1988), 3-5.

<sup>30</sup> Joan Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (Cambridge: Harvard University Press, 1996), x.

<sup>31</sup> Pateman, *The Sexual Contract*, 2-3.

away and founded their own organization, the National Woman Suffrage Association (NWSA) in protest of the amendments, which enfranchised black men while omitting all women.<sup>32</sup> While DuBois was explicit about Susan B. Anthony's racism in 1870s, she concluded that the bifurcation of the suffrage associations was a positive step as it created "an independent feminist movement."<sup>33</sup> Where Kraditor saw the antebellum period as more visionary, DuBois concluded that the women's movement was constrained by its close association with antislavery activism. However, DuBois later recanted this argument as she came to see the formation of an independent women's rights organization also as "a political defeat, with reactionary consequences for both the suffrage movement and the American constitutional tradition."<sup>34</sup> DuBois was responding to historians such as Bettina Aptheker who faulted both DuBois and Kraditor's depiction of the movement as "essentially white."<sup>35</sup> Aptheker argued that in it was the early women's movement's connections with abolition that sustained its radicalism, and in

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<sup>32</sup> Eleanor Flexner, *Century of Struggle: The Woman's Rights Movement in the United States* (New York: Atheneum, 1968, 1975, and 1996), 145-146; Newman, "Reflections on Aileen Kraditor's Legacy," 297-299; Newman refers to the American Woman Suffrage Association as the American Suffrage Association of Women. She also refers to the National Woman Suffrage Association as the National Suffrage Association of Women. The terms are interchangeable.

<sup>33</sup> Ellen Carol DuBois, *Feminism and Suffrage: The Emergence of an Independent Women's Movement in America, 1848-1869* (Ithaca & London: Cornell University Press, 1978, 1999), 20-21.

<sup>34</sup> Ellen Carol DuBois, "The Last Suffragist" in Ellen Carol DuBois, *Woman Suffrage and Women's Rights* (New York: New York University Press, 1998), 10. As cited in: Newman, "Reflections on Aileen Kraditor's Legacy," 297

<sup>35</sup> Bettina Aptheker, *Women's Legacy: Essays on Race, Sex, and Class in American History* (Amherst: University of Massachusetts Press, 1982), 12. As cited in: Newman, "Reflections on Aileen Kraditor's Legacy," 299.

breaking with abolition and black rights, the women's movement became more conservative and less effective.<sup>36</sup>

Black women's historians have added greatly to our understanding of black women's activism. Scholars like Rosalyn Terborg Penn, Evelyn Brooks Higginbotham and Cynthia Neverdon-Morton tackled pervasive myths that suggested, "black women were uninterested in feminist politics and that black men opposed feminist issues."<sup>37</sup> These authors analyze black women's participation in the suffrage movement as well as a plethora of other movements in support of their communities including movements for temperance, improved education and campaigns against lynching and segregation.<sup>38</sup> Higginbotham contends that activist groups could be both conservative in embracing the dominant culture while remaining radical in their declaration of rights. She writes that the Women's Convention, an auxiliary to the National Baptist Convention, "combined both a conservative and radical impulse" and that their activism "challenges the historical validity of the accommodation versus protest dichotomy."<sup>39</sup>

Scholarship on black woman suffrage has shown "how black women's engagement was much broader than their support of suffrage and included campaigns

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<sup>36</sup> Ibid.

<sup>37</sup> Newman, "Reflections on Aileen Kraditor's Legacy," 299-300.

<sup>38</sup> See: Rosalyn Terborg-Penn, "African American Women and the Vote: An Overview" in *African American Women and the Vote, 1837-1965*, eds. Ann D. Gordon, et al (Amherst: University of Massachusetts Press, 1997); Paula Giddings, *When and Where I Enter: The Impact of Black Women on Race and Sex in America* (New York: Bantam Books, 1984); Cynthia Neverdon-Morton, *Afro-American Women of the South and the Advancement of the Race, 1895-1925* (Knoxville: University of Tennessee Press, 1989); and Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church* (Cambridge: Harvard University Press, 1993).

<sup>39</sup> Higginbotham, *Righteous Discontent*, 187; 227-228.



against lynching, segregation, and racialized forms of gender discrimination, along with activities in support of temperance, better education, and increased employment opportunities.”<sup>40</sup> Patricia Bernstein analyzes the National Association for the Advancement of Colored People’s coordinated campaign against mob violence after the infamous 1916 lynching of Jesse Washington in *The First Waco Horror*.<sup>41</sup> W.E.B. DuBois asked suffragist Elisabeth Freeman to investigate the lynching in Waco, Texas during her suffrage speaking tour, and the publication of Freeman’s detailed account energized the anti-lynching movement throughout the country.<sup>42</sup>

In her landmark study, Paula Giddings agrees with Aptheker that “white feminists often acquiesced to racist ideology, undermining their own cause in doing so.”<sup>43</sup> Rosalyn Terborg-Penn shows how black men and women “fought both racism and sexism simultaneously.”<sup>44</sup> Black women worked for the vote, sometimes with the support of black men and black churches. Estelle Freedman notes that they did not expect suffrage to guarantee their equality, but they knew “that power relations always rested upon both race and gender hierarchies; that alliance across race and gender could

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<sup>40</sup> Newman, “Reflections on Aileen Kraditor’s Legacy,” 299-300; See Rosalyn Terborg-Penn, Angela Davis, Bettye Collier-Thomas, Elsa Barkley Brown, Evelyn Brooks Higginbotham, Cynthia Neverdon-Morton, Sharon Harly, Paula Giddings, and Adele Logan Alexander.

<sup>41</sup> Patricia Bernstein, *Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP* (College Station: Texas A&M University Press, 2005).

<sup>42</sup> Ibid.

<sup>43</sup> Giddings, *When and Where I Enter*, 370-371.

<sup>44</sup> Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote, 1850-1920* (Bloomington: University of Indiana Press, 1998), 35; Newman, “Reflections on Aileen Kraditor’s Legacy,” 300.

challenge these hierarchies; and that dignified resistance in the face of seeming powerlessness could be a mighty weapon for change.”<sup>45</sup>

Historian Darlene Clark Hine’s compelling study of black voting struggles in Texas, *Black Victory: The Rise and Fall of the White Primary in Texas*, analyzes the South’s most effective tool for black disfranchisement. Hine argues that when the state legislated the all white primary in 1923, it opened itself up to a two-decade long legal attack that would bring the downfall of the all white primary. However, Hine fails to situate non-citizen or alien voting in her analysis. For example, Hine notes that Texas adopted only the poll tax and the all white primary to limit black voting, while other southern states instituted “literacy tests, understanding and good character clauses, and complex registration laws.”<sup>46</sup> She makes only limited suggestions as to why Texas refrained from implementing similar restrictions and assumes the immigrant alien vote was too well controlled to justify further restrictions. However, utilizing further Jim Crow restrictions would have restricted the legal resident alien vote, and politicians whose power rested on that voting bloc fought to keep them enfranchised. Once the power of those politicians waned, their opponents eliminated alien suffrage as a further restriction on voting.

Suffragism in the South has received particular attention in the historiography. Spruill points out that Kraditor initiated this debate by maintaining that southern suffragists primarily relied on the argument that “the enfranchisement of women would

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<sup>45</sup> Freedman, *No Turning Back*, 83.

<sup>46</sup> Hine, *Black Victory*, 69.

insure the permanency of white supremacy in the South.”<sup>47</sup> Anne Firor Scott maintains that such arguments were not the bulk of white southern suffragists’ ideology. Anne Scott’s foundational work *The Southern Lady* analyzed antebellum and Progressive-era white women and their activity in missionary work, the Women’s Christian Temperance Union (WCTU), the Consumer League, and even interracial cooperation. Scott concludes that women’s participation in reform movements produced reform itself by moving women outside the private sphere. Scott further detailed women’s efforts to shape their society in *Natural Allies*. She argues that the presumption that women were naturally responsible for the welfare of the community shaped their voluntary associations and helps explain the continuity across generations of female reformers.<sup>48</sup>

In her assessment of Progressive-era Galveston, Elizabeth Hayes Turner argues that “elitism more than evangelicalism drove the southern women’s reform movement, especially in such secular reforms as the equal suffrage movement.”<sup>49</sup> Turner maintains that women created spaces of their own within male dominated institutions like churches and government. She documents women volunteering in their churches, joining

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<sup>47</sup> Spruill, “Race, Reform and Reaction at the Turn of the Century: Southern Suffragists, the NAWSA, and the ‘Southern Strategy’” in *Votes for Women: The Struggle for Suffrage Revisited* (Oxford & New York: Oxford University Press, 2002), ed. Jean H. Baker, 102-3; Newman, “Reflections on Aileen Kraditor’s Legacy,” 300-301.

<sup>48</sup> Anne Firor Scott, *The Southern Lady: From Pedestal to Politics, 1830-1930* (Chicago: University Press of Chicago, 1970, 1995), 182; Anne Firor Scott, *Natural Allies: Women’s Associations in American History* (Urbana & Chicago: University of Illinois Press, 1992); Newman, “Reflections on Aileen Kraditor’s Legacy,” 301.

<sup>49</sup> Elizabeth Hayes Turner, *Women, Culture and Community: Religion and Reform in Galveston, Texas 1880-1920* (New York: Oxford University Press, 1997), 8.

women's clubs and civic associations and finally moving into suffrage activism.<sup>50</sup> Judith McArthur and Harold Smith's biography of Minnie Fisher Cunningham reveals the way white suffragists discussed their achievements, protecting their allies and themselves by playing into stereotypical gender roles. This facade disguised their activism and their responsibility for achieving primary woman suffrage and the ratification of the federal amendment. Because of its biographical focus, McArthur and Smith also analyze the effects of progressivism and woman suffrage on politics well after the Susan B. Anthony Amendment was ratified in 1920.<sup>51</sup>

Jessica Wranosky situates Texas inside the national woman suffrage movement. She argues that Texas was crucial to national success, that the National American Woman Suffrage Association (NAWSA) saw the state as the doorway into the South, and that the South was part of Carrie Chapman Catt's "Winning Plan."<sup>52</sup> Building on arguments made by Melanie Gustafson, Rebecca Edwards, Elizabeth Varon and Paula Baker, which show women's "deep partisan sympathies, loyalties, and even influence" before they had the vote, Wranosky shows how Texas women participated in and altered state politics.<sup>53</sup> Wranosky further argues, in line with Terborg-Penn and Gilmore, that Black women hesitated to participate in suffrage activity for fear it would endanger

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<sup>50</sup> Ibid.

<sup>51</sup> Judith N. McArthur and Harold L. Smith, *Minnie Fisher Cunningham: A Suffragist's Life in Politics* (Oxford & New York: Oxford University Press, 2005).

<sup>52</sup> Jessica Wranosky, *Southern Promise and Necessity: Texas, Regional Identity, and the National Woman Suffrage Movement, 1868-1920* (advanced copy, 2015).

<sup>53</sup> Allison Sneider, "The New Suffrage History: Voting Rights in International Perspective," in *History Compass* 8/7 (2010), 693.

themselves and their communities, but where middle class communities existed so did suffrage activism.

Elna C. Green focused on the twentieth century movement in the South and argued that it came about much the same way the movement came about in the North, but that it failed where substantial black populations were present.<sup>54</sup> While their numbers were relatively small, black and brown women's actions could appear very large within a culture predicated on white supremacy. Black populations in antisuffrage southern states did not always differ greatly from those in southern suffrage states suggesting that the size of minority racial populations was only one factor among many concerning the success of woman suffrage in the South.<sup>55</sup> When black women formed The Galveston Negro Women's Voter's League and the Colored Welfare League of Austin, proceeded to register as primary voters in 1918, and sued those election officials who refused them, they were challenging white supremacy, even if other voting restrictions like the all white primary severely limited that challenge.<sup>56</sup>

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<sup>54</sup> Elna C. Green, *Southern Strategies: Southern Women and the Woman Suffrage Question* (Chapel Hill and London: The University of North Carolina Press, 1997).

<sup>55</sup> Green, *Southern Strategies*, 179.

<sup>56</sup> Monroe N. Work, ed. *Negro Year Book: an Annual Encyclopedia of the Negro...* (Tuskegee, Negro Year Book Publishing Co, 1916-1917) 57-58; The information in the yearbook was gained by word of mouth and letters. While the events themselves did take place, the dates are clearly incorrect as Texas did not pass primary woman suffrage until 1918; Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote, 1850-1920* (Bloomington and Indianapolis: Indiana University Press, 1998), 148.

Merline Pitre calls for “equal consideration of the complex role of black women in the challenge to white supremacist politics at the state and national levels.”<sup>57</sup> She suggests that gender roles may have led black men and women to seek the ballot for different reasons, and that black women’s motivations have largely been overlooked. She concludes that we still know very little about black Texas activists like “Lulu B. White, Christia Adair, Ora Lee Terry, Irma Leroy, Hazel Young and Thelma Bryant.”<sup>58</sup> Suzanne Lebsock argues that it was often antisuffragists in the South that made white supremacy a major issue debated during suffrage campaigns. According to Lebsock, white suffragists believed that the anti’ assertions that woman suffrage would increase black voting and undermine white supremacy was nonsense, and suffragists did not respond to the argument until very late in the movement.<sup>59</sup>

In between Kraditor and Wheeler’s assertion of the importance of white supremacy in the southern suffrage movement and Green, Scott, and Lebsock’s argument that white supremacy was not causative or central to the movement, Glenda Gilmore takes a middle position. Gilmore argues that white suffragists in North Carolina downplayed racial concerns believing that engaging in the debate would link woman suffrage to black suffrage leading to the defeat of the movement. However, Gilmore

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<sup>57</sup> Merline Pitre, “In Retrospect: Darlene Clark Hine’s *Black Victory*,” in Darlene Clark Hine, *Black Victory*, 7.

<sup>58</sup> Merline Pitre, “In Retrospect: Darlene Clark Hine’s *Black Victory*,” in Darlene Clark Hine, *Black Victory*, 26.

<sup>59</sup> Newman, “Reflections on Aileen Kraditor’s Legacy,” 301; Suzanne Lebsock, “Woman Suffrage and White Supremacy: A Virginia Case Study,” in *Visible Women: New Essays on American Activism*, eds. Nancy A. Hewitt and Suzanne Lebsock (Urbana: University of Illinois Press: 1993), 62-100.

further contends that this tactic did not mean that white suffragists rejected white supremacist ideology or that race was unimportant in their campaigns. Gilmore analyzes black women's efforts to assert their voting rights and white suffragists' response to those claims. Gilmore further argues that "By their presence at the polls, black women dared whites to use violence and won the dare."<sup>60</sup>

Newman concludes that the historiography has established two larger points:

...first, that racism, or a belief in white supremacy, was common among white southern suffragists but not determinative of whether they were willing to work with local Black groups or individual Black women (it might also be observed that the willingness of white women to work with local black groups, albeit uncommon, was not necessarily indicative of enlightened racial views); and second, that the vast majority of southern white women supported segregation and did not believe that woman suffrage would endanger those social arrangements.<sup>61</sup>

Further work on suffrage has analyzed changing meanings of citizenship over time and across different communities. Elsa Barkley Brown argues that while white suffragists understood citizenship as an individual right, black women understood citizenship as emanating from the community.<sup>62</sup> Newman concludes "the historiography of suffrage in the South remains vibrant and productive, by enlarging its focus from the franchise to

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<sup>60</sup> Glenda Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996), 203, 224; Newman, "Reflections on Aileen Kraditor's Legacy," 301-303.

<sup>61</sup> Newman, "Reflections on Aileen Kraditor's Legacy," 302.

<sup>62</sup> Elsa Barkley Brown, "To Catch the Vision of Freedom," in *African American Women and the Vote 1837-1965*, ed. Gordon; Newman, "Reflections on Aileen Kraditor's Legacy," 302-3.

citizenship and by incorporating insights from the history of African American women's political engagements."<sup>63</sup>

An analysis of woman suffrage in the State of Texas will add to the growing historiography of woman suffrage in the South. However, historians of Texas have long debated whether or not Texas qualifies as being truly southern. Some historians have argued that Texas was southern; some that it was western, and some simply say it was exceptional. Trying to move past this argument, in *Beyond Texas Through Time* Walter Buenger and Arnolde De Leon argue that historians "should consider the state as a component of a larger enterprise, a component that fits into the nation and into the world in different ways at different times."<sup>64</sup>

There is a similar prevailing argument about defining Texas as southern or not in the historiography of woman suffrage. While glossing over most of the South, Eleanor Flexner writes: "Texas obviously could not be considered part of the Solid South since it had given its women the primary vote in March 1918 and the presidential vote in May 1919; it was the ninth, and the first *southern*, state to ratify."<sup>65</sup> However, the amendment to grant presidential suffrage to women in 1919 was defeated at a public referendum, and the success or failure of one bill is not enough to designate whether a state is southern or

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<sup>63</sup> Newman, "Reflections on Aileen Kraditor's Legacy," 304.

<sup>64</sup> "Editors' Note" in *Beyond Texas Through time: Breaking Away from Past Interpretations*, eds. Walter L. Buenger and Arnolde De Leon (College Station: Texas A&M University Press, 2011), xx; See also: Walter Buenger, "Texas and the South," *The Southwestern Historical Quarterly* 103 no. 3 (Jan 2000), 308-324.

<sup>65</sup> Flexner, *Century of Struggle*, 310-11.



not.<sup>66</sup> Rosalyn Terborg-Penn characterizes Texas as a western state, and also incorrectly asserts that Texas granted full suffrage to women in 1917.<sup>67</sup> Suffrage historian A. Elizabeth Taylor assumes that because Texas eventually ratified the Nineteenth Amendment, race must not have played as large a role in the state as it did in other southern states.<sup>68</sup> No single suffrage victory is sufficient evidence that a state belonged or did not belong to a particular region of the country.

Elna Green contends that Texas (and the three other southern states that ratified the Nineteenth Amendment) not being “completely ‘southern’ . . . is an insufficient answer” to explain the limited successes woman suffrage achieved in these states.<sup>69</sup> Buenger argues that in Texas, a “more open political arena characterized by three or more factions that combined in numerous ways offered women opportunities lacking in other southern states.” Buenger identified the three factions as reformers, conservatives, and rural insurgents who voted against policies aimed at forcing middle class morality upon them or limiting their economic freedoms.<sup>70</sup> Placing the state within the larger context of the United States, at the borderlands between systems of discrimination, which targeted African Americans in the South and Mexican immigrants and Mexican

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<sup>66</sup> A. Elizabeth Taylor, “The Woman Suffrage Movement in Texas,” in *Citizens at Last: The Woman Suffrage Movement in Texas* (Austin: Ellen C. Temple, 1987), 46.

<sup>67</sup> Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote, 1850-1920* (Bloomington & Indianapolis: Indiana University Press: 1998), 146-148.

<sup>68</sup> A. Elizabeth Taylor, “WOMAN SUFFRAGE,” *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/viw01>), accessed October 5, 2012.

<sup>69</sup> Green, *Southern Strategies*, 179.

<sup>70</sup> Walter Buenger, *The Path to a Modern South: Northeast Texas Between Reconstruction and the Great Depression* (Austin: University of Texas Press, 2001), 255.

Americans in the Southwest, and as part of a transnational women's movement is far more revealing than labeling it as something other than southern due to a successful suffrage movement.

Additionally, historical figures in Texas and in the larger United States during the Progressive Era considered Texas and Texans to be southern. NAWSA's strategically sought to use Texas as a doorway to the South as Wranosky argues.<sup>71</sup> Cunningham even reluctantly accepted the position of second vice president in the national League of Women Voters, because without her, the board would not have had a single southern member.<sup>72</sup> Her credentials in the organization were as a southern suffragist from a southern state that successfully ratified the Susan B. Anthony Amendment. Neither suffragists nor Texas politicians considered being southern and supporting woman suffrage to be mutually exclusive. Neither should historians who analyze the movement and the reasons for its success in the four southern states that ratified the Nineteenth Amendment.

The historiography of suffrage in the western United States has focused on why those states were successful so early in securing suffrage. Kraditor attributes their success to the Turnerian thesis that conquering the frontier made the West more committed to freedom and therefore more receptive to woman suffrage. Alan Grimes argues that it was actually Anglo concerns about immigrants and the desire to double the

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<sup>71</sup> Jessica Wranosky, *Southern Promise and Necessity*.

<sup>72</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 106-107.

white voting population that led to woman suffrage in the West.<sup>73</sup> Rebecca Mead and Allison Sneider focus on suffragists' successful organizing in western states, their ability to use a viable three-party system to their advantage, and their ability to connect woman suffrage to American expansion and imperialism. Like historians of white suffragists in the South, Mead argues that white suffragists in the West avoided discussion of race while reminding white men of white women's importance in maintaining settlement and white supremacy. Newman emphasizes the difficulty of winning woman suffrage through a referendum process and notes that early victories were won by simply legislative majorities.<sup>74</sup>

The link between Mormon women and suffrage in Utah also appears throughout the historiography of woman suffrage in the West. Women in Utah initially received suffrage when Utah was still a territory in 1870. The "longest-running woman suffrage publication in the nation," the *Woman's Exponent*, was "published by Mormon women in Salt Lake City for forty-two years."<sup>75</sup> The paper was an important tool for Mormon suffragists as "proposal to punish polygamy through disfranchisement gained strength and eventually passed the U.S. Congress."<sup>76</sup> Congress passed the Edmunds Act in 1882,

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<sup>73</sup> Alan P. Grimes, *The Puritan Ethic and Woman Suffrage* (New York: Oxford University Press, 1967), 106-111 and 134; Kraditor, *The Ideas of the Woman Suffrage Movement*, vii; both cited in Newman, "Reflections on Aileen Kraditor's Legacy," 304-5.

<sup>74</sup> Newman, "Reflections on Aileen Kraditor's Legacy," 305; see Rebecca Mead, *How the Vote Was Won: Woman Suffrage in the Western United States, 1868-1914* (New York & London: New York University Press, 2004); Sneider, *Suffragists in an Imperial Age*.

<sup>75</sup> Mead, *How the Vote Was Won*, 33.

<sup>76</sup> *Ibid.*

which enacted anti-polygamy sanctions including disfranchisement. In 1887, Congress passed the Edmunds-Tucker Act, which disfranchised all Mormons, male or female.<sup>77</sup> After the Mormon Church officially rejected polygamy in the Woodruff Manifesto of 1890, Mormon men were refranchised, but not Mormon women.

Utah suffragists led an organized campaign to include votes for women in the first state constitution, under the advice of Susan B. Anthony. The issue of Mormonism had further divided the suffrage movement as both national suffrage organizations disapproved of Mormonism, but the AWSA did so at all costs, and the NWSA rejected disfranchisement as a punishment for polygamy.<sup>78</sup> After two weeks of lobbying for suffrage during the state constitutional convention, Utah women were successful and Utah entered the Union as the third full suffrage state in 1896.<sup>79</sup> The connection between Mormonism and woman suffrage was used by anti-suffragists in their arguments against votes for women. Occasionally, legislators who considered Mormons to be their political enemies resisted woman suffrage as a way of limiting the opposition's power. In Idaho, the legislature abandoned a discussion of woman suffrage for fear it would "fortify the power of Mormon Democrats."<sup>80</sup>

A more recent turn in suffrage scholarship focuses on "suffragists' international organizing, cross-border travel, and imperial commitments... [and] has made visible the connections between struggles for women's rights within U.S. borders and at the

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<sup>77</sup> Ibid, 43-44.

<sup>78</sup> Ibid, 44.

<sup>79</sup> Ibid, 44.

<sup>80</sup> Ibid, 93.

margins of U.S. territory including Puerto Rico, the U.S. Virgin Islands, and the Philippines.”<sup>81</sup> This turn in to an international perspective is also rooted in the transition from focusing on the franchise to focusing on citizenship within the historiography. Sneider argues: “As U.S. suffragists learned early on, with the passage of the 14<sup>th</sup> (1868) and 15<sup>th</sup> Amendments (1870), which together created a newly national definition of citizenship, and protected a U.S. citizen’s right to vote, suffrage was a national right, linked to national citizenship, and rooted in the particular history and geography of the nation state.”<sup>82</sup> It should be noted however, that women were not fully included in this national citizenship and that neither the 14<sup>th</sup> or 15<sup>th</sup> Amendments established or protected a woman’s right to vote.

In her 1991 essay, DuBois argued that the American woman suffrage movement was part of a longer history of “socialist-feminism” and not a conservative middle-class movement. She analyzes the “global revolutionary moment” in which the Seneca Falls Meeting in 1848 occurred.<sup>83</sup> Leila J. Rupp’s *Worlds of Women: The Making of an International Women’s Movement* analyzed how women’s international work

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<sup>81</sup> Allison Sneider, “The New Suffrage History: Voting Rights in International Perspective,” in *History Compass* 8/7 (2010), 692.

<sup>82</sup> Sneider, “The New Suffrage History: Voting Rights in International Perspective,” 693.

<sup>83</sup> Ellen Carol DuBois, “Woman Suffrage and the Left: An International Socialist-Feminist Perspective (1991)” in *Woman Suffrage and Women’s Rights* (New York: New York University Press, 1998): 252-282; 252-253 as cited in Sneider, “The New Suffrage History: Voting Rights in International Perspective,” 693.

“reproduced the dynamics of global power relations.”<sup>84</sup> The international perspective has also led to comparative studies like those in the collection *Suffrage and Beyond: International Feminist Perspectives*. The editors argued “our explanations have more power if we test our theories on as many cases as possible. In this regard, women’s suffrage offers us a rare opportunity... We may not be able to repeat historical events, but through comparative history we can experiment with our theories, refine them and improve them.”<sup>85</sup>

The first paper in this collection encourages scholars to consider connections between the early success of the women’s rights movement and the history of settler colonial societies. This perspective alters the conversation concerning the early success of woman suffrage in the western United States. The authors suggest that historians should view this success “as a part of a larger history of colonial settlement” and that “unpacking the establishment of woman suffrage in the complicated racial contexts of colonial frontiers has much to teach us about the function of racial ideologies to the development of woman suffrage.”<sup>86</sup> In examining white American suffragists’ reaction

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<sup>84</sup> Leila J. Rupp, *Worlds of Women: The Making of an International Women’s Movement* (Princeton: Princeton University Press, 1997); Sneider, “The New Suffrage History: Voting Rights in International Perspective,” 695.

<sup>85</sup> Caroline Daley & Melanie Nolan eds., *Suffrage and Beyond: International Feminist Perspectives* (Washington Square, New York: New York University Press, 1994), 6; cited in Sneider, “The New Suffrage History: Voting Rights in International Perspective,” 692.

<sup>86</sup> Sneider, “The New Suffrage History: Voting Rights in International Perspective,” 696; Patricia Grimshaw, “Women’s Suffrage in New Zealand Revisited: Writing from the Margins;” Raewyn Dalziel, “Presenting the Enfranchisement of New Zealand Women Abroad;” Ann Curthoys, “Citizenship, Race and Gender: Changing Debates Over the Rights of Indigenous Peoples and the Rights of Women;” and Jane

to Native Americans in the West, Newman's *White Women's Rights* examines them as "agents of the U.S. civilizing mission broadly conceived."<sup>87</sup> Sneider concludes that Newman's argument "encompassed more than the racial conflicts between black and white suffragists," and should encourage future scholarship to do the same.<sup>88</sup>

The international perspective has also led scholars to alter the accepted timeline of the woman suffrage movement in the United States. This is in part an acknowledgement that many national woman suffrage victories occurred after 1920. However, it is also an acknowledgement that many American women were not enfranchised in 1920. Native American women were not fully enfranchised until 1924. African American women were not fully enfranchised until 1965, the year the Voting Rights Act was passed. Rosalyn Terborg-Penn analyzes suffragism among women of color in the Danish West Indies who were American subjects in 1917, citizens in 1932, but could not vote until 1935.<sup>89</sup> Puerto Rican women were American citizens but were

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Rendall, "Citizenship, Culture and Civilization: The Language of British Suffragists, 1866-1874;" Daley and Nolan (eds.), *Suffrage and Beyond*.

<sup>87</sup> Sneider, "The New Suffrage History: Voting Rights in International Perspective," 697; Newman, *White Women's Rights*.

<sup>88</sup> Sneider, "The New Suffrage History: Voting Rights in International Perspective," 697; Newman, *White Women's Rights*.

<sup>89</sup> Sneider, "The New Suffrage History: Voting Rights in International Perspective," 698; Rosalyn Terborg-Penn, "Enfranchising Women of Color: Woman Suffragists as Agents of Imperialism," R. R. Peirson & N. Chauduri (eds.), *Nation, empire, Colony: Historicizing Gender and Race* (Bloomington: Indiana University Press, 1988), 41-56.

denied the vote until 1929, and then only when the Puerto Rican legislature acted to prevent the United States Congress from forcing woman suffrage upon them.<sup>90</sup>

Mina Roces analyzes the woman suffrage movement in the Philippines through the 1930s and argues that the American colonial governor feared it would signal that the Philippines were ready for political independence.<sup>91</sup> The history of Japanese women's enfranchisement at the end of World War II and under American occupation shows that voting rights sometimes resulted from invasion or occupation, which southerners in the United States learned during Reconstruction. Sneider argues that disputes over the governing policies of American territorial possessions provided suffragists with an opening to discuss woman suffrage and citizenship. She concludes "Woman suffragists in colonizing countries have often benefitted from their location in the metropolises of empire, and that U.S. suffrage history is a part of the history of U.S. imperialism."<sup>92</sup> Sneider encourages scholars to analyze the complexities of a suffrage movement "in a nation made up not only of states, but of territories, and not only of citizens, but of

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<sup>90</sup> Sneider, "The New Suffrage History: Voting Rights in International Perspective," 697-698. See also Gladys Jiménez-Muñoz, "Deconstructing Colonialist Discourse: Links Between the Women's Suffrage Movement in the United States and Puerto Rico," *Phoebe: An Interdisciplinary Journal of Feminist Scholarship, Theory and Aesthetics* (Spring 1993) and "A Storm Dressed in Skirts: Ambivalence in the Debate on Women's Suffrage in Puerto Rico, 1927-1929," Ph.D. diss. (SUNY Binghamton, 1994).

<sup>91</sup> Sneider, "The New Suffrage History: Voting Rights in International Perspective," 697-698; Mina Roces, "Is the Suffragists an American Colonial Construct? Defining 'the Filipino Woman' in Colonial Philippines," Linda Edwards & Mina Roces, eds., *Women's Suffrage in Asia: Gender, Nationalism and Democracy* London: Routledge Curzon, 2004), 24-58.

<sup>92</sup> Sneider, "The New Suffrage History: Voting Rights in International Perspective," 698.



territorial inhabitants.”<sup>93</sup> In a similar vein, Linda Gordon reminds us “the very distinction between the domestic and the foreign in U.S. history has been an ideological one.”<sup>94</sup>

Finally the historiography of the woman suffrage movement in the United States has turned to analyzing what women did with the vote shortly after winning it. Historians Sara Alpern and Dale Baum analyzed election results after woman suffrage to determine that “women did not demonstrate a high degree of apathy... nor did women vote as carbon copies of men.”<sup>95</sup> They continue: “Rather than the actual female vote, the incorrect and long-lived exaggerations of female apathy and dependency proved detrimental to the women’s movement.”<sup>96</sup> Rebecca Mead challenges scholars to counter the generally accepted argument that woman suffrage did not drastically impact American politics. She argues that successes, including impressive voter registration and women’s successful elections to local and state offices, have been obscured “because of the dismissive influence of the dominant paradigm.”<sup>97</sup> In Texas, the successful candidacy of Annie Webb Blanton to State Superintendent of Education in 1918 and the

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<sup>93</sup> Sneider, “The New Suffrage History: Voting Rights in International Perspective,” 698.

<sup>94</sup> Linda Gordon, “Internal Colonialism and Gender,” in Ann Laura Stoler, ed., *Haunted by Empire: Geographics of Intimacy in North American History* (Durham: Duke University Press, 2006), 429; as cited in Sneider, “The New Suffrage History: Voting Rights in International Perspective,” 699.

<sup>95</sup> Sara Alpern and Dale Baum, “Female Ballots: The Impact of the Nineteenth Amendment,” *Journal of Interdisciplinary History*, XVI:I (Summer, 1985), 64.

<sup>96</sup> Ibid.

<sup>97</sup> Mead, *How the Vote Was Won*, 173, as cited in Newman, “Reflections on Aileen Kraditor’s Legacy,” 307.

legislative successes of the so-called “Petticoat Lobby” in the 1920s should be considered.<sup>98</sup>

Kristi Anderson’s *After Suffrage* also examines women’s political participation in the 1920s. Contradicting the traditional misunderstanding that woman suffrage did not drastically alter politics, Anderson details “changing conceptions of women’s citizenship, increases in their registration and voting, revisions of party rules to accommodate women’s participation, and women’s election and appointment to public office.”<sup>99</sup> Lorraine Schuyler argues that woman suffrage was even more important in the South where Jim Crow disfranchisement meant fewer votes were needed to alter the outcome of elections. She argues that white women’s campaigns to increase voter turnout in the 1920s “undermined the work of disfranchisers.”<sup>100</sup> Schuyler concludes that one reason women’s political successes have gone unrecognized is that many of them were grounded in racism, like the support of eugenics laws. However, women also successfully raised the age of consent and founded women’s and children healthcare initiatives.<sup>101</sup> Schuyler’s conclusion that suffrage activity undermined the Jim Crow

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<sup>98</sup> Handbook of Texas Online, Sherilyn Brandenstein, "Joint Legislative Council," accessed March 12, 2017, <http://www.tshaonline.org/handbook/online/articles/wejfg>.

<sup>99</sup> Susan M. Hartmann, “Review: Transforming Women, Transforming Politics: The U.S. Woman Suffrage Movement,” *Reviews in American History*, Vol 26. No. 2 (June 1998), 392; Kristi Anderson, *After Suffrage: Women in Partisan and Electoral Politics before the new Deal* (Chicago & London: University of Chicago Press, 1996).

<sup>100</sup> Lorraine Gates Schuyler, *The Weight of Their Votes: Southern Women and Political Leverage in the 1920s* (Chapel Hill: University of North Carolina Press, 2006), 61.

<sup>101</sup> *Ibid.*

system of political control helps explain why Texas legislators moved to strengthen the system multiple times after 1920.

The successful woman suffrage movement in Texas was ultimately used to disfranchise Mexican immigrants and to strengthen the all white primary and the poll tax in order to further limit black and brown voting. Each of the changes to election laws between 1917 and 1923 affected black, Mexican immigrant alien, Mexican American, and Anglo women differently, and requires an intersectional analysis to be fully understood.<sup>102</sup> As part of this intersectional approach, I consider anyone who fought for women's voting rights to be a suffragist, regardless of their race, gender or participation in suffrage organizations. Changes to state election laws in the Progressive Era ultimately resulted in increased white control of politics. Chapter one begins with Texas Governor James Ferguson's actions against woman suffrage at the 1916 Democratic National Convention and the suffragists' revenge when they helped impeach Ferguson in the summer of 1917. The impeachment campaign allowed women to prove their potential political power to Texas politicians. Ferguson's impeachment led to the 1918 gubernatorial contest between Ferguson and his former running mate Governor William Pettus Hobby. Texas suffragists in 1917 created political conditions in which their

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<sup>102</sup> For intersectionality theory, see: Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex," *University of Chicago Legal Forum* (1989): 139-167; Sumi Cho, Kimberlé Williams Crenshaw & Leslie McCall, "Toward a Field of Intersectionality Studies: Theory, Applications and Praxis," *Signs: Journal of Women in Culture and Society*, Vol. 38, No. 4 (2013): 705-810.

enfranchisement benefitted those politicians with the ability to grant it to them in 1918.<sup>103</sup>

Chapter two covers suffragists' successful efforts to convince the legislature and Governor Hobby that a primary woman suffrage bill would ensure the impeached Governor Ferguson would not be re-elected. I maintain that governments pass enfranchising legislation when it in some way benefits those already in power. President Wilson failed to support suffrage until it was necessary for his foreign policy mission. Governor Hobby did not support even primary woman suffrage until it benefitted his 1918 re-election campaign. While social movements like the woman suffrage movement or the civil rights movement can create the impetus, politicians and governments do not enfranchise voters unless it profits the political leadership in some way.

Fearing Ferguson would win the governorship with a plurality of the vote when progressives divided over multiple candidates, and faced with the growing political power of Texas suffragists and clubwomen, the Texas legislature passed a law allowing women to register and vote in primary elections. Texan women were enfranchised to vote in the primaries, because it benefitted those politicians already in office. Although the primary suffrage law avoided mentioning race, it ensured white women's access to the polls but not black women's because of the all white primary. It was passed alongside a primary alien suffrage law to ensure that legal resident alien women were

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<sup>103</sup> Sections of Chapters One and Two originally appeared in “‘Without Us, It is Ferguson with a Plurality,’ Woman Suffrage and Anti-Ferguson Politics,” in *Impeached: The Removal of Texas Governor James E. Ferguson, A Centennial Examination*, eds. Jessica Brannon-Wranosky & Bruce A. Glasrud (College Station, TX: Texas A&M University Press), 2017.

not enfranchised alongside white, citizen women. As the Texas legislature expanded white women's suffrage, it acted to restrict black and brown suffrage in the state. Texan immigrants were legally disfranchised in the primary, because it benefitted those politicians already in power. When the political bosses of South Texas overwhelmingly supported Governor Hobby's candidacy, the law barring alien voting was not enforced. Despite the legislature's efforts to limit non-Anglo voting by passing the primary alien suffrage law and by requiring women to fill out their voter registration forms in their own hand, the changes in electoral law in 1918 resulted in a brief opening in which black and brown women increased their political participation.

Chapter three analyzes the 1918 primary election, which was dominated by the gubernatorial race between Ferguson and Hobby. As Texas was a one-party state, the Democratic primary was the election that mattered most. As TESA allowed local associations to adapt the campaign to meet local needs, white suffragists chose whether or not to work with black and brown suffragists in their communities. In some communities, black or brown women worked alone for their own enfranchisement. Black women registered to vote even though most understood they would be restricted from voting in the Democratic Party's all white primary. When registrars turned them away, black women sued those registrars barring them access. Mexican American women also participated in the 1918 election. In some communities, white suffragists chose to reach out to African American women, Mexican women, or to both. Anglo women's willingness to work with black and brown women did not necessarily reflect their personal support of racial equality. Often white suffragists condescended to non-

Anglos, and warned them against selling their vote in terms they would not have used to address potential white female voters. By securing the re-election of Governor Hobby, Texas women secured the political power they had been granted, creating the conditions for future successes and failures.

Chapter four covers the 1919 state suffrage amendment campaign in which a statewide woman suffrage amendment, that also required citizenship as a voting requirement, was defeated. If it had passed, immigrant alien men would have lost the right to vote and citizen women would have gained it. Again, the Texas legislature passed a voting law that benefitted those already in power, and they did so against the wishes of Texas suffragists who wanted to avoid a rushed, underfunded, statewide campaign when they were so close to getting the Susan B. Anthony Amendment through Congress. TESA president Minnie Fisher Cunningham, under the guidance of National American Woman Suffrage Association (NAWSA) President Carrie Chapman Catt, chose to make alien immigrant disfranchisement, and not woman suffrage, the focal point of the 1919 campaign. The bill failed by 25,000 votes. This chapter demonstrates how the meaning of citizenship was altered during and by the First World War. Most significantly, citizenship defined by obligation, especially where it concerned women and racial minorities, increasingly gave way to citizenship defined by rights. From the start of World War I through the early 1920s, full citizenship was increasingly defined by the ability to vote. Texas suffragists were well aware of the solidifying link between citizenship and voting.

Chapter five analyzes suffragists' efforts to ensure that Texas ratified the Susan B. Anthony amendment, shortly after losing the state amendment campaign, and the unforeseen consequences of doing so. Texas was the first southern state to ratify. However, Governor Hobby called the legislature into a special session six weeks before the 1920 presidential election when the governor discovered that by only legally requiring men to pay the poll tax, the poll tax itself was unconstitutional under the Susan B. Anthony Amendment. Connections existed between the voting rights of different groups, even when the state legislature failed to realize it. Changes to one group's rights impacted other groups even when this was not the intention of the legislature. With one-half of the legal Jim Crow election laws in jeopardy and after publicly lamenting the dangers of wide-open elections, the legislature passed new laws requiring women to pay the poll tax, ensuring its enforcement in the 1920 election.

The sixth chapter focuses on the state legislature's attempts to further prevent non-Anglo voting in Texas between 1921 and 1923. In 1921, in their first state election as full voters, white women helped pass a state constitutional amendment very similar to the one they lost in 1919, which disfranchised all non-citizens. This amendment also allowed spouses to pay each other's poll taxes, effectively making it easier for married white women to vote. With the addition of white women to the electorate, the amendment passed the public referendum. After seeing examples of black women registering and voting in municipal and general elections, the legislature followed the example of the city of Houston and moved to strengthen the all white primary in 1923 by legislating it, instead of allowing the Democratic party to dictate its own membership

requirements and restrictions. In legislating the all white primary and eliminating alien voting, the Texas legislature strengthened white control of politics in the state.

This chapter also shows how women's votes altered electoral outcomes and worked against the Ku Klux Klan's attempts to maintain political power in the early 1920s. The wartime experience and the rise of the second Ku Klux Klan also changed how the rights of citizenship were protected or defended. To avoid negative press, ensure economic prosperity, and to live up to their own ideals, Texans worked to end vigilante violence and lynching, even as they worked to limit the memory of that violence.

As most Texans moved away from enforcing white supremacy primarily through violence, they instead turned to the laws and the courts to do so, but activists increasingly turned to the legal system to address the denial of rights as well. In seeking measures to further restrict the citizenship and voting rights of racial minorities after 1920, the state created rallying points for the civil rights movements of the mid-twentieth century. Much like universal white male suffrage and efforts to remove women from politics led to the first wave of suffrage activism in the nineteenth century, woman suffrage and efforts to completely remove racial minorities from politics led to the early civil rights movement in the twentieth century.

The legislature moved to strengthen the all white primary in 1923 by legislating it, instead of allowing the Democratic party to dictate its own membership requirements and restrictions. Legislating the all white primary proved to be its Achilles' heel. By overstepping its bounds, the State of Texas opened itself to the constitutional challenge that eventually brought down the all white primary in 1944. With the support of black



Texans, the National Association for the Advancement of Colored Peoples (NAACP) fought the measure all the way to the Supreme Court multiple times until the Court ruled in *Smith v Allwright* in 1944 that the white primary in any form was unconstitutional.<sup>104</sup>

After gaining the right to vote, white women continued to work for reform.

Women in groups like the “Petticoat Lobby” worked for strict enforcement of prohibition laws, surveys of Texas schools and prisons, for the right for women to serve on juries and be police officers, and for the funding of mother-infant health programs and public schools.<sup>105</sup> White women also increasingly worked in interracial alliances or in white organizations meant to be allies to the black community. Jessie Daniel Ames became the director of the Texas Council of the Commission on Interracial Cooperation (CIC) in 1924, and became the national director of the CIC Woman’s Committee in 1929. In 1930, she founded the Association of Southern Women for the Prevention of Lynching, an all white organization that fought racial and vigilante violence.<sup>106</sup>

Women’s continued activism and the incredibly important changes to voting rights after 1920 reiterate the point that the suffrage movement did not end in 1920. The Anthony Amendment removed one impediment between women and the ballot box. However, for

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<sup>104</sup> See *Love v. Griffin*, 1927; *Nixon v. Herndon*, 1927; *Nixon v. Condon*, 1932; and *Smith v. Allwright*, 1944; see also Handbook of Texas Online, Sanford N. Greenberg, "White Primary," accessed March 15, 2017, <http://www.tshaonline.org/handbook/online/articles/wdw01>.

<sup>105</sup> Handbook of Texas Online, Sherilyn Brandenstein, "Joint Legislative Council," accessed March 21, 2017, <http://www.tshaonline.org/handbook/online/articles/wejfg>.

<sup>106</sup> Handbook of Texas Online, Jon D. Swartz, "Ames, Jessie Harriet Daniel," accessed March 21, 2017, <http://www.tshaonline.org/handbook/online/articles/fam06>.

women of color; poor women; and women the Amendment did not apply to, like those in Puerto Rico, other obstacles remained.<sup>107</sup>

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<sup>107</sup> Allison Sneider, “The New Suffrage History: Voting Rights in International Perspective,” in *History Compass* 8/7 (2010), 692; Wilkerson-Freeman, “The second battle for woman suffrage,” *Journal of Southern History*, 333-335; see also Minnie Louise Steckel, *The Alabama business woman as citizen* (Montevallo: Alabama College, 1937).

## CHAPTER II

### “IT IS TIME THE MEN LEARNED WHAT A POWER THE ORGANIZED WOMEN OF TEXAS ARE”: TEXAS WOMEN ORGANIZE TO IMPEACH THE GOVERNOR

Democrat James Edward Ferguson (1871-1944) won the governorship in 1914 with William Pettus Hobby (1878-1964) as his lieutenant governor. State aid to rural schools, a weak compulsory school attendance law, and three new normal schools were established in Ferguson’s first term. The Texas Woman Suffrage Association changed its name to the Texas Equal Woman Association (TESA) in 1916, the same year its president, Minnie Fisher Cunningham, first battled Governor Ferguson. She led TESA in asking for a suffrage plank in the Texas Democratic Party’s platform. That plank was defeated when Senator Joseph Weldon Bailey denounced woman suffrage “as an open invitation to the federal government to force black voting rights on the south.”<sup>108</sup> After all, if the government passed and then enforced the Susan B. Anthony Amendment, what would stop the enforcement of the Fourteenth and Fifteenth Amendments?

Conservative politicians routinely used the specter of black voting to argue against woman suffrage, but black voting had been severely restricted at the turn of the century by the rise of the all white primary and the poll tax. Governor Ferguson finally

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<sup>108</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 50 Sections of this chapter are reprinted with permission from, “Without Us, It is Ferguson with a Plurality: Woman Suffrage and Anti-Ferguson Politics,” in *Impeached: The Removal of Texas Governor James E. Ferguson, A Centennial Examination*, eds. Jessica Brannon-Wranosky & Bruce A. Glasrud (College Station, TX: Texas A&M University Press), Copyright 2017 (Texas A&M University Press).

made his stance on the suffrage issue publicly known. He and Bailey wrote the platform, taking a states' rights stand on suffrage and prohibition and declaring their "unalterable opposition" to a federal amendment for either cause.<sup>109</sup> One supporter consoled Cunningham, arguing that Bailey and Ferguson's highhanded tactics would only bring about votes for women and prohibition sooner.<sup>110</sup>

That June, the Democratic National Convention (DNC) met in St. Louis and the National American Woman Suffrage Association (NAWSA) demonstrated for a plank, endorsing votes for women. Suffragists lined the street in a parade wearing white dresses with yellow sashes and parasols. While the convention did not accept the plank NAWSA advocated, they backed a weaker one encouraging states to act for suffrage. Governor Ferguson led the minority opposed to even such a limited endorsement of woman suffrage, and instead argued for a plank that would have left suffrage to the states without endorsing votes for women in any way. He expressed his disdain for the ultimately successful plank in a thundering antisuffrage speech. A Dallas newspaper reported:

Suffragists in the galleries hissed Ferguson roundly when he was outspoken in denouncing the ballot for women. Governor Ferguson declared it was not because the minority loves women less, but that they loved her [them] more, that they made the dissenting report. He declared their desire was to protect women from the corruption of politics and politicians. Senator Stone replied on behalf of

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<sup>109</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 50.

<sup>110</sup> Glenda Elizabeth Gilmore, *Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996), 55; McArthur and Smith, *Minnie Fisher Cunningham*, 40, 44 and 50; Hine, *Black Victory*, 81-82, and 86-87; JB Cranfill to Cunningham, May 27, 1916, Box 12, Folder 1, Jane Y. McCallum Papers, Austin History Center, Austin, Texas (hereafter McCallum Papers).

the majority, declaring that the Texan ‘made a man of straw and demolished him.’ He insisted that the Governor misconstrued the whole situation.<sup>111</sup>

Cunningham responded to Ferguson by organizing an impromptu protest. She led a parade in front of the convention hotel with a Texas Flag in mourning draped with strips of black cloth that she had cut from one of her black dresses shortly before the demonstration.<sup>112</sup>

A fellow clubwoman wrote Cunningham that Ferguson’s fight only confirmed how hopeless the cause was in Texas. She further decried the fact that while Ferguson lost the plank fight at the convention, he would likely sail to reelection in Texas. In fact, Ferguson expected to win reelection without even making a formal campaign, opening a headquarters or circulating literature in support of his reelection.<sup>113</sup> He wrote a supporter when he returned to Texas, “I had a great time at St. Louis and while I lost the fight on Woman’s Suffrage, I believe that I have a cleaner record than the other crowd.”<sup>114</sup> In protest, Cunningham embarked on an automobile tour with NAWSA suffrage organizer, Lavinia Engle, through “wet” or anti-prohibition counties in South Texas. They stumped for woman suffrage and encouraged voters to oust Ferguson in the primary. Cunningham

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<sup>111</sup> Newspaper Clipping, *Dallas Evening Journal*, June 16, 1916, “Gov. Ferguson Makes Fight on Suffrage Plank,” Box 5, Folder 43, Minnie Fisher Cunningham Papers, University of Houston Special Collections, Houston Texas (hereafter MFC Papers).

<sup>112</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 50-51; Bruce Rutherford, *The Impeachment of Jim Ferguson* (Austin: Eakin Press, 1983), 22; Newspaper Clipping, “Women Hiss Texas Executive,” Box 5, Folder 43, MFC Papers.

<sup>113</sup> Governor’s Secretary to Edwin Waller, June 2, 1918, document 201; Governor’s Secretary to Mrs. J.T. Alvis, June 14, 1916, Document 532; all in Letterpress book Volume 27 (May 29-June 17, 1916), Ferguson Papers, TSA.

<sup>114</sup> Governor Ferguson to Judge P.H. Swearingen, June 14, 1916, Doc 663, Letterpress book, Volume 27 (May 29-June 17, 1916), Ferguson Papers, TSA.

wrote to one supporter, “You will have my earnest and prayerful assistance in the neck wringing that you propose Bailey, Ferguson, and Henry and Culberson. Mercy, let me at them!”<sup>115</sup>

Texas suffragists were livid after Ferguson’s speech at the DNC, and their indignation made great headlines for the newspapers. “Suffragists say Ferguson Stand ‘Cheap Politics,’” said one article, which quoted Dallas suffrage leader, Tex Armstrong, saying that the governor made “a laughing stock of himself” in St. Louis.<sup>116</sup> A Dallas headline announced, “We Will Nail Ferguson To The Cross Declares Advocate of Suffrage.”<sup>117</sup> A Galveston paper’s article titled “[Suffrage speaker] Declares Ferguson Starts His Funeral,” quoted Engle, “We raised a monument for Bailey, and now that Ferguson has started his own funeral, we will get a monument for him. And we shall not shed any crocodile tears, either.”<sup>118</sup> Even with the fight from TESA, both Ferguson and Lieutenant Governor William Pettus Hobby were reelected in 1916 as expected. Cunningham wrote that TESA “had done all we humanly could to punish Mr. Ferguson

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<sup>115</sup> Mrs. B. G. Kalb to Cunningham, June 19, 1916, Box 13, Folder 3, McCallum Papers; McArthur and Smith, *Minnie Fisher Cunningham*, 51; MFC to Mrs. Davis, July 7, 1916, Box 12, Folder 2, McCallum Papers.

<sup>116</sup> Newspaper Clipping, June 18, 1916 “Suffragist says Ferguson’s stand ‘cheap politics,’” Box 5, Folder 43, MFC Papers.

<sup>117</sup> Newspaper Clipping, *Dallas Evening Journal*, June 17, 1916, “We Will Nail Ferguson to the Cross,’ Declares Advocate of Suffrage,” Box 5, Folder 43, MFC Papers.

<sup>118</sup> Newspaper Clipping, *Galveston Daily News*, June 18, 1916, “Declares Ferguson Starts His Funeral,” Box 5, Folder 43, MFC Papers.

for his unwarranted behavior in St. Louis.” Texas suffragists never forgot nor forgave Ferguson’s performance at the 1916 convention.<sup>119</sup>

*The San Antonio Express* called the post-primary state Democratic convention in August a “great battle between the Pros and Antis.”<sup>120</sup> Cunningham secured a hearing before the platform committee. A supporter wrote Cunningham that the Ferguson crowd would dominate the convention and offered her this advice, “when you inlist [*sic*] in a war of this kind it should not be for one battle or for two battles, but for the full term of the war.”<sup>121</sup> Cunningham proved to be a worthy adversary in Ferguson’s war. Knowing the likelihood of defeat at this juncture, she pushed forward anyhow. Her plan was to get a politician friendly to suffrage to write a minority report. “find a hero who [would] head a minority report,” noting “we aren’t beaten yet.”<sup>122</sup> She concluded a few days later, “It was a very courteous and apparently successful hearing. BUT the business was then turned over to a small sub-committee, who failed to report Suffrage. I suppose there must always be a ‘first’ times before success is ours, but they had just as well give it first as last, because we are going to have Suffrage in Texas. That is settled!”<sup>123</sup>

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<sup>119</sup> Cunningham to J.W. Butler, July 26, 1916, Box 11, Folder 6, McCallum Papers.

<sup>120</sup> “Market House Convention Hall Arena of Great Battle Between the Pros and Antis,” May 25, 1916, Folder 13, Ferguson (James Edward) Collection, Box 3P45, Dolph Briscoe Center, University of Texas at Austin (hereafter Ferguson Collection, DBC).

<sup>121</sup> Cheeseborough to MFC, August 2, 1916, Box 11, Folder 6, McCallum Papers.

<sup>122</sup> Cunningham to Armstrong, August 7, 1916, Box 11, Folder 4, McCallum Papers,

<sup>123</sup> Cunningham to Mrs. Leslie Adkins, August 12, 1916, Box 11, Folder 4, McCallum Papers.

The conservative Senator Bailey failed to support Governor Ferguson in his initial run for the governorship. Bailey feared Ferguson's promised reform legislation for tenant farmers. However, Ferguson's conservative stance on prohibition, woman suffrage and most other matters aligned with Bailey's own ideas. Bailey and south Texas political bosses like James Wells and Archie Parr came to appreciate and back Ferguson. Ferguson's conservative policies were crucial to maintaining conservative Democratic control of the state, as progressive-prohibitionists actually held majorities in the Texas legislature. Ferguson was able to keep reform legislation at bay with the use of his veto.<sup>124</sup> Together, Ferguson and Bailey wrote the Texas Democratic party platform in 1916. The *San Antonio Express* concluded, "victories won by governor and former senator at every state of exciting state convention."<sup>125</sup> The convention opposed federal prohibition and woman suffrage legislation. For Cunningham, the convention only emboldened her desire to "organize, educate and besiege, as patiently as in us lies."<sup>126</sup> She did not have to be as patient as she anticipated.

This political fight over woman suffrage played out against the backdrop of World War I (WWI) and heightened racial tensions. A local option campaign to ban the sale of liquor in Houston on August 21, 1917 was extremely heated. Prohibitionists ran ads warning Houstonians that WWI was bringing black troops to Houston. The

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<sup>124</sup> Evan Anders, *Boss Rule in South Texas: The Progressive Era* (Austin: University of Texas Press, 1979 & 1982) 241-247.

<sup>125</sup> "Market House Convention Hall Arena of Great Battle Between the Pros and Antis," May 25, 1916, Folder 13, Box 3P45, Ferguson Collection, DBC.

<sup>126</sup> MFC to Finnigan, August 11, 1916, Box 12, Folder 5, McCallum Papers.



campaign urged voters to “Remember Brownsville. Make Harris County Dry.”<sup>127</sup>

Progressive reformers also investigated red light districts in Houston and the police department’s cooperation with brothel owners or at least lax enforcement of paternalistic laws passed to protect the troops from vice. According to historian Estelle Freedman, progressive anti-prostitution campaigns in the WWI era “targeted women themselves for engaging in commercialized sex and for spreading venereal disease, at the expense of men.”<sup>128</sup> Under increasing scrutiny to clean up their act, the Houston police targeted black residents to prove that they were enforcing the liquor and white zone laws, which outlawed prostitution or the sell of alcohol within the immediate perimeter of military camps or bases.<sup>129</sup>

WWI drastically impacted Texas as it was home to more than half of the country’s military camps and most of its airfields as well.<sup>130</sup> San Antonio was the site of a permanent cantonment for training volunteers and conscripts, while Houston, Waco and Fort Worth all received a temporary “tent camp” designed to train National Guard troops before overseas service.<sup>131</sup> When city officials learned that black troops would be stationed in Houston at Camp Logan, the Chamber of Commerce sent a note of protest to military authorities. However, *The Houston Chronicle* was adamant in its support of

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<sup>127</sup> Robert V. Haynes, *A Night of Violence: The Houston Riot of 1917* (Baton Rouge: Louisiana State University Press, 1976), 23.

<sup>128</sup> Freedman, *No Turning Back*, 162.

<sup>129</sup> Haynes, *A Night of Violence*, 30; Prostitution and the sell of alcohol were legal within certain designated districts in most Texas cities.

<sup>130</sup> Handbook of Texas Online, William P. Hobby, Jr., "Hobby, William Pettus," accessed September 20, 2016, <http://www.tshaonline.org/handbook/online/articles/fho04>.

<sup>131</sup> Haynes, *A Night of Violence*, 49.

stationing black troops in the south. An editorialist for the paper argued that in failing to house black soldiers, Houstonians would be admitting that they were unreasonably discriminatory to blacks. The author also questioned how blacks would be able to meet their obligations to the nation if not allowed to serve.<sup>132</sup> The unit's officers were displeased with the assignment, noting "Every time we have been in Texas we have had trouble."<sup>133</sup> White citizens disapproval of black troops had turned violent in San Antonio in 1911 and 1916, Del Rio in 1916, and most infamously at Brownsville in August 1906.

When it came to lynchings, Texas was always in the top three states in the south.<sup>134</sup> The most infamous lynching in American history occurred in Waco, Texas in 1916. The murder and mutilation of Jess Washington spurred the National Association for the Advancement of Colored Peoples (NAACP) to a national campaign against lynching. The NAACP had suffragist Elizabeth Freeman investigate the murder while on a suffrage speaking tour through Texas. The NAACP established the Committee on Anti-Lynching and began hiring field secretaries to infiltrate and investigate communities where lynchings were committed. Like Ida B. Wells decades before them, they found little evidence of credible rape accusations preceding lynchings. Instead they identified members of lynch mobs and the jailers who helped them.<sup>135</sup>

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<sup>132</sup> Haynes, *A Night of Violence*, 51-53.

<sup>133</sup> Haynes, *A Night of Violence*, 53-54.

<sup>134</sup> Merline Pitre, *In Struggle Against Jim Crow*, 6; Haynes, *A Night of Violence*, 57.

<sup>135</sup> Estelle Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge & London: Harvard University Press, 2013), 243-244; see also Patricia Bernstein, *Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP* (College Station: Texas A&M University Press, 2005).

It did not take long for trouble to occur between whites in Houston and black servicemen. By mid-August, Houston police were physically assaulting men of the Third Battalion, and preventing them from speaking to black civilians.<sup>136</sup> On August 23, two mounted Houston police officers arrested a black soldier for interfering in the arrest of a black woman. When Corporal Charles Baltimore asked the officers about the soldier's arrest, he was hit in the head, and ran away. The officers gave chase firing three shots at Baltimore before apprehending him. Rumor spread through Camp Logan that Baltimore died of his injuries and tensions rose. Fearing mutiny, officers ordered the surrender of all firearms at Camp Logan. While officers collected the weapons, a soldier yelled that a white lynch mob was approaching. Black soldiers grabbed the weapons and ammunition and Sergeant Vida Henry led approximately one hundred armed soldiers toward downtown Houston. They killed fifteen whites, including four police officers, and wounded twelve others. Four black soldiers died as well. When the riot died down, Henry committed suicide and his men returned to camp. The Third Battalion was quickly evacuated to Columbus, New Mexico. One hundred and eighteen men were indicted for the mutiny and riot, and one hundred and ten were found guilty. Nineteen were hanged and sixty-three received life sentences in federal prison.<sup>137</sup>

Historian Robert V. Haynes describes Houston as a stage city, offering enough economic opportunity to draw blacks in from rural areas, but not enough opportunity to

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<sup>136</sup> Haynes, *A Night of Violence*, 85.

<sup>137</sup> Haynes, *A Night of Violence*, 92-100 & 117-165; Handbook of Texas Online, Robert V. Haynes, "Houston Riot of 1917," accessed September 20, 2016, <http://www.tshaonline.org/handbook/online/articles/jch04>.

convince ambitious blacks to stay permanently. With the start of WWI, jobs in northern factories began drawing southern blacks north, creating a labor shortage in cities like Houston that worried business owners dependent upon their labor. The Houston Chamber of Commerce pressured northern businesses to refrain from recruiting blacks for jobs.<sup>138</sup> A local newspaper editor at the *Houston Post*, George M. Bailey, argued that the exodus of blacks in the summer of 1917 was not because of labor agents enticing blacks to go north. On the contrary, he contended that black flight was due to white indifference to the legal and natural rights of black Houstonians. However, he maintained that the south still offered the best opportunities for blacks to advance economically as he called for progressive sanitation reform to occur within black neighborhoods.<sup>139</sup> Anglo Texans, resentful of African American mobility and unwillingness to continue working for poor wages in the South, often turned to violence or intimidation to prevent black Texans from taking advantage of opportunities in the North. Along with increasing racial violence on the home front during WWI, violence increased along Texas' southern border after the Mexican Revolution began in 1910. Ferguson gained support by repeatedly and publicly pressuring the federal government to send troops to secure the southern border with Mexico. He also sent the Texas

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<sup>138</sup> Haynes, *A Night of Violence*, 33; see also: Bernadette Pruitt, "For the Advancement of the Race: African-American Migration to Houston, 1914-1940," and Bernadette Pruitt, *The Other Great Migration: The Movement of Rural African Americans to Houston, 1900-1941* (College Station: Texas A&M University Press, 2013).

<sup>139</sup> Haynes, *A Night of Violence*, 34.

Rangers to the border, where they were well known for racial violence against Mexican immigrants and Mexican Americans.<sup>140</sup>

Despite the governor's popularity, Ferguson embroiled himself in controversy over the University of Texas in 1917. He sought the removal of University of Texas President Robert L. Vinson and faculty members he viewed as political enemies; he tried to stack the Board of Regents with men loyal to himself; and he vetoed university appropriations when he did not get his way. Texas suffragists watched Ferguson's battle with the University unfold, and they sought ways to limit his power while protecting or even furthering their own interests. Suffragist Elizabeth Herndon Potter even suggested to Will Hogg –Texas progressive Democrat and leader of the UT Ex-Student Association -the idea of allowing women to serve on the Board of Regents to counter Ferguson appointees. Hogg replied that it “might be well to back up a bill asking for eligibility of women on all public boards.”<sup>141</sup>

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<sup>140</sup> For examples, see: Jno L. Wroe, Secretary to the Governor, to Honorable E.E. Evans, Mayor of Mercedes, Texas, August 5, 1915, Document 366; Ferguson to President Woodrow Wilson, October 27, 1915, Document 524; Ferguson to Morris Sheppard, undated, Document 525; all in Letterpress Books, Volume II, Jan 21-Jan 30, 1915, Box 301-374, James E. Ferguson Papers, Governor's Papers, Texas State Archives.

<sup>141</sup> Will C. Hogg to Potter, June 25, 1917, Box 2, Folder 23, MFC Papers; William “Will” Hogg was the son of former reform Governor James “Jim” Hogg, whose business partnership in oil speculation eventually became Texaco. After Jim Hogg's death in 1906, Will Hog led the Hogg empire and was heavily involved in progressive politics in Texas. See Jessica Brannon-Wranosky, “Reformers, Populists, and Progressives, 1875-1915,” in *Discovering Texas History*, ed. Bruce A. Glasrud, Light Townsend Cummins and Cary D. Wintz (Norman: University of Oklahoma Press, 2014), 253; and Rutherford, *The Impeachment of Jim Ferguson* 1-2.

While the early part of the Ferguson battle played out, Cunningham continued to push for woman suffrage legislation in Texas. She declined to attend the emergency national executive council meeting of NAWSA, as she felt being present in Austin while the state legislature was in session was more important. When NAWSA asked each state president to list the measures before their legislatures Cunningham replied that they were “vitally interested” in four proposed measures: “1. The Citizenship Bill 2. Statewide Prohibition 3. Primary Suffrage 4. Presidential Suffrage.”<sup>142</sup> The citizenship bill was an effort by progressive Democratic politicians to make citizenship a requirement for voting. In effect, it would have disfranchised immigrant aliens, who usually voted against prohibition and woman suffrage, making it easier for progressive legislation to be passed. The statewide prohibition bill would have outlawed the consumption of alcohol within the state of Texas. The primary suffrage bill would have allowed women to vote in primary elections and nominating conventions, although they still would have been unable to vote in general, special or presidential elections. The presidential suffrage bill would have allowed women to vote in any election in which presidential electors were decided, effectively giving women a voice in the selection of the American president. As the citizenship bill and statewide prohibition both required amendments to the state constitution, they would have had to survive public referenda in order to be instituted. As primary and presidential suffrage did not require constitutional amendments, they were much easier victories to obtain.

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<sup>142</sup> Feb 12, 1917, MFC to CCC, Box 16, Folder 4, McCallum Papers.

In February, Cunningham issued a circular discussing the presidential suffrage bill: “The Texas Equal Suffrage Association, and its friends in and out of the Legislature, have repeatedly asked of the Texas Legislature the submission of a Constitutional Amendment providing for equal suffrage. Surely a small enough thing to ask, -simply that the voters of this state have the opportunity to pass on our plea for justice!”<sup>143</sup> She argued that no other suffrage amendment had been backed by as many signed petitions as this one. She also included a copy of United States President Woodrow Wilson’s letter in support of a similar law passed in North Dakota. However, efforts at presidential and primary suffrage would be delayed. TESA suffragist Helen Moore later argued that TESA had a majority of legislators in both houses willing to support the primary and presidential woman suffrage bills, but the investigation of Governor Ferguson, who would no doubt have vetoed the legislation, derailed the session: “...feeling was so intense that practically no legislation was enacted or given consideration.”<sup>144</sup>

In June, Ferguson offered to allow the university to be funded on the condition that Vinson and another employee, embattled UT Professor Alexander Caswell Ellis, resign. Ellis, married to Austin suffrage leader Mary Heard Ellis, was a suffrage supporter himself. Upon hearing of Ferguson’s offer, Ellis concluded, “We must have got his Titanic Majesty considerably uneasy...he and his henchmen have offered us two compromises, both of which were such that no gentleman could accept, or would

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<sup>143</sup> TESA Circular by MFC, February 21, 1917, Box 5, Folder 27, MFC Papers.

<sup>144</sup> March 26, 1917, Helen Moore to Helen Guthrie Miller, Box 16, Folder 8, McCallum Papers.

offer.”<sup>145</sup> Cunningham heard rumor of the deal, but she immediately wrote Ellis advising against it:

Just for a minute [your letter] gave me the ‘cold shivers,’ that remark of yours about the opposition forces trying to set the University out of danger and getting the dogs called off of Ferguson. Indeed it would be a crime against civilization, and I am strong for not letting it happen; however, I do not think there is any danger of anybody on our side being willing to stop anywhere short of impeachment.<sup>146</sup>

In response to Ferguson’s attacks on the university, influential ex-students lobbied to defend the school and investigate Ferguson.<sup>147</sup> With Ellis’s help, Cunningham and clubwomen throughout the state organized the Women’s Committee for Good Government (WCGG) to educate Texans about the university situation and to lobby the state legislature to go forward with impeachment proceedings. Only some of these clubwomen were suffragists, but all were opposed to Ferguson’s war on the university. When Ellis wrote thanking her, she replied “You see it is the same ‘gang’ fighting the University that the Texas Suffragists have been going down in defeat before for a number of years ... We take pleasure in doing this for the just cause and against our common foe...”<sup>148</sup> Ellis later noted his colleagues’ pleasant surprise at the response of

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<sup>145</sup> Ellis to J.W. Canada, June 8, 1917, Box 2P374, Folder: Correspondence: Governor’s Attack; A. Caswell Ellis Papers, Dolph Briscoe Center, University of Texas, Austin, Texas (hereafter ACE Papers).

<sup>146</sup> Cunningham to Ellis, August 30, 1917, Box 2P363, Folder: Minnie Fisher Cunningham, ACE Papers.

<sup>147</sup> Anders, *Boss Rule in South Texas*, 248.

<sup>148</sup> Cunningham to Ellis, June 18, 1917, Box 2P374, Folder: Correspondence: Governor’s Attack, ACE Papers.



Texas women: “It is time the men were learning what a power the organized women of Texas are.”<sup>149</sup>

In July, Vinson sent Ellis a letter of termination, noting the Board of Regents was ending the employment of multiple faculty members contrary to his recommendations.<sup>150</sup> University supporters were furious. One wrote in response to Ellis, “Doubtless, they think to drive Dr. Vinson to resign, I do pray he will hold out and at least save the University from such a president as they and their dictator would select. Dr. Vinson’s greatest service to the State, just now is to hold on.”<sup>151</sup> State suffrage leaders sprang into action. Cunningham sent out a circular on TESA letterhead to her membership arguing that “the only hope left for the University is to get the Legislature in called session within the next three or four weeks.”<sup>152</sup> She asked suffragists to work to get as many letters as possible sent to Texas Speaker of the House Franklin Oliver Fuller, urging him to call a special session of the legislature to investigate Ferguson. She advised women to write to university regents, asking if the Department of Home Economics was singled out as part of a “German plot” in the midst of World War I. TESA also focused on reaching rural voters with circulars, challenging Ferguson among the struggling farmers

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<sup>149</sup> Ellis to Mrs. McAllister, June 14, 1917, Box 2P374, Folder: Correspondence: Governor’s Attack, ACE Papers.

<sup>150</sup> Vinson to Ellis, July 16, 1917, Box 2P374, Folder: Correspondence: Governor’s Attack, Ellis Papers.

<sup>151</sup> J.C. Terrell to Ellis, July 18, 1917, Box 2P374, Folder: Correspondence: Governor’s Attack, Ellis Papers.

<sup>152</sup> TESA Circular by MFC, July 21, 1917, Box 63, Folder 8, McCallum Papers.

who were some of his most ardent supporters.<sup>153</sup> The *Temple Mirror* ran an article entitled “Enemies of Governor Ferguson conspire to ruin him,” and argued “After a three years unsuccessful effort to rule him they form an unscrupulous league to steal his official robes and defame his character.”<sup>154</sup>

On July 23, Speaker Fuller called a special session of the legislature to convene August 1, although only the governor had the legal authority to call a session. With legislators opposed to Ferguson gathering in Austin, the governor issued his own call for a special session, hoping to rally his supporters to block the impeachment effort. Ironically, his call made the session legal. Cunningham wrote Speaker Fuller thanking him and offering the support of TESA, “We feel that if Texas has a re-generation, it will be due more than a little to your fearless courage in this hour of need, and we want you to know that we are with you.”<sup>155</sup> When newspapers reported which local legislators did not plan to attend the called session, Cunningham wrote them personally to beg that they get to Austin and help in the fight against Ferguson. Cunningham also urged local suffragists to convince their representatives to attend. She asked one woman to gather as many other Methodist women as possible and go and ask their representative as a fellow Christian to get himself to Austin. She asked the women not to use Cunningham’s name, but to present as individuals representing their own interests. She also urged them to act quickly as TESA was concerned that not enough legislators would attend the session to

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<sup>153</sup> League to Mr. R.B. Alexander, August 9, 1917, Box 63, Folder 8, McCallum Papers.

<sup>154</sup> “Enemies of Governor Ferguson conspire to ruin him,” *Temple Mirror*, July 29, 1917, Folder 114, Ferguson (James Edward) Collection, Box 3P45, Briscoe Center.

<sup>155</sup> Cunningham to Fuller, July 27, 1917, Box 63, Folder 8, McCallum Papers.

meet a quorum. Cunningham's specific tactics depended on the representatives.

Sometimes she appealed to a legislator's religious piety. Sometimes she advised women to present the session as a war measure, arguing that a corrupt governor would contribute to an ineffective war effort.<sup>156</sup>

After some confusion over whether they were responding to the Speaker's or the Governor's call for a special session, the legislature convened and on August 6<sup>th</sup> began investigating thirteen charges against Ferguson presented by Speaker Fuller. The House hired M.M. Crane as its counsel. Ellis described the scene:

The excitement here before the opening of the Legislature was something fierce. The Saturday before the Governor was threatening to prevent the House assembling by putting rangers around the Capitol. If he had done that there would have been some old fashioned Texas gun work. However, the Governor saw that he was beat to a frazzle, and came off his high horse in great shape...What will happen no one can foretell. It looks as if he will have to stand trial at least.<sup>157</sup>

Cunningham issued circulars during the investigation urging continued letter-writing campaigns, "systemize your work for the impeachment of the Governor by arranging that no day shall pass without [your representative] getting ten letters from home on this subject, expressing the sincere belief of the women in his integrity, and

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<sup>156</sup> Rutherford, *The Impeachment of Jim Ferguson*, 1; Cunningham to Jess Baker, July 28, 1917; Cunningham to Mrs. Althea Jones, July 28, 1917; Cunningham to Mrs. Canfield, July 28, 1917, all in Box 63, Folder 8, McCallum Papers.

<sup>157</sup> Ellis to Dr. W.S. Sutton, August 6, 1917, Box 2P30, Folder: Ellis, A.C. Campaign Material, Newspaper history of Ferguson Fight, Clark Lecture Notes, Ellis Papers; See also: Rutherford, *The Impeachment of Jim Ferguson*, 9-10, 23.

beseeching him to stand fast for ridding Texas of the menace of this man.”<sup>158</sup> She again cautioned the women to not publicize the campaign. The letters would prove more persuasive if they appeared spontaneous.

Ferguson eventually took the stand in his own defense against twenty-one articles of impeachment most of which were various charges of misappropriation of public funds. Other charges included inappropriately using public money for himself and his family, violating the state’s bank laws, owing \$170,000 to Temple State Bank, and taking multiple mortgages on the same property.<sup>159</sup> Ferguson testified that he had paid his debt to the Temple State Bank after appealing to friends who helped raise the necessary \$156,000. On cross-examination, Crane asked Ferguson who had given the governor the money. Ferguson refused to answer. Crane returned to the issue on August 21, and Ferguson again refused to comment. Crane appealed to Representative E.R. Bryan to force Ferguson to divulge this information. Bryan sided with Crane, and the legislature upheld the ruling seventy to fifty-six. Still, Ferguson refused. Cunningham became concerned that the fifty-six votes against the ruling would be fifty-six votes against impeachment. She urged supporters in those representatives’ counties to lobby their districts’ legislators, “Is there [no] way in which you can bring pressure to bear upon this man to make him see the error of his ways...It is most essential that we should

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<sup>158</sup> Cunningham to Mrs. A.E. Waters, August 7, 1917, Box 63, Folder 8, McCallum Papers.

<sup>159</sup> For more on the specific charges see: John R. Lundberg, “The Great Texas ‘Bear Fight’” Progressivism and the Impeachment of Governor Ferguson,” in *Impeached: The Removal of Texas Governor James E. Ferguson* (College Station, Texas A&M University Press, 2017), 32-34.

have the vote of every man possible, as the larger it is in the House the greater the moral effect upon the Senate; and if the state does not get rid of this man now, no telling what vengeance he may be able to reek upon it.”<sup>160</sup>

TESA continued lobbying representatives to impeach Ferguson, while keeping a watchful eye on which way each representative appeared to be leaning. Hopeful suffragists anxiously followed the trial and TESA Secretary Edith League kept them informed:

As to things here, everyone now seems to feel comparatively easy as to how the House will vote on the impeachment matter, but no one is relaxing. Men are supposed to come in from the different districts to labor with their representatives, and others are writing, wiring, petitioning, etc. It is currently reported that the men are receiving more mail than ever before. And it has been confidently believed that if the House brings articles of impeachment, the Senate will convict. However, there seems to be flying rumors (that came to me last evening) that the Governor has nine men strongly bound to vote for him in the Senate... It will take 21 to convict. But no one really knows. So go on urging that every possible pressure be brought to bear.<sup>161</sup>

The House met in an evening session for final arguments and returned a bill of impeachment on August 22, 1917. A board of managers drew up the articles of impeachment, which were then presented to the Senate and Ferguson was automatically suspended from office. With Ferguson at least temporarily out, some of his damage to the University was remedied. The Senate declined to confirm two of his appointees to the Board of Regents and instead confirmed Hobby-appointee George Brackenridge.

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<sup>160</sup> Rutherford, *The Impeachment of Jim Ferguson*, 47-63; Cunningham to Dr. John C. Granbarr, August 22, 1917, Box 63, Folder 8, McCallum Papers.

<sup>161</sup> League to Engle, August 26, 1917, Box 63, Folder 8, McCallum Papers.

Acting Governor Hobby also called a second special session of the legislature to move forward with Ferguson's trial. Ellis concluded:

That corrupt Governor, and the corrupt whiskey interests behind him tackled the wrong men, or rather the wrong set of men. I am glad to say that the people of the State came to our rescue... The new Governor has given us a decent Board of Regents in place of the band of drunkards and cut-throats that we had. The Legislature has re-appropriated the appropriations which the governor vetoed.<sup>162</sup>

Shortly thereafter, Vinson wrote Ellis that the Board rescinded the action ending his and his colleagues' employment.<sup>163</sup>

The House again hired Crane to serve as prosecutor for the trial before the Senate, which began August 30. A university supporter concluded to Ellis, "It now looks like they have 'Him' where the 'wool is short.'"<sup>164</sup> In the Senate, Ferguson again testified on his own behalf, even calling upon God to strike him dead if he were lying. He refused to provide information about the \$156,000 loan, even when the Senate voted 23 to 7 to force his response. After frustrating efforts to make him name his financial backers, Ferguson delivered his defense's closing remarks, "There isn't a thing in the articles that can impeach me."<sup>165</sup> On September 22, 1917, the Senate convicted Ferguson on ten articles of impeachment. However, they still had to deliver a judgment. They could remove Ferguson from office or go further and bar him from ever holding public

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<sup>162</sup> Ellis to William Clancy Langdon, August 29, 1917, Box 2P374, Folder: Correspondence: Governor's Attack, ACE Papers.

<sup>163</sup> Ellis to William Clancy Langdon, August 29, 1917; Vinson to Ellis, September 15, 1917, both in Box 2P374, Folder: Correspondence: Governor's Attack, ACE Papers; Rutherford, *The Impeachment of Jim Ferguson*, 65-71.

<sup>164</sup> T. H. Shelby to Ellis, September 1, 1917, Box 2P30, Folder: Ellis, A.C. Campaign Material, ACE Papers.

<sup>165</sup> Rutherford, *The Impeachment of Jim Ferguson*, 73, 91-92, 100-101, 109-114 .

office in Texas. Fearing the harsher judgment, and although he swore he would rather face impeachment a thousand times than resign, Ferguson submitted a letter of resignation before the Senate took its final vote. The Senate announced its judgment, removing Ferguson and disqualifying him from holding any “office of honor, trust or profit under the state of Texas.”<sup>166</sup> Ferguson maintained the judgment did not apply to him as he had resigned instead of being convicted

Either way, Ferguson was out of office making the fight for woman suffrage a little easier. The new governor previously expressed some vague support for a referendum for the cause. Suffragists had reason to be hopeful. Cunningham wrote to Potter in D.C., “Isn’t it a great day for Texas? Some time when I see you, I will give you the story of this summer’s work!”<sup>167</sup> In an earlier correspondence, Cunningham summed up the summer’s work against Ferguson:

The women of Texas are maintaining a headquarters here [in Austin], very quietly, and conducting an education campaign designed to react upon the Legislature in great many counties in the state...We distributed about one hundred thousand of the dodgers [or flyers], and close one to two thousand of the folders. These have been placed in the hands of interested individuals with a personal letter asking them to follow instructions. You may imagine the amount of work this has meant but we feel fully repaid by some of the results. Please understand this is confidential information...<sup>168</sup>

TESA and its membership had also spent the summer supporting the war effort by selling war bonds, working for food preservation, and establishing white zones

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<sup>166</sup> Walter L. Buenger, *The Path to a Modern South*, 177.

<sup>167</sup> MFC to Potter, September 26, 1917, Box 2, Folder 23, MFC Papers.

<sup>168</sup> MFC to Capt. Geo. E.B. Peddy, August 20, 1917, Box 63, Folder 8, McCallum Papers.

around military camps. They received favorable publicity in Texas newspapers for their war work and even thanked newspaper editors for the coverage.<sup>169</sup> Cunningham even left Austin to visit Waco on anti-vice work in the middle of the impeachment proceedings, because she felt both the Women's Committee for Good Government (WCGG) work to impeach Ferguson and the war work were both necessary for the success of suffrage. If woman suffrage was a prize to be earned, payment for meeting obligations to the state, Cunningham made sure that Texas women earned the prize. When the WCGG ran a balance at the end of their campaign, they donated the \$947.54 to one of Cunningham's causes in order to thank her for her efforts and to make up for the time she spent with them away from those causes.<sup>170</sup>

Progressive Texas women had done more than just impeach a governor in 1917. Wranosky argues that "Because of the WCGG's aggressive strategies and successful lobbying through pre-existing suffrage associations and club women's networks and resources, the affair proved what many reform and Progressive Democrats believed for decades; Texas women could be proved political allies if given the chance."<sup>171</sup> Texas women continued to use the changing political climate and the fight between conservative and progressive Democrats to increase their political roles and rights in 1918. Unknowingly, in impeaching Ferguson, suffragists helped create a 1918 political

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<sup>169</sup> June 18, 1917, Cunningham to Senator McCollum, editor of the Waco Tribune, Box 5, Folder 29, MFC Papers.

<sup>170</sup> League to Engle, August 26, 1917, Box 63, Folder 8, McCallum Papers; Mary E. Gearing to Mrs. Ellis, December 21, 1917, Box 2P30, Folder: Ellis, A.C. Campaign Material, Newspaper history of Ferguson Fight, Clark Lecture Notes, ACE Papers.

<sup>171</sup> Wranosky, *Southern Promise and Necessity*, 204.



contest in which the success of partial woman suffrage measures would directly benefit those politicians already in power with the ability to pass legislation.

Despite being pulled in so many directions, Cunningham never stopped fighting for woman suffrage. That winter, Ellis wrote NAWSA that he and Cunningham planned to blanket the state with pro-suffrage editorials in every newspaper, so as to encourage Senator Culberson to support the federal suffrage amendment when it went before the congress. She invited Governor and Mrs. Hobby to be her guests at a suffrage banquet in Dallas in late October. Hobby evaded the invitation but responded, “I assure you that it would be a pleasure [to attend]...but that pleasure will be impossible of realization.”<sup>172</sup> He claimed he needed to devote himself to the stacks of bills passed by the last session of the legislature.

Suffragists continued to lobby the President of the United States Woodrow Wilson as well. Ellis wrote the President:

Circumstances have changed since the last Democratic Platform was written, and the will of the Democrats now unmistakably demands that political slavery cease at home and abroad... We believe that justice requires and the situation demands that the women of this nation be given their political rights at once by Congressional action. We cannot lead in the war for democracy and be the last nation to establish democracy.<sup>173</sup>

The political landscape took a surprising turn back in Texas. Although Ferguson’s impeachment shifted power in Texas politics and within the state Democratic

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<sup>172</sup> Oct 16, 1917, Hobby to MFC, Box 5, Folder 45, MFC Papers.

<sup>173</sup> Ellis to President Wilson, December 14, 1917, Box 2P92, Folder: Suffrage, Ellis; see also: Ellis to Maud Wood Park, January 31, 1918, Box 2P30, Folder: Ellis, A.C. Campaign Material, Newspaper history of Ferguson Fight, Clark Lecture Notes; both in ACE Papers.

Party from conservatives to progressives, he ignored the impeachment and verdict.<sup>174</sup> Ferguson announced his candidacy for governor; he ran against Hobby. This kind of split was dangerous for Texas Democrats. With the party split so evenly, a small faction could decide the victor. The party enacted voter restrictions in the 1890s and early 1900s to prevent threats from third party groups like Populists and limit the voting rights of black Texans, but this time the threat came from within the party. As Texas was a one-party state, the Democratic primary was the election that mattered. Ferguson was now solidly anti-woman suffrage. Hobby's views were less clear and certainly less public. The split between the two governors reflected the larger split within the Texas Democratic party between progressive, dry Democrats who supported prohibition and conservative, wet Democrats who were against it. While progressives held a slight majority, if they divided behind multiple candidates, Ferguson could have won with a plurality. Reform Democrats had to take action to ensure the unity of their supporters behind a single candidate, friendly to reform and strong enough to defeat Ferguson.<sup>175</sup>

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<sup>174</sup> Jessica Wranosky, *Southern Promise and Necessity*, Advanced Copy, 203.

<sup>175</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 40, 49; Ralph W. Steen, "James Edward Ferguson," and William P. Hobby, Jr., "William Pettus Hobby," *The Handbook of Texas Online*; Hine, *Black Victory*, 1.

### CHAPTER III

“WITHOUT US, IT IS FERGUSON WITH A PLURALITY”:

THE QUID PRO QUO ARRANGEMENT FOR PRIMARY WOMAN SUFFRAGE

“Thank God you belong to Texas – that benighted land of Ferguson,” wrote Elizabeth Herndon Potter, Texas Equal Suffrage Association (TESA) Congressional Correspondent in Washington D.C., expressing her faith in TESA President Minnie Fisher Cunningham. Cunningham fought to expand women’s political rights amidst the gubernatorial campaign of 1918. Governor William Pettus Hobby faced off in the Democratic primary against Ferguson, whom suffragists and clubwomen had helped impeach and remove from office in 1917. Cunningham’s solution to Ferguson’s candidacy was a primary woman suffrage bill that allowed women to vote only in nominating conventions and primary elections. The bill itself is a classic example of how a law appearing to be racially neutral affected women very differently depending on their race and citizenship status.<sup>176</sup> The confusion surrounding the bill and its

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<sup>176</sup> Partial suffrage refers to forms of suffrage that guaranteed partial but not full voting rights. For example, Primary suffrage allowed women to vote in primary elections and nominating conventions, but not the general election. Presidential suffrage permitted women to vote for presidential electors only. School board suffrage allowed women to vote for representatives to school boards, emphasizing their roles as mothers. In contrast, full suffrage measures granted women the right to vote on the same basis as men. For intersectionality theory, see: Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex,” *University of Chicago Legal Forum* (1989): 139-167; Sumi Cho, Kimberlé Williams Crenshaw & Leslie McCall, “Toward a Field of Intersectionality Studies: Theory, Applications and Praxis,” *Signs: Journal of Women in Culture and Society*, Vol. 38, No. 4 (2013): 705-810; Sections of this chapter are reprinted with permission from, “Without Us, It is Ferguson with a Plurality: Woman

implementation also point to the difficulties of adding women as voting citizens to the preexisting political structure.<sup>177</sup>

In 1917, suffragists and clubwomen led letter-writing campaigns successfully urging the legislature to impeach Governor Ferguson. His conviction was secured when he repeatedly refused to name the source of a \$156,500 personal loan he accepted while governor. Ferguson resigned before the Senate issued their verdict preventing him from holding any office of public trust in Texas, and he argued that it therefore did not apply to him. Despite this fact, suffragists and their progressive allies considered the Governor's impeachment one of their great triumphs.<sup>178</sup>

Upon Ferguson's removal from office, the less conservative Lieutenant Governor William Pettus Hobby became governor, giving hope to suffragists and progressive Democrats. Moderate Governor Hobby was drawn into the wet-dry split over prohibition within the Texas Democratic Party. While Hobby was against prohibition when he was Ferguson's running mate and lieutenant governor, he came to believe that prohibition

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Suffrage and Anti-Ferguson Politics," in *Impeached: The Removal of Texas Governor James E. Ferguson, A Centennial Examination*, eds. Jessica Brannon-Wranosky & Bruce A. Glasrud (College Station, TX: Texas A&M University Press), Copyright 2017 (Texas A&M University Press).

<sup>177</sup> For the difficulties of securing women's political rights as citizens in democracies, see: Carole Pateman, *The Sexual Contract* (Stanford: Stanford University Press, 1988); Rosemarie Zagari, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007); Estelle Freedman, *No Turning Back: The History of Feminism and the Future of Women* (New York: Ballantine Books, 2003); and Joan Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (Cambridge & London: Harvard University Press, 1996).

<sup>178</sup> Handbook of Texas Online, Ralph W. Steen, "Ferguson, James Edward," accessed February 5, 2016, <http://www.tshaonline.org/handbook/online/articles/ffe05>.

was necessary as a war measure. He supported dry zones around military camps and many Texans, reluctant about prohibition before the war, agreed with his stance. One such supporter wrote the Governor, “while I have consistently voted the anti ticket for 30 years, yet I heartily agree with you on the position you are taking.”<sup>179</sup> Some Texans liked that Hobby was not closely aligned with either faction, “Hobby is not a fanatic on any subject, he gives careful attention to all matters coming before him, is unbiased in his decisions by precedent and, to my mind, absolutely believes in the people ruling.”<sup>180</sup> Prohibitionists were pleased when any legislation friendly to their cause was signed, regardless of the reasoning, though they surely wished Hobby was more firmly in their camp. Hobby also appeared far less hostile to woman suffrage than his predecessor, and Cunningham capitalized on his more neutral suffrage stance.

Hobby occupied the gray area between solidly conservative Democrats, like Senator Bailey and former Governor Ferguson, and solidly progressive Democrats, like U.S. Senator Morris Shepherd, Will Hogg, and former Lieutenant Governor and former Texas Attorney General Martin Crane. Hobby and his wife had privately supported woman suffrage for a few years before 1918, but he did not publicly endorse it, preferring to remain neutral while it was still possible. While progressive Democrats had had a slight majority in the legislature for a few years, a conservative governor with veto power had restrained them. The impeachment of Governor Ferguson left Hobby to

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<sup>179</sup> Wiley Blear to Hobby, February 16, 1918, Folder 1, Box 3H3, Hobby (William P., SR.) Family Papers, Dolph Briscoe Center for American History, University of Texas, Austin, Texas (hereafter referred to as Hobby Family Papers).

<sup>180</sup> Sam P. Harden to Upshur Vincent, Feb 22, 1918, Folder 1, Box 3H3 Hobby Family Papers.

decide if he would continue acting to check progressive political power or not. As Hobby became more closely aligned with progressive Democrats, power shifted both inside the Democratic Party and in state politics in general.<sup>181</sup>

Hobby and Ferguson ran against each for the Democratic gubernatorial nomination in 1918. As Texas was a one-party state, the Democratic primary was the election that mattered. Cunningham and TESA watched the campaign closely, even secretly subscribing to the anti-suffragist *Ferguson Forum*, the weekly populist newspaper published by Ferguson. TESA suffragist Edith League informed Potter, “We subscribe in the office boy’s name, but this is CONFIDENTIAL. Gives us a clew [sic] of what he is up to. Of course you know he is declaring for a third as Governor!! Do not grow alarmed.”<sup>182</sup>

Amidst the wet-dry split within the Texas Democratic Party, Cunningham adhered to Carrie Chapman Catt’s “Winning Plan,” and brilliantly exploited the rift within the Texas Democratic Party.<sup>183</sup> Catt instructed suffragists to exploit the weaknesses of one-party states to achieve partial suffrage measures. Cunningham pursued primary suffrage, the ability to vote in party primaries, which the legislature had

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<sup>181</sup> Jessica Wranosky, *Southern Promise and Necessity*, 201-203.

<sup>182</sup> Elizabeth Herndon Potter to Minnie Fisher Cunningham (MFC), February 17, 1918; Edith H. League to Potter, January 21, 1918; both in Box 2, Folder 23, MFC Papers.

<sup>183</sup> Eleanor Flexner, *Century of Struggle: The Woman’s Rights Movement in the United States* (Cambridge and London: The Belknap Press of Harvard University Press, 1959, 1975 & 1996), 72.

the power to grant without a public referendum.<sup>184</sup> The Texas Democratic Party had disfranchised groups that threatened its political power at the turn of the century, but Cunningham urged party leaders in 1918 to instead enfranchise white women to counter the Ferguson threat.<sup>185</sup>

In January 1918, shortly after Ferguson announced his candidacy, Cunningham wrote dry Representative Charles B. Metcalfe. She argued that, “I am sure with your keen political perception you have seen the possibility of the split Pro vote bringing him [Ferguson] in again as a plurality winner.”<sup>186</sup> If the prohibitionist vote was split between two or more candidates, Ferguson could win with a plurality of votes. Cunningham offered a solution that served her own interests well, “we believe that we ought to have Primary Suffrage given us by the Legislature to use in the July primaries in order to vote against Ferguson... Please, Mr. Metcalfe, if you are in a position to advise Mr. Hobby, advise him, for his own sake, to submit our bill to the special session. A large number of new and grateful voters would be his salvation, I should think!”<sup>187</sup> Texas women had

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<sup>184</sup> Jessica Wranosky, *Southern Promise and Necessity*, 197; Marjorie Spruill Wheeler, “Introduction: A Short History of the Woman Suffrage Movement in America,” and Judith N. McArthur, “Minnie Fisher Cunningham’s Back Door Lobby in Texas: Political Maneuverings in a One-Party State,” in *One Woman, One Vote: Rediscovering the Woman Suffrage Movement*, ed. Marjorie Spruill Wheeler (Troutdale: New Sage Press, 1995, 1996), 17-18, 297; Judith McArthur and Harold Smith, *Minnie Fisher Cunningham: A Suffragist’s Life in Politics* (Oxford & New York: Oxford University Press, 2003), 52-53; See also *How Did Texas Women Win Partial Suffrage in a One-Party Southern State in 1918?* Documents Selected and Interpreted by Judith N. McArthur. (Binghamton, NY: State University of New York at Binghamton, 2006) in *Women and Social Movements Database*.

<sup>185</sup> Wranosky, *Southern Promise and Necessity*, 13.

<sup>186</sup> MFC to Metcalfe, January 28, 1918, Box 5, Folder 28, MFC Papers.

<sup>187</sup> MFC to Metcalfe, January 28, 1918, Box 5, Folder 28, MFC Papers.

proven their worth as political allies in the 1917 campaign to impeach Governor Ferguson. Now Cunningham was asking for real political power in the form of primary suffrage as a means to continue advancing the cause of progressive Democrats in Texas.<sup>188</sup>

Cunningham again wrote Metcalfe in February. Judge Ocie Speer of Fort Worth had drafted the primary woman suffrage bill in 1917, but Cunningham was unable to prioritize it, as the legislature was occupied with the impeachment proceedings. In the meantime, Arkansas suffragists had inquired about the bill, and Cunningham sent them a copy of Speer's draft of the bill. The bill passed and withstood court challenges in Arkansas, a point Cunningham emphasized to assure Metcalfe that the bill was constitutional. She informed him that TESA's board had resolved to put all their power behind Hobby, should he submit the bill, as a special session of the congress could only address matters brought before it by the governor. She further noted that all of the candidates, except Ferguson, were pro-suffrage, and if Hobby would not support the bill, the suffragists would not support him. This was a quid pro quo agreement, primary suffrage in exchange for votes. It was also a secret agreement. Cunningham wrote, "you will appreciate the extremely confidential nature of this information... our intention is to take no affirmative stand for any candidate, since all are suffragists, unless Mr. Hobby will help us through the Legislature."<sup>189</sup> Cunningham forcefully concluded with a

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<sup>188</sup> Wranosky, *Southern Promise and Necessity*, 204.

<sup>189</sup> MFC to Metcalfe, February 13, 1918, Box 5, Folder 28, MFC Papers.



warning for Metcalfe, “Without us, it is Ferguson with a plurality, and the Legislature had better arrange for majority nominations!”<sup>190</sup>

TESA did not rely solely on Metcalfe to seal the deal. Cunningham personally visited Hobby in addition to urging supporters to write him:

We called on Mr. Hobby in Austin, and told him greatly but firmly withal, that we want that Primary Suffrage Bill submitted to the Special Session of the Legislature, and we would like it with a strong recommendation for passage from him. He is considering it. We found him somewhat exercised over Mr. Ferguson’s activity, and we left him more so. We had nothing cheerful to tell him along that line... Would you please, Mr. Finty, write and suggest to Governor Hobby that a large number of new voters created by him would naturally be grateful to their creator and might be beneficial to his campaign, - or words to that effect? Of course, if you will, without reference to my having asked.<sup>191</sup>

Cunningham began working to organize against Ferguson; subtly showing Metcalfe how useful her resources could be in a tough campaign. She requested, and Metcalfe supplied, a copy of the impeachment proceedings, which TESA used in anti-Ferguson ads and speeches. Metcalfe remained concerned that the women of Texas would not turn out to vote if given the opportunity. He stressed the importance of TESA organizing women in urban areas. He concluded, “I hope this to be vindicated in my statements that they [Texas women] will vote and for the right men.” Cunningham

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<sup>190</sup> MFC to Metcalfe, February 13, 1918, Box 5, Folder 28, MFC Papers. See also: McArthur and Smith, *Minnie Fisher Cunningham*, 61-62; Walter Buenger, *The Path to a Modern South: Northeast Texas Between Reconstruction and the Great Depression* (Austin: University of Texas Press, 2001), 175.

<sup>191</sup> MFC to Finty, Jan 28, 1918, Box 5, Folder 24, MFC Papers; Tom Finty, Jr. became the editor of the *Dallas Evening Journal* in 1914 and director of the A.H. Belos Corporation, which published the *Dallas News*, in 1919. He went on to become the secretary of the Texas Educational Survey Commission in 1923. See: Handbook of Texas Online, Alonzo Wasson, "Finty, Tom, Jr.," accessed March 27, 2017, <http://www.tshaonline.org/handbook/online/articles/ffi14>.

provided Metcalfe with TESA records of each legislator's stance on woman suffrage – supportive, opposed, or undecided. Metcalfe began lining up votes in the legislature to get the bill through.<sup>192</sup>

Hobby issued a proclamation calling the legislature into special session on February 26, 1918. In special session, the legislature was limited to only the business the Governor placed before it, and Hobby did not immediately place voting rights before the session. Instead he asked for laws establishing a ten mile white zone around military camps prohibiting the sale of alcohol, other wartime measures regulating military bases, and drought relief for Texans suffering from crop failures. Hobby's call to the legislature concluded that they should also "consider and act upon such matters of vital importance as may be presented by the Governor."<sup>193</sup> Still reluctant to put a primary woman suffrage law before the legislature, Hobby left the option to do so on the table.

To convince the legislature and Governor Hobby to support the primary suffrage bill, Cunningham used the same tactics that encouraged the legislature to impeach Governor Ferguson in 1917. She instructed local suffragists to personally interview newly elected officials and get them on the record for woman suffrage before the special session. The women were pleasantly surprised when newly elected representatives pledged their support for woman suffrage, particularly when they replaced anti-suffrage representatives. Cunningham urged individual suffragists active on the local level to

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<sup>192</sup> MFC to Metcalfe, April 9, 1918; Metcalfe to MFC; April 12, 1918, and HQ Secretary to Metcalfe, April 16, 1918; All in Box 5, Folder 28, MFC Papers; McArthur & Smith, *Minnie Fisher Cunningham*, 62.

<sup>193</sup> *Journal of the House of Representatives of the Fourth Called Session of the Thirty-Fifth Legislature [of the State of Texas]*(Austin: Von Boeckmann-Jones, 1918), 2.

begin letter-writing campaigns to members of the legislature assuring them of their constituents' support for the primary suffrage bill. She wrote Mrs. Wallace L. Wade in Bastrop County to "muster your Suffrage forces in Elgin and appoint each member a committee of one to see that as many letters as possible come forward promptly, and in unceasing numbers..." Cunningham assured a Collin County suffragist, "The bill will go thru with the proper demand from 'home.'"194

Due to a poorly worded clause in the original Texas Constitution meant to prevent out-of-state servicemen from gaining residency and qualifying to vote in Texas based on their service, Texas servicemen were disfranchised for the length of their enlistment.<sup>195</sup> However, alien immigrants could vote after filing their intention, or "first papers," to become citizens and Texas had sizeable Mexican and German immigrant communities.<sup>196</sup> In South Texas, non-citizen immigrant voting supported a system of boss rule, which Historian Evan Anders describes as a "semifeudalistic system" in which Mexican-Americans or Mexican immigrants were given some paternalistic care in exchange for control of their social and political lives.<sup>197</sup> In exchange for services including political favors the bosses provided to powerful ranchers, the ranchers

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<sup>194</sup> MFC to Mrs. Heaton, February 20, 1918, Box 2, Folder 54; Mrs. Rogers to MFC, Feb 23, 1918, Box 2, Folder 39; MFC to Mrs. Wallace L. Wade, March 5, 1918, Box 2, Folder 43; MFC to Mrs. T. Walker, March 4, 1918, Box 2, Folder 51; all in MFC Papers.

<sup>195</sup> Texas Constitution of 1845, art. 3, sec. 1. See also: *Debates of the Texas Convention* (Houston: J.W. Cruger, 1846), 159.

<sup>196</sup> The legal term for these voters was "legal resident alien." I refer to them as "alien immigrants" as well.

<sup>197</sup> Evan Anders, *Boss Rule in South Texas*, 272

delivered the votes of their workers. The majority of these voters were economically dependent on ranchers and bosses.

Cunningham used non-citizen immigrant voting and the disfranchisement of World War I servicemen in Texas to motivate her letter writers, urging women to “take into consideration the threatening menace of the enemy alien vote and the disfranchisement of our men who have answered the call of the colors.”<sup>198</sup> She encouraged another suffragist to write letters for the bill “to help win the vote of the women in the July Primaries and with it the power to protect our disfranchised Texas men in the service of our country...”<sup>199</sup> The letter-writing campaign was successful with the legislature, but Hobby required further persuasion.

Hobby informed Cunningham that he would only ask for a bill if a majority of legislators in both state houses pledged their support. The suffragists gathered signatures of legislators, many of whom had been targets of the letter-writing campaign. In response, Hobby submitted a requirement for majority nominations to the legislature, which opened the subject of election laws to the special session of the legislature. If multiple candidates ran in the primary, and no candidate received a majority of the vote, the majority nominations law would force the two highest vote getters into a run-off primary. The winner of the run-off primary would then be the Democratic candidate in the general election. The change was intended to prevent Ferguson from winning the

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<sup>198</sup> MFC to Mrs. H.M. Glass, March 4, 1918, Box 2, Folder 49, MFC Papers.

<sup>199</sup> MFC to Mrs. M.L. Herndon, March 4, 1918, Box 2, Folder 49, MFC Papers.

gubernatorial race with a plurality, if multiple progressive candidates split the reform vote allowing Ferguson to lead the pack in the initial primary.

Representative Thomason of El Paso submitted H.B. No. 104, which restricted the assistance that could be offered a voter preparing his ballot. The Thomason law, as it was called, aimed at preventing English speakers from marking the ballots of non-English speaking voters, usually Mexican or German immigrants. It was one of the Progressive reforms aimed at cleaning up elections by restricting what they saw as corruptible voters.<sup>200</sup> Metcalfe led a group of legislators in submitting H.B. No. 105 entitled “an act to provide that women may vote in all primary elections and nominating conventions in Texas; prescribing qualifications for such voters; providing for registration in cities of 10,000 and over, and declaring an emergency.”<sup>201</sup> It was referred to the Committee on Privileges, Suffrage and Elections who returned it back to the House with the recommendation that it pass. Metcalfe motioned for and got a special order set for the bill.<sup>202</sup>

To further pressure the legislature and the governor, NAWSA suffragist Potter was tasked with getting a letter from President Wilson to Hobby endorsing the bill. Potter explained the situation in Texas, emphasizing her and Wilson’s shared prejudices:

Our impeached governor, who has followers and money, is in Austin attempting to control the state through a compact of the brewery and alien vote. Every sixth

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<sup>200</sup> *General Laws of Texas, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 30, 54-55.*

<sup>201</sup> *Journal of the House of Representatives of the Fourth Called Session of the Thirty-Fifth Legislature [of the State of Texas], 273, 297.*

<sup>202</sup> McArthur & Smith, *Minnie Fisher Cunningham*, 62; Wranosky, *Southern Promises*, 202.

man in Texas is an alien, and votes on ‘first papers,’ Being white, he votes in the Democratic primaries, and is a greater menace than the negro, who has no part in the choice of candidates...the addition to the electorate of Texas of a body of patriotic homogenous women is the best way to save a bad situation.”<sup>203</sup>

The usually unabashedly racist Potter wrote Cunningham about the campaign for the bill, “See that no emphasis is laid on ‘white supremacy’ or that white Democratic women only will get a vote. It seems that two or three Repub senators are very touchy over the way the South disfranchises the colored man through its primary system.”<sup>204</sup> NAWSA had long feared a suffrage campaign on the state level that could hurt the chances of the federal amendment. Undue attention to the all-white primary in Texas could sway Republican congressmen in states outside the south to vote against the federal suffrage amendment. Suffragists strategically deployed (and refrained from deploying) racial arguments when it best suited their cause.

Potter received the endorsement from President Wilson, but there was something amiss. The letter contained the phrase “to the states,” which could have raised a states’ rights debate, delaying instead of helping the bill. Potter returned the letter to the President requesting he alter the wording, and anxiously waited the weekend for his reply. With the new letter in hand, she wrote Cunningham:

I have furnished the little special Texas job of getting the ‘favorable expression from the President.’ It made me very nervous to give back the first letter! And ask Mr. President to please revise it so it didn’t sound so states-rightsey –but this is a secret you must keep. I nearly died for fear the press or other great affairs of the president which must take precedence would make the letter come too late to do you any good.<sup>205</sup>

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<sup>203</sup> Potter to President Wilson, March 7, 1918, Box 2, Folder 25, MFC Papers.

<sup>204</sup> Potter to MFC, March 13, 1918, Box 2, Folder 24, MFC Papers.

<sup>205</sup> Potter to MFC, March 14, 1918, Box 2, Folder 24, MFC Papers.

The letter from Wilson to Hobby was read into the record of the Texas legislature on March 14, 1918.

The primary woman suffrage bill was debated on Friday, March 15, 1918. The bill exempted women from paying the 1917-1918 poll tax in order to vote in the 1918 primary election. On the bill's second reading, Mr. Osborne, a supporter, led a group including Metcalfe in amending the bill so that the county tax collector would not have to furnish any political party or election officials certified lists of women voters, unless they were in cities with populations exceeding 10,000 people. The amendment passed. Representative José Tomás Canales, a maverick legislator from south Texas and a suffrage supporter, moved to amend it to add "Provided, however, that none but native born American citizens be allowed to vote under the provisions of this act."<sup>206</sup> His suggestion was rejected. It would not only have required women to be citizens, but natural-born citizens, in order to vote in the primary election. It would have been very unusual to make a distinction between the voting rights of naturalized and native citizens.<sup>207</sup>

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<sup>206</sup> *Journal of the House of Representatives of the Fourth Called Session of the Thirty-Fifth Legislature [of the State of Texas]*, 326-327, 300-331.

<sup>207</sup> Anders, *Boss Rule*, 250-251; José Tomás Canales began his career as a conservative Democrat but throughout his career became more aligned with the reform wing of the party. In the late 1910s, he pressed for an investigation and reorganization of the Texas Rangers and their violent mistreatment of Mexicans in South Texas. See Richard Henry Ribb, "José Tomás Canales and the Texas Rangers: Myth, Identity, and Power in South Texas, 1900-1920" (Ph.D. diss., University of Texas at Austin, 2001); David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987); and Evan Anders, *Boss Rule in South Texas*:

Representative Bledsoe called the House to maintain “a quorum pending consideration of House bill No. 105.” His call was seconded and Speaker Fuller ordered the entrances locked. No member of the House could leave without his written permission. Representative O’Brien, fighting against the bill, tried to amend it to have the enacting clause of the legislation struck. His amendment was voted down. After casting his vote to strike the enacting clause, Representative Monday moved to amend the bill so that “There shall be prepared and used a separate booth each for negro women and white women.”<sup>208</sup> The Democratic Party ran an all-white primary, preventing most black voters from voting on its nominees. Rep. Monday was likely raising the issue of black voting in hopes that it would persuade his fellow legislators that woman suffrage would lead to increased black suffrage. His amendment was defeated. The final version of House bill No. 105 passed the House 84 to 34. On March 21, 1918, the Senate reported to Speaker Fuller that they had passed the primary woman suffrage bill, eighteen to four, but with amendments. Metcalfe succeeded in getting the House to pass the senate amendments.<sup>209</sup>

The night before Hobby signed the bill into law, he wrote a telling letter to his father-in-law, conservative Democrat Judge Samuel Bronson Cooper. Hobby explained the expediency of signing the measure, arguing that it would have been politically unwise to go against it. He said he had been “in favor of woman suffrage for several

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<sup>208</sup> *Journal of the House of Representatives of the Fourth Called Session of the Thirty-Fifth Legislature [of the State of Texas]*, 335.

<sup>209</sup> *Ibid.*, 461, 471.



years because I have considered it an inevitable development.”<sup>210</sup> Historian Jessica Wranosky argues that the letter is proof that the pressure of anti-suffrage sentiment was getting to Hobby, but that he recognized vetoing the bill, and going so publicly on record against woman suffrage, was political suicide. With Hobby’s signature on March 26, 1918, Texas women could participate in all primary elections and nominating conventions.<sup>211</sup>

The primary suffrage bill appealed to progressive or Texas Democrats or reformers for many reasons. It was strategically useful for them. They believed that young men would vote for progressive candidates and policies, but Texas men were volunteering or being drafted into military service for World War I and were disfranchised for the length of their enlistment. The women’s vote could help replace the soldiers’ vote in the primary, and since Texas was a one-party state, the primary election was the election that effectively decided who would hold office. Progressive Democrats also wanted to break the hold of boss rule in South Texas, where political bosses like Jim Wells retained political power through the controlled bloc votes of Mexican immigrants and Mexican Americans.

Progressive Democrats wanted to eliminate non-citizen voting to reduce the power base of the South Texas bosses, but they had lacked the votes to overcome a conservative governor’s veto or the votes needed at a public referendum. Allowing

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<sup>210</sup> As quoted in Jessica Wranosky, *Southern Promise and Necessity*, 207; Wranosky, *Southern Promise and Necessity*, 204.

<sup>211</sup> Potter to MFC, March 14, 1918, Box 2, Folder 24, MFC Papers; *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 34, 61-64.

primary woman suffrage tested how women would vote and in what numbers, while also countering the votes of Mexican and German immigrants, who tended to vote against prohibition and woman suffrage. If it worked, a more progressive governor would hold the veto pen and progressive Democrats' simple majorities in the legislature would be enough to pass some reform legislation.<sup>212</sup>

Additionally, even without further legislation restricting non-citizen voting, immigrant voting would not substantially increase under the primary woman suffrage law. Non-citizen immigrants had to file their intention to become citizens in order to legally vote. Since married women's citizenship status was entirely dependent upon their husbands, they were not legally allowed to initiate their own naturalization. If they wanted to become citizens, their husbands had to apply for naturalization and complete the process. Women naturalized by marriage were not issued certificates of citizenship. These women were expected to produce their husband's naturalization papers and a copy of their marriage license should they need to prove their citizenship.

Historian Candice Lewis Bredbenner calls this "the government's reminder to her that a marriage certificate was the only document supporting her claim to U.S. citizenship."<sup>213</sup> Boss rule relied on Mexican immigrant men to file their intention to

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<sup>212</sup> For boss rule, see David Montejano, *Anglos and Mexican in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987); Anders, *Boss Rule in South Texas*; Jessica Wranosky, *Southern Promise and Necessity*.

<sup>213</sup> Candice Lewis Bredbenner, *A Nationality of Her Own*, 42; For women's dependent citizenship see: Karen Knop, "Relational Nationality: On Gender and Nationality in International Law," in *Citizenship Today, Global Perspective and Practices* (Washington, D.C.: Carnegie Endowment for International Peace, 2001), 89-124.

become citizens in order to vote, but did not actually encourage or support them going through the naturalization process. Thus, their wives were left in limbo. They remained non-citizen immigrants, but without the political rights their “first-paper” husbands enjoyed. Immigrant married women would not be enfranchised by the primary woman suffrage law. Only single immigrant women of voting age who filed their intention to become citizens would be enfranchised, and there were very few women who met these conditions.

Not only did the primary woman suffrage law lessen the impact of immigrant voting by offsetting those votes; it gave politicians ideas about how to restrict immigrant voting without having to amend the state constitution. If primary suffrage legislation could enfranchise a group without the right to vote in general elections, it could similarly disfranchise a group that had the right to vote in general elections. In March 1918, the legislature actually passed two primary suffrage bills. The primary woman suffrage bill enfranchised women in primary elections and nominating conventions; the primary alien suffrage law disfranchised legal resident alien immigrants in primary elections and nominating conventions. The legislature could not disfranchise immigrant aliens in general and special elections without amending the state constitution, which required a two-thirds vote in both houses of the legislature and a public referendum in a special election. They likely knew that they did not have the votes for a constitutional amendment, especially since alien immigrants would be able to vote in the referendum. Instead, they used primary election laws as a workaround, much the way suffragists did to gain the vote. The primary alien suffrage law also ensured that the primary woman

suffrage bill did not enfranchise any female legal resident aliens. Women were partially enfranchised while non-citizen immigrants were partially disfranchised.<sup>214</sup>

The primary alien suffrage law was very specific: “This Act shall not be held or construed to repeal or in any way limit or restrict the right of women to vote in primary elections or conventions given them by any law enacted at the 4<sup>th</sup> Called Session of the 35<sup>th</sup> Legislature.”<sup>215</sup> The primary alien suffrage law was to work in conjunction with the primary woman suffrage law. Both laws were designed to add to the voting strength of progressive Democrats and restrict the voting power of the conservative wing of the party. The law also declared: “The importance of this legislation and the necessity for placing the right of suffrage in the hands of persons who are loyal to the United States and have its interest at heart, create an emergency and an imperative public necessity...”<sup>216</sup> This emergency was used to suspend the rule that the bill be read on three separate days, and the law went into force ninety days after the legislature adjourned. The primary alien suffrage law restricted voters in the primaries to American citizens creating an entire class of non-citizen immigrant voters who could legally participate in general, special and presidential elections but not primary elections.<sup>217</sup>

Additionally, the 1918 special session passed the previously mentioned Thomason law, which prohibited election officials from providing aid in preparing

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<sup>214</sup> *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch. 60, 137-138.

<sup>215</sup> *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch. 60, 137.

<sup>216</sup> *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch. 60, 137.

<sup>217</sup> Anders, *Boss Rule*, 250.

ballots for any voter unless the voter was over sixty years old, physically disabled, or had been a citizen at least twenty-one years. This last clause meant that election judges could still help illiterate American-born Anglos fill out their ballots, but were barred from helping illiterate immigrants in the same manner. The law essentially required immigrant voters to be literate.<sup>218</sup>

Lastly, heeding Cunningham's warning that the 1918 primary winner could be Ferguson with a plurality, the legislature passed a bill requiring majority nominations. If no candidate won the majority vote, a run-off election would follow. The law was amended so that the Texas Supreme Court would determine any dispute over eligibility of the candidates, instead of party officials. The amendments were called the disqualification amendments, and they were specifically intended to keep Ferguson out of office. The 1918 special session was a major victory for progressive Democrats. In addition to the primary suffrage laws, the special session ratified the national prohibition amendment; passed white zone ordinances banning prostitution and liquor within ten miles of army bases; and enacted statewide prohibition by statute, rather than by constitutional amendment. If progressives were successful in reelecting Governor Hobby, they expected to be able to pass even more of their legislative agenda.<sup>219</sup>

By enfranchising women in primary elections, Democrats took advantage of the restrictions to black voting presented by the Democratic all-white primary. White women were partially enfranchised by a law that did not mention race, and yet stood

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<sup>218</sup> *General Laws of Texas, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 30, 54-55.*

<sup>219</sup> Anders, *Boss Rule*, 250-251.

little chance of meaningfully enlarging the black vote. Even if black women did manage to participate in the 1918 primary election, the poll tax was scheduled to go into effect in all primary elections thereafter, and would further limit black women's political participation.

In 1917, Kate Gordon wrote to Cunningham and all other state presidents of suffrage associations in the South asking permission to write their state legislature and get them on record "against the women of the respective states being longer held the political inferiors of negro men in their United States citizenship." She continued, "I believe it is to be a matter of good political policy for we southern women to play democratic prejudices for all they are worth."<sup>220</sup> Cunningham responded forcefully that such a request would only harm the cause. She argued that primary suffrage avoided the question of black voting while highlighting the hypocrisy of anti-suffrage politicians. According to Cunningham, because of the all-white primary, primary suffrage "'call[ed] the bluff' of those who resent the negro vote;" politicians who claimed that woman suffrage would only enhance black voting. And it did so without raising a conversation about black voting, which Cunningham believed would only hurt the suffragists' cause.<sup>221</sup>

The final version of the law was poorly written, likely due to the amendments added. It caused confusion among election officials, lawyers, and the women rallying to vote against Ferguson. The heading of the bill notes the authors' intent to "provid[e] for

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<sup>220</sup> Kate Gordon to MFC, Feb 13, 1917, Box 5, Folder 25, MFC Papers.

<sup>221</sup> MFC to Kate Gordon, Feb 16, 1917, Box 5, Folder 24, MFC papers.

registration in cities of 10,000 and over.” Instead, section 2 of the law required registration of women in cities exceeding 10,000 people, and section 2a required registration of women “in a voting precinct outside a city of ten thousand inhabitants.”<sup>222</sup> Both groups of women were required to register in different sections of the bill and under different circumstances. Section 2 required urban women to register and listed the generic information required. Section 2a was far more detailed in its requirements. A rural woman “shall present herself, personally, at the office of the tax collector of the county in which she lives at any time not less than fifteen days prior to the holding of such primary election, and shall personally fill out, with her own hand, in duplicate, or upon a form and stub, the form of registration receipt prescribed in Section 2 of this bill.” Not only did this section of the law require voter registration, it required a literacy test.<sup>223</sup>

The literacy test was not required of Texas men. While men were supposed to fill out their ballots without assistance (unless they qualified as disabled, over sixty, or had been citizens at least twenty-one years) their poll tax receipts did not even require a signature. Conversely, under the primary woman suffrage law, registration in one’s own hand was required of women living outside large cities, which was more than half of the Texas population until after World War II.<sup>224</sup> Wranosky notes that the *Austin American*

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<sup>222</sup> *General Laws of Texas, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 34, 61-64.*

<sup>223</sup> *General Laws of Texas, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 34, 61-64.*; Debbie Mauldin Cottrell, *Pioneer Woman Educator: The Progressive Spirit of Annie Webb Blanton* (College Station: Texas A&M University Press, 1993), 46.

<sup>224</sup> Wranosky, *Southern Promise and Necessity*, 206-209.

newspaper reported that the test was aimed to disfranchise rural black and Mexican American women, as progressives feared these women would vote for conservatives including Ferguson.<sup>225</sup> Rural voters had less access to education, higher illiteracy rates, and more conservative leanings than their urban counterparts. The test would also adversely affect immigrant women who were less likely to be able to read or write in English. Cunningham disliked the de facto literacy test, but felt it would take up too much valuable time to challenge. She wrote Catt that the literacy test was “aimed at the ignorant foreign vote on the border,” and was not worth fighting with so little time left in the called session.<sup>226</sup>

Section 5 of the law noted it would take effect in 1918, but that beginning January 1919, “each woman voter in this State, voting and offering to vote in any primary election or conventions shall be required to pay the poll tax now required by law of each male person who desires to vote.”<sup>227</sup> The poll tax, whether paid for participation in primary or general elections, acted as a financial barrier to restrict voting to those able to pay it. Poor Texans lacked the discretionary funds to pay it, as did tenant farmers or sharecroppers without access to capital. In a racist and ethnocentric economic system, black and Mexican workers were more likely to be disfranchised through the poll tax than Anglos. The primary woman suffrage law did not foresee women being able to vote in regular elections. Therefore, it only required women to pay the poll tax to participate in primary elections. If Texas women gained full suffrage, additional legislation would

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<sup>225</sup> Wranosky, *Southern Promise and Necessity*, 206-209

<sup>226</sup> MFC to Boyd, February 14, 1919, Box 1, Folder 4, MFC Papers.

<sup>227</sup> *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, 4<sup>th</sup> Called Session, 61-64



be needed to require women to pay the poll tax before they could vote in general elections.<sup>228</sup>

The Texas Attorney General's office received multiple requests for clarification regarding the confusing primary suffrage law. There was particular confusion about which women needed to register. Should women living outside of towns of 10,000 or more bother registering or could they proceed to vote without having done so? The stated intention of the men who drafted the law and the law itself were at odds.

On April 4<sup>th</sup>, 1918, W.B. Blalock, a tax collector in Marshall, Texas, wrote the Attorney General asking if he could register women before the law actually went into effect; if he would be permitted to fill out the registration certificate and have women sign them; and if "the Tax Collector be permitted to move his office to small towns in the County for the purpose of letting the women register?"<sup>229</sup> The Attorney General replied that Blalock would have to wait until the law was in effect to register women and that women had to fill out the form themselves, but he did believe it appropriate to allow women to register throughout the county instead of only in the tax collector's office.

In fact, the Attorney General included in his reply a copy of his letter answering the same question for a county attorney: "...we held that in view of the provision of the law that requires the Tax Collector to meet the taxpayers in the different portions of the county for their convenience in paying taxes, would also authorize him to receive

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<sup>228</sup> Wranosky, *Southern Promise and Necessity*, 205.

<sup>229</sup> Attorney General to W.B. Blalock, Doc 989, April 6, 1918, Book No. 219, Box 1984/67-36, Attorney General's Records, Texas State Archives, Austin, Texas (hereafter referenced as AG Records).

registration of women at these times and places...”<sup>230</sup> Adding to the confusion, however, the Attorney General asked Blalock and others who wrote the office, to consider the reply letters as personal correspondence only and not as having legal weight. The Attorney General’s office was not supposed to supply legal answers to anyone other than state officials. Advice given to local election officials had to remain personal correspondence. The Attorney General’s office continued to unofficially respond to questions about woman suffrage.<sup>231</sup>

Attorney General Looney responded to Robert Maud, Tax Collector in the city of Austin, who asked whether wives of state employees should be registered in Travis County (Austin) or in the counties where their husbands were elected? State employees could not register to vote in Travis County unless they permanently resided there. The question became one of how to determine a married woman’s legal residence. Attorney General Looney referenced coverture, but noted that “the one-person idea of the common law no longer exists in all its strictness, but the husband is the managing head of the family and as such has the right to fix the domicil [*sic*], and the residence of the wife is therefore that of the husband.”<sup>232</sup> AG Looney concluded that if the couple’s

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<sup>230</sup> Attorney General to W.B. Blalock, Doc 989, April 6, 1918, Book No. 219, Box 1984/67-36, AG Records.

<sup>231</sup> See: Attorney General to Hon. Henry Tirey, Doc 947, April 4, 1918, Book No. 219, Box 1984/67-36, AG Records.

<sup>232</sup> “The legal residence of a married woman for the purpose of registration under the woman suffrage act is that of her husband,” Page 303-305, Opinions No. 51, Item Number 1984/067-118, AG Records.

residence was in Travis County, they should register there; if they only reside in Travis County temporarily for work, they should register in their home county.<sup>233</sup>

Eventually, the Attorney General issued an official opinion on the woman suffrage law. He found section 2A requiring that rural women register unconstitutional, because it was contradictory with the caption or heading of the law. The headings of each law were supposed to summarize it, offering a brief explanation of the law's effects as the legislators who drafted it envisioned. As the people drafting the law were supposed to write the captions, they usually matched. In this case, the law had been altered during the legislative process, but the caption was never changed to reflect modifications.<sup>234</sup>

The Attorney General concluded "the only women required to register are those who reside in cities of 10,000 population and over."<sup>235</sup> He further opined that tax collectors could not move their offices around the county to register women. Despite his earlier unofficial advice to Blalock and Tirey, he now maintained, "all women are required to appear in person, and in her own handwriting fill out the blanks, in person..."<sup>236</sup> Attorney General Looney also defined the days in which women could register as June 26 through July 11 and reiterated, "registration must occur in the office

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<sup>233</sup> Ibid.

<sup>234</sup> "Woman Suffrage Act, The provision of said act requiring registration outside of cities of ten thousand or more is unconstitutional because of the insufficiency of the caption," Page 229, Opinions No. 51, Item Number 1984/067-118, AG Records.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid; For earlier advice see: Attorney General to W.B. Blalock, Doc 989, April 6, 1918; Attorney General to Hon. Henry Tirey, Doc 947, April 4, 1918; Both in Book No. 219, Box 1984/67-36, AG Records.

of the tax collector of each county, at the court house where his office is required to be kept and where all of his official acts are required to be transacted...<sup>237</sup> He further concluded that if a woman was “unable to read and write the English language she can not register as this is a contingency not provided for in the law. She is not authorized to delegate to another authority to fill out the necessary blanks.”<sup>238</sup>

Adding to the legal confusion of the 1918 election, the legality of Ferguson’s candidacy was questionable at best. Ferguson maintained that he had resigned the governorship before the Senate issued the sentence against him. He argued that because he was not governor when the sentence was handed down, it did not apply to him. Others disagreed. The *Home and State* Newspaper ran an article titled, “Ferguson is forever barred from public office in Texas” and printed an anti-Ferguson editorial by a local judge. Ferguson counted on winning along side legislative and judicial candidates friendly to his cause, who could then decide any challenge in his favor.<sup>239</sup>

TESA took all of these issues into consideration when launching its 1918 campaign. Despite the official Attorney General opinion, the Hobby Campaign, TESA, and even the Attorney General’s office argued that the safest option was for all women who intended to vote in the primary to register. The Hobby Campaign issued flyers titled “Attorney General Joins in Urging Women’s Registry: Letter to Tax Collectors follows

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<sup>237</sup> “Woman Suffrage Act, The provision of said act requiring registration outside of cities of ten thousand or more is unconstitutional because of the insufficiency of the caption,” Page 229, Opinions No. 51, Item Number 1984/067-118, AG Records.

<sup>238</sup> Ibid.

<sup>239</sup> Newspaper Clipping, *Home and State*, June 15, 1918, Folder 3, Box 3H3 Hobby Family Papers.

opinion issued by M.M. McFarland.” The Attorney General’s public letter instructed, “in order to be on the safe side, all women should be registered.” Voter registration and education drives were a major part of TESA’s 1918 campaign.<sup>240</sup>

As the 1918 gubernatorial campaign revved up, Ferguson publicly addressed the partial enfranchisement of Texas women,

Don’t you understand me, though, that I have succumbed to the passions of the hour, that I am taking any back water now, simply because the Legislature has made it possible for the ladies to vote. But more than three years ago, when the politicians of Texas were playing hide and seek with that great question, when you could not get them to give an honest expression to the good ladies upon that question, in more than four public speeches, at four different places in Texas, one principally in Waco, I declared that if the women wanted to vote, let them vote; that if women wanted more power you might just as well give it to her, because she was going to have it any way. But I said that I wanted the women to decide the question. I did not want to... lead her against her will to the ballot box... Understand, when I say ‘woman’ I mean that in a democratic sense. I mean the great majority of women. I do not mean these women who are running around over the country making woman suffragists foot and block... I am talking, as I say, in a democratic sense, about the great majority of the women, not the favored few, that class of women who would rather raise trouble than to raise a family.<sup>241</sup>

Ferguson was a consummate politician, hiding behind the idea that he would support woman suffrage if women proved they wanted the vote. However, women who wanted and worked for the vote disqualified themselves from being the type of women Ferguson would grant suffrage. In contrast, the Hobby Campaign published fliers instructing women how, when and where to vote; reiterating that Hobby gave woman the

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<sup>240</sup> “Attorney General Joins in Urging Women’s Registry”, Undated Flyer, Folder 1, Box 3H3 Hobby Family Papers; Wranosky, *Southern Promise and Necessity*, 208.

<sup>241</sup> Transcription of Ferguson Speech, May 22, 1918, Box 5, Folder 42, MFC Papers. The last line was widely perceived as insulting Cunningham, who was married but had no children.

vote; and that Ferguson fought it, reminding them of his actions at the 1916 Democratic National Convention in St. Louis.<sup>242</sup> The war of words was heated. Ferguson argued against his detractors, “They say that Ferguson was indicted, but so was Jesus Christ.”<sup>243</sup> In response, the Hobby campaign pointed out that Pontius Pilate found nothing wrong with Jesus. The same could not be said of Ferguson. When a Senator introduced Hobby by comparing him to Moses, the Ferguson campaign replied, “According to the 25<sup>th</sup> chapter of the Leviticus, Moses was a socialist, ruled forty years and never reached the promised land.”<sup>244</sup>

Behind the scenes of the campaigns, Cunningham anticipated a legal challenge to the primary woman suffrage law. Supporters wrote warning her of danger, “We hear persistent rumors, as no doubt you have, that at the last minute the Ferguson forces will go into the courts and by way of injunction attempt to prevent the women from participating in the primaries.”<sup>245</sup> Cunningham’s solution was a Legal Defense Committee comprised of pro-suffrage attorneys, willing to defend the law pro bono. In July, Attorney T.N. Jones wrote Cunningham that he was concerned about the outcome of injunction proceedings if they were submitted before a Ferguson appointee in Tarrant County. He conferred with M.M. Crane, the attorney who prosecuted Ferguson, and

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<sup>242</sup> “Women Can Vote in Texas in July, 1918, How, When and Where They Can Cast ballots,” Box 5, Folder 49, MFC Papers.

<sup>243</sup> “Those Indictments” by Galveston County Club for Election of W.P. Hobby for Governor, Box 5, Folder 49, MFC Papers.

<sup>244</sup> Newspaper Clipping, untitled, Box 5, Folder 50, MFC Papers;

<sup>245</sup> Marshall Eskridge to MFC, July 16, 1918, Box 5, Folder 1, MFC Papers.

suggested that Judge Frank A. Williams lead TESA's defense of the law.<sup>246</sup> Cunningham appealed to Williams:

We are threatened with some sort of legal action to prevent the women of Texas from participating in the primary elections, and, as a counter movement, are forming a committee to take charge of this matter. I have asked to serve on this committee, Gen. M.M. Crane of Dallas, Judge Ocie Speer, of Fort Worth, Judge J.A. Elkins of Houston, Judge Ben L. Jones of Sherman, Judge N.A. Stedman and Mr. D.K. Woodward, Jr., of Austin; and would appreciate it beyond words if you would not only serve on the committee but take the chairmanship and suggest any other names you would want on it.<sup>247</sup>

Williams accepted the position.

Cunningham sent telegrams to all of the proposed committee members requesting their counsel, and was quickly assured of their services. Speer replied, "This partial franchise is only half a loaf (war bread at that) and I am extremely anxious that it not be taken away from the women upon any pretext; it is a weapon by which they will be able to demand and receive the full franchise in a little while; and I for one am anxious to see them wield this weapon for all it is worth." By mid-July, Cunningham had put together a formidable defense.<sup>248</sup>

Cunningham officially informed the Hobby Campaign about the Legal Defense Committee. At her request, J. A. Elkins of the Hobby Campaign lent his services to the committee as well. The Hobby Campaign had also heard the rumors of a legal challenge to the law. One supporter sent a letter that he asked Walter J. Crawford, Chairman of the

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<sup>246</sup> Jones to MFC, July 9, 1918; Box 5, Folder 1, MFC Papers.

<sup>247</sup> MFC to Williams, July 10, 1918, Box 5, Folder 1, MFC Papers.

<sup>248</sup> MFC to Crane, Stedman, Ben L. Jones, and Speer, Telegrams, July 10, 1918; Ocie Speer to Cunningham, July 13, 1918, all in Box 5, Folder 1, MFC Papers.

Hobby Campaign, to destroy after reading, “The Ferguson forces have about come to the conclusion that they cannot overcome the woman vote; they are to wait and see the extent of the registration; and if it is large, they will have some on[e], some strong Clark man, or Clark himself, to enjoin the woman vote or its constitutionality.” The supporter went on to detail a plan to change the oath required of Democrats before voting in the all-white primary. The new oath would read, “I am a white democrat and will support the nominee of the primaries.”<sup>249</sup> According to Strickland, the Ferguson campaign believed women could not take this oath because they could not vote in the general election in November. Strickland further advised that the injunction was expected around July 15<sup>th</sup>. Crawford replied, “The fact is, they have been threatening to enjoin the women from voting ever since the law was enacted. If they start it, we will endeavor to take care of the situation.”<sup>250</sup>

All involved expected a legal challenge to the law, but they disagreed on when it would come. Elkins believed the challenge to the bill would come after the election, seeking to have the women’s votes thrown out as unconstitutional. Meanwhile Crane informed Crawford, “It now seems certain that the enemy will seek an injunction to prevent the women from voting.”<sup>251</sup> To try to ward off an injunction, the legal defense committee organized a meeting at the Hotel Galvez in Galveston, Texas, on July 20,

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<sup>249</sup> JJ Strickland to Crawford, July 3, 1918, Folder 1, Box 3H3, Hobby Family Papers.

<sup>250</sup> Crawford to Strickland, July 6, 1918, Folder 1, Box 3H3, Hobby Family Papers.

<sup>251</sup> MM Crane to Crawford, July 9, 1918, Folder 3, Box 3H3, Hobby Family Papers.



1918. They drafted a press statement, effectively informing Ferguson and his allies that defenses were ready should they try a last minute or post-election challenge to the law. Crane also issued his opinion on Ferguson's ineligibility for office to Texas newspapers.<sup>252</sup>

Legal defenses were in place, but for the primary suffrage deal to remain successful, Texas suffragists had to deliver a large bloc of votes to Hobby. It was not just their reputation on the line. If Ferguson won, he could have overturned primary suffrage as easily as it was passed. While it was an ideal victory for a one-party state, it was also an easily reversible achievement. Additionally, Ferguson opposed the federal woman suffrage amendment, called the "Susan B. Anthony Amendment," which was inching closer and closer to success in Congress, after which it would move on to the states for ratification. For Texas to be one of the four crucial southern states to ratify the amendment, suffragists had to carry Hobby to a win.

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<sup>252</sup> MFC to Walter J. Crawford, July 13, 1918, Box 5, Folder 1; JA Elkins to MFC, July 11 1918, Box 5, Folder 2; MFC to Perkins, July 22, 1918, Box 5, Folder 1; Newspaper clipping, "Ferguson is claimed ineligible to serve," May 5, 1918, Box 5, Folder 43, all in MFC Papers.

## CHAPTER IV

### “THE TROUBLE WITH THE MEN WAS THAT THEY UNDERESTIMATED OUR INTELLIGENCE”: WOMEN AND THE 1918 DEMOCRATIC PRIMARY

To heighten the stakes of the 1918 primary election, and to encourage women’s turnout, Texas Equal Suffrage Association (TESA) First Vice President Helen Moore appealed to Annie Webb Blanton: “May I make a suggestion to you? Why not you become a candidate for State Superintendent of Education in the place of Prof. Doughty? Please consider it.”<sup>253</sup> Although Blanton admitted she liked the idea, she was reluctant to enter the race. She had only recently decided the campaign against Ferguson was too important and the possibility of primary suffrage too tempting for her to remain publicly neutral, although she feared she would lose her teaching position for taking a public political stance.<sup>254</sup> After the primary woman suffrage bill passed, Blanton wrote Cunningham with ideas for educating Texas women and encouraging them to get to the polls, “I feel that woman suffrage will now be on trial. If the women vote right, we shall

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<sup>253</sup> April 9, 1918, First VP to Annie Webb Blanton, Box 16, Folder 6, McCallum Collection, AHC; The office was actually State Superintendent of Public Instruction, and was held by Walter Francis Doughty; see Handbook of Texas Online, "Doughty, Walter Francis," accessed March 26, 2017, <http://www.tshaonline.org/handbook/online/articles/fdo23>; Sections of this chapter are reprinted with permission from, “Without Us, It is Ferguson with a Plurality: Woman Suffrage and Anti-Ferguson Politics,” in *Impeached: The Removal of Texas Governor James E. Ferguson, A Centennial Examination*, eds. Jessica Brannon-Wranosky & Bruce A. Glasrud (College Station, TX: Texas A&M University Press), Copyright 2017 (Texas A&M University Press).

<sup>254</sup> March 11, 1918, Blanton to MFC, Box 5, Folder 40, MFC Papers, UH Special Collections.

justify ourselves; but indifferent, unthinking women won't vote right. We need to reach the country women, too."<sup>255</sup>

Blanton was convinced that women would be more receptive to her calls urging them to vote if she was not asking them to vote for her personally and suggested that she wait to make a campaign until women won full suffrage. She was also worried that, "it is well known that I am an ardent supporter of the University. Is it not best, just now, to keep the University out of any sort of fight?"<sup>256</sup> Blanton was extremely hesitant to get in the race arguing that by the next election she could have earned her master's degree, which would make her more competitive, and that no one knew if the women would turn out to vote and that she could not win in 1918 without an "overwhelming vote of the women for me."<sup>257</sup> After giving all the reasons why she should not stand as a candidate in 1918, Blanton admitted, "I don't want to be rash about it, because, when I do run, I want to win."<sup>258</sup>

Moore responded to Blanton that it was actually TESA President Minnie Fisher Cunningham's idea to have a woman on the statewide ballot in the first primary election in which Texas women could vote. She urged Blanton to consider running, making it clear that unlike other candidates, her candidacy would be part of TESA's campaign. She further informed Blanton that Cunningham had consulted respected progressive Democrat Dr. A. Caswell Ellis of the University of Texas and "he predicted that if you

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<sup>255</sup> March 20, 1918, Blanton to MFC, Box 5, Folder 40, MFC Papers.

<sup>256</sup> April 24, 1918, Blanton to Helen Moore, Box 5, Folder 40, MFC Papers.

<sup>257</sup> Ibid.

<sup>258</sup> Ibid.

would consider running he believed you would ‘sweep the state.’” Moore concluded: “May we hope to hear that you will do so and that you will announce an early date.”<sup>259</sup> Blanton wrote TESA suffragist Edith League of her lingering doubts, “my chief fear is that, if I run, and fail, it might injure the cause of woman suffrage in the state. Of course if I win, it would help it.” She specifically wanted to hear from Cunningham directly before making a final decision.<sup>260</sup> Blanton eventually accepted the invitation and ran for state Superintendent of Public Instruction.

In addition to getting a woman on the statewide ballot, TESA urged women to organize Hobby Clubs or join those already forming in order to campaign for the reelection of Governor William Pettus Hobby, who had signed the primary woman suffrage law.<sup>261</sup> Suffrage historian Jessica Wranosky argues that through organizing the Hobby Clubs, suffragists were able to “train the Texas women in campaigning and the political process.”<sup>262</sup> She maintains that suffragists’ vital participation in the Hobby and Blanton campaigns gave them valuable insight into the “inner culture of the state’s

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<sup>259</sup> April 23, 1918, First VP [Moore] to Blanton, Box 16, Folder 6

<sup>260</sup> May 23, 1918, Blanton to League, Box 5, Folder 40, MFC Papers, UH Special Collections.

<sup>261</sup> For more on the political deal between TESA leaders and Governor Hobby that led to the primary woman suffrage bill, see Judith N. McArthur and Harold L. Smith, *Minnie Fisher Cunningham; A Suffragist’s Life in Politics* (Oxford & New York: Oxford University Press, 2003), 61-62; Walter Buenger, *The Path to a Moderns South: Northeast Texas Between Reconstruction and the Great Depression* (Austin: University of Texas Press, 2001), 175; Jessica Wranosky, *Southern Promise and Necessity: Texas, Regional Identity, and the National Woman Suffrage Movement* (advanced copy), 202-204.

<sup>262</sup> Jessica Wranosky, *Southern Promise and Necessity*, advanced copy, 208

political elite and in turn [they] started to be considered part of the club.”<sup>263</sup> This insight would prove useful in the 1919 campaign for a state full woman suffrage amendment and in the battle to ratify the Susan B. Anthony Amendment.

TESA organized voter registration and education drives. They also sent speakers throughout the state encouraging female voters to register and vote. TESA arranged Lavinia Engle’s speaking tour through South Texas, which included Rockport, Corpus Christi, and Victoria.<sup>264</sup> Suffragists campaigned and encouraged women to register and vote in a plethora of ways. Newspaper editor and suffragist Mrs. France E. Sutherland ran a weekly column entitled “Why Women Should Vote” to encourage indifferent women to register and vote.<sup>265</sup> Blanton wrote Cunningham that women in Dallas had told her “that unless the women vote, and vote wisely, there is some danger of Ferguson again... They also tell me that, unless the women vote, the politicians will repeal this law.”<sup>266</sup> For Texas suffragists, the 1918 gubernatorial primary was about much more than the governorship; past and future suffrage successes were on the line.

Governor Hobby faced off in the Democratic primary against former Governor James Ferguson, who suffragists and clubwomen had helped impeach and remove from office in 1917. The winner of the primary would be the Democratic candidate for

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<sup>263</sup> Jessica Wranosky, *Southern Promise and Necessity*, advanced copy, 208.

<sup>264</sup> July 23, 1918, JM Hoopes to MFC; July 14, 1918, Telegram, MFC to Mrs. Hoopes; July 24, 1918, Telegram, MFC to Lavinia Engle; all in Box 2, Folder 41, Cunningham Papers, UH Special Collections.

<sup>265</sup> May 1, 1918, Mrs. Frances E. Sutherland to League, Box 2, Folder 43, Cunningham Collection, UH Special Collections.

<sup>266</sup> Annie Webb Blanton to MFC, April 4, 1918, Box 16, Folder 6, McCallum Papers.

Governor and all but assured of victory in the one-party state. Because of their history with anti-suffragist and anti-prohibitionist Ferguson, the TESA campaign was more anti-Ferguson than pro-Hobby. Ferguson's candidacy after his impeachment, conviction and sentencing, which banned him from public office, was extralegal at best. Ferguson counted on his supporters electing judges and representatives friendly to his candidacy to decide the legal challenges that would surely come. TESA Suffragist League warned, "Mr. Ferguson is boasting that he will elect a legislature that will seat him, and that he will also elect judges who will decide the case in his favor..."<sup>267</sup>

Cunningham argued,

...in my estimation the most important [political issue] before us today is that of the candidacy of Mr. Ferguson, in defiance of law, and order, and the Constitution...Mr. Ferguson's efforts to get himself reinstated embraces the election of a favorable legislature and of Judges Spann, (of Temple), and Harvey to the Supreme Branch of the State, so I trust that the women will be on guard and not vote for any men in the Legislature who are not thoroughly reliable...<sup>268</sup>

First-time female voters understandably relied on Cunningham and TESA for guidance, and many wrote asking whom they should vote for. Edith League replied to one such request:

Do emphasize the importance of centering on Hobby in the political crisis [*sic*] that faces us just now. We are for good Government and for keeping out of office all those men who will not live up to the required standards; and for Governor that man is Ferguson... he [Hobby] is already in the chair and his administration has proved himself worthy... This is simply my personal view...you will kindly not quote it from the Texas Equal Suffrage Association.<sup>269</sup>

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<sup>267</sup> July 9, 1918, League to Mrs. Neidermeier, Box 2, Folder 53, Cunningham Papers, UH Special Collections.

<sup>268</sup> League to J.C. Llewellyn, July 18, 1918, Box 3, Folder 18; Cunningham to Mrs. J.S. Bowles, June 11, 1918, Box 2, Folder 51, all in Cunningham Papers.

<sup>269</sup> League to Hise, June 27, 1918, Box 2, Folder 48, Cunningham Papers.

League replied to a similar request from suffragist Mrs. F.C. Neidermeier reiterating the need to support politicians who supported Governor Hobby and woman suffrage. While she did not want to pass along all of the information TESA had for fear of libel lawsuits, she suggested that Neidermeier send her a list of candidates, and she offered to mark the list indicating those candidates “whom we distinctly approve of.”<sup>270</sup> Mrs. Neidermeier did just that noting, “there is (*sic*) so many candidates we hear nothing of out here.”<sup>271</sup> League sent the list back to Neidermeier with the candidates “properly marked. These men are all safe and desirable.”<sup>272</sup> With the exception of Governor Hobby and Annie Webb Blanton, TESA declined to officially or publicly endorse any candidates. However, they instructed suffragists to avoid any politician “supporting Mr. Ferguson in his unlawful candidacy” and informed women of the records of particular candidates on woman suffrage and other progressive issues like prohibition. TESA’s first vice president, Helen Moore, reiterated the need to research the candidates “so that we may be sure of not only defeating Ferguson but of electing men to the Legislature who will not permit the repealing of our bill and whom we know will ratify the Federal Amendment when it is submitted to them for ratification.”<sup>273</sup>

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<sup>270</sup> July 9, 1918, League to Mrs. Neidermeier, Box 2, Folder 52, Cunningham Collection, UH Special Collections.

<sup>271</sup> July 17, 1918, Neidermeier to League, Box 2, Folder 53, Cunningham Papers, UH Special Collections.

<sup>272</sup> July 22, 1918, League to Neidermeier, Box 2, Folder 53, Cunningham Papers, UH Special Collections.

<sup>273</sup> First VP to Annie Webb Blanton, April 9, 1918, Box 16, Folder 6, McCallum Papers.

Abe Gross, secretary of Hobby Headquarters in Waco recalled many similar inquiries received by the Hobby Campaign.<sup>274</sup> One such letter sent in June asked the campaign to:

...Tell me how each candidate stands with reference to the Candidates –Hobby and Ferguson. The political atmosphere in this little city [Fort Worth] has become so sultry and hot that I have made up my mind to let my vote for each candidate for State, County and district offices be governed largely by the candidate's attitude toward those two candidates for Governor.<sup>275</sup>

The campaign replied that to avoid antagonizing candidates, they were not issuing a list of preferred candidates all the way down the ballot. They did relay a list of candidates for Lieutenant Governor, Chief Justice of the Supreme Court, Associate Justice of the Supreme Court, and Railroad Commission that supported Hobby.<sup>276</sup> Demonstrating an understanding that all Texas political races in 1918 came down to the Hobby-Ferguson dispute, one newspaper, in response to numerous requests, “endeavor[ed] to ascertain how candidates for other offices expected to vote for governor.”<sup>277</sup> The paper sent letters to the local candidates and published the comments they received in return.<sup>278</sup> The 1918 primary election came down to the split in the Texas Democratic party between progressives and prohibitionists now led by Hobby and conservatives and anti-

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<sup>274</sup> For example, July 11, 1918 Abe Gross to Jno D. McCall, Folder 1, Box 3H3 Hobby (William P., SR.) Family Papers, Briscoe Center.

<sup>275</sup> June 29, 1918 John B. Goodnight to Hill, Folder 1, Box 3H3 Hobby (William P., SR.) Family Papers, Briscoe Center.

<sup>276</sup> July 1, 1918, Hobby Campaign Committee to John B. Goodnight, Folder 1, Box 3H3 Hobby (William P., SR.) Family Papers, Briscoe Center.

<sup>277</sup> Newspaper Clipping, “How Stand the Candidates on Preference for Governor?” in Box 8, Folder 2, MFC Papers.

<sup>278</sup> Ibid.



prohibitionists led by Ferguson. If Ferguson and his faction won, they could easily repeal the primary woman suffrage law and would fight to block ratification of the Susan B. Anthony Amendment in Texas.

The primary woman suffrage law was poorly written due to changes made to it during the legislative process. TESA suffragists were extremely careful when instructing women on how to register and vote, due to the confusing nature of the law and how it was implemented. Per the state attorney general's opinion only women in cities were required to register due to conflicting clauses in the law. He further opined that Texas women had only a seventeen-day registration window.

Cunningham and TESA organized a registration campaign using their county chairpersons. They encouraged all women, even those outside the cities where it was legally required, to register. They believed this lessened the chance that the women would be turned away from the polls. The San Benito Equal Suffrage Association in Cameron County wrote TESA that a local attorney they contacted for clarification of the law disagreed with the Attorney General. The attorney additionally advised the suffragists, "even if the provisions of this bill which require registration by women residing in such precincts, is obnoxious to this section of the Constitution, the Attorney General's opinion hasn't the authority of finality..."<sup>279</sup> Cunningham replied, "we believe that it is better to be safe and register than to depend on the election officers accepting Attorney General Looney's ruling; and we are urging women in every case to register

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<sup>279</sup> June 1, 1918, Mrs. Perry A. Welty, Secretary of San Benito Equal Suffrage Association, Box 2, Folder 49, Cunningham Collection, UH Special Collections.

and wherever they have automobiles to use them in taking the other women to the places of registration.”<sup>280</sup>

Cunningham wrote the head of Hobby’s Campaign, Walter Crawford, in early June advising, “my desk is piled high with letters from different sections of the state on this subject of the registration of women...” Cunningham led TESA in advising women to register despite the lack of legal requirements to do so in certain circumstances. She asked Crawford if the Hobby Campaign was issuing the same advice. She also wrote that Williamson and Bastrop Counties, which had no towns of 10,000 people or more, were not intending to provide registration blanks for female voters. She asked him what the campaign planned to do about this and specifically advised that they “send out a letter to all tax collectors notifying them that the law calls for the registration of women and that they are expected to provide blanks for registration.”<sup>281</sup>

Crawford replied to Cunningham that he had spoken with the attorney general, and convinced him to modify his earlier ruling, “at least to the extent of a letter to all tax collectors of the state asking them to provide for registration and suggesting that no harm could be done and perhaps a contest prevented by doing so.” They hoped by having the attorney general issue the letter, tax collectors who considered it unnecessary for women to register in their areas would still allow them to do so. Crawford concluded that the campaign would “take up the matter particularly with the tax collectors of

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<sup>280</sup> June 5, 1918, MFC to Mrs. Perry A. Welty, Secretary of San Benito Equal Suffrage Association, Box 2, Folder 49, Cunningham Collection, UH Special Collections.

<sup>281</sup> MFC to Walter Crawford, June 6, 1918, Box 5, Folder 44, MFC Papers, UH Special Collections.

Williamson and Bastrop counties,” both of which had substantial German and Mexican immigrant populations, which the Hobby campaign hoped to counter with white women’s votes.<sup>282</sup> TESA encouraged women to register early in the window, because while the attorney general agreed that the registration window was legally open from June 26 through July 12, some tax collectors declared they would refuse to register women on July 12.<sup>283</sup> TESA also reiterated the need for women to physically bring their registration receipts to the polls.<sup>284</sup>

Despite the attorney general’s opinion, the law instructed rural women, living in cities of less than ten thousand people, to “present herself, personally, at the office of the tax collector ...and shall personally fill out, with her own hand, in duplicate, or upon a form and stub, the form of registration receipt prescribed in Section 2 of this bill.”<sup>285</sup> This section of the law required voter registration, but also functioned as a literacy test for rural women.<sup>286</sup> Wranosky suggests the test was intended disfranchise rural black and Mexican American women, as reformers feared these women support conservatives like

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<sup>282</sup> Walter Crawford to MFC, June 7, 1918, Box 5, Folder 44, MFC Papers. Williamson County’s population was approximately 10% immigrant between 1910 and 1930, due to an influx of Scandinavian, German, Czech, Wend, and Austrian immigrants from 1880 to 1910, and an influx of Mexican immigrants from 1910 to 1930. See Handbook of Texas Online, Mark Odintz, "Williamson County," accessed June 13, 2016, <http://www.tshaonline.org/handbook/online/articles/hcw11>.

<sup>283</sup> July 8, 1918, MFC to Walter J. Crawford, Chairman of Hobby Campaign, Folder 1, Box 3H3 Hobby (William P., SR.) Family Papers, Briscoe Center.

<sup>284</sup> June 17, 1918, MFC to Mrs. James Patterson, Box 2, Folder 54, Cunningham Collection, UH Special Collections.

<sup>285</sup> *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 34, 61-64.

<sup>286</sup> Debbie Mauldin Cottrell, *Pioneer Woman Educator: The Progressive Spirit of Annie Webb Blanton* (College Station: Texas A&M University Press, 1993), 46.

Ferguson. The literacy test also affected immigrant women who may not have been literate in English.<sup>287</sup> Cunningham wrote that she was displeased with the de facto literacy test, but that it would take too much time to challenge it.<sup>288</sup>

TESA and local suffragists were very careful to register legally to ensure they would be able to vote in the 1918 primary. The law said that had rural women had to register “personally, at the office of the tax collector...” and the Attorney General’s official opinion cautioned tax collectors against registering women at various places throughout the county.<sup>289</sup> However, many tax collectors took out newspaper advertisements offering to register women throughout their counties for the women’s convenience. The *Belton Journal* ran one such story, “Tax collector Jake D. Nelson will visit 34 communities in the county for the purpose of registering lady voters. The ladies of these communities can register when the tax collector makes this visit, or, they can come to the court house in Belton to register if they prefer.”<sup>290</sup>

The other tactic used by tax collectors was to appoint deputies in voting precincts to register the women locally. The *Atascosa News Monitor* announced, “Reasons removed for not registering,” and informed women that Tax Collector Harrison had “appointed deputies in all of the 21 voting precincts.” The article continued, “These

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<sup>287</sup> Wranosky, *Southern Promise and Necessity*, (advanced copy), 206-209.

<sup>288</sup> February 14, 1919, MFC to Boyd, Box 1, Folder 4, MFC Collection, UH Special Collections; Wranosky, *Southern Promise and Necessity* (advanced copy), 207.

<sup>289</sup> *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 34, 61-64.

<sup>290</sup> Newspaper clipping, *Belton Journal*, June 27, 1918, Campaign: 1918 Newspaper Clippings Folder, Box 3H5, Hobby (William P., SR.) Family Papers, Briscoe Center.

deputies have been supplied with registration blanks and every woman voter in the county can register without having to come to the county seat. Mr. Harrison believes that every woman in the county wishes to cast a vote this year and is assisting in every way.”<sup>291</sup> It is unclear if these tax collectors were truly trying to be helpful or if they were trying to trick women into registering illegally, which would have made it easier to prevent them from voting or to have their votes thrown out after the primary election. Suffragists and reform Democrats suspected the Ferguson campaign would use underhanded tactics to ensure the success of his legally questionable candidacy. Duping women into registering in a manner that was not legal and would not guarantee their right to vote in the primary was one such plot they suspected the Ferguson campaign of masterminding. The law clearly required rural women to appear in person at the tax collector’s office.

TESA believed the tax collectors were baiting women into registering in an illegal manner, which would then be used to throw out their votes. TESA First Vice President Helen Moore wrote one supporter to “urge the women to all register at the Tax Collectors office.”<sup>292</sup> She reiterated the Attorney General’s opinion but explained that it was only an opinion and not a decision, which would have to be given by the state Supreme Court. Registering was by far the safest course of action. TESA advised suffrage leaders in the Smithville, Texas to have “women of the county... brought in by

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<sup>291</sup> Newspaper Clipping, *Atascosa News Mirror*, July 27, 1918, Campaign: 1918 Newspaper Clippings Folder, Box 3H5, Hobby (William P., SR.) Family Papers, Briscoe Center.

<sup>292</sup> Unsigned [Moore] to Mrs. Bion Gill, June 6, 1918, Box 16, Folder 6, McCallum Papers.

the city women who have automobiles, in order to have them register in large numbers...<sup>293</sup> Suffragist Jessie Daniel Ames later recalled, “The trouble with the men was that they underestimated our intelligence.”<sup>294</sup> Ames and other suffragists knew registering with the tax collector outside of the courthouse would not guarantee their right to vote in the primary. She led the registration drive among women in her county and reported, “In the July heat 3,300 Williamson County women went to Georgetown by wagon, by hack, by foot to register.”<sup>295</sup> A newspaper in Texas City reported, “Collector is kept busy by women of Texas City: Automobiles Bring 150 to Get Certificates, Total Registration for the day 276...”<sup>296</sup> The registration campaign was working.

In the primary campaign, TESA had to counter the view Progressives gained of Hobby when he was Ferguson’s lieutenant governor. Hobby was a moderate reformer stuck between more conservative Democrats, like Senator Bailey and former Governor Ferguson, and more progressive Democrats, like US Senator Morris Shepherd, Will Hogg, and former Lieutenant Governor and former Texas Attorney General Martin Crane. While Hobby did not publicly endorse woman suffrage before 1918, he and his wife had been supportive of the movement since the mid-1910s.<sup>297</sup>

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<sup>293</sup> April 16, 1918, League to Mrs. Neas, Box 2, Folder 43, MFC Papers.

<sup>294</sup> Clipping, *Austin Statesman*, May 24, 1965, “Suffragette recalls her 1918 vote fight,” Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>295</sup> Clipping, *Austin Statesman*, May 24, 1965, “Suffragette recalls her 1918 vote fight,” Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>296</sup> Newspaper Clipping, “Collector is Kept Busy by Women of Texas City,” Box 8, Folder 3, Cunningham Papers, UH Special Collections.

<sup>297</sup> Wranosky, *Southern Promise and Necessity* (advanced copy), 201-203; Evan Anders, *Boss Rule in South Texas*, 250.

Reform Democrats consistently won a slight majority in the legislature, but the veto power of Governor Ferguson kept them from enacting most of their legislative agenda. After Governor Ferguson's impeachment, Governor Hobby could have chosen to either continue blocking reformers' legislative efforts, or to embrace the reform agenda from the progressive wing of his party. Hobby strategically decided to align with progressive Democrats. In March 1918, Governor Hobby called a special session of the legislature that ratified the national prohibition amendment; passed "white zone" ordinances banning prostitution and liquor within ten miles of army bases; enacted statewide prohibition by statute, rather than by constitutional amendment; and passed the primary woman suffrage bill.<sup>298</sup> Although the quid pro quo deal between Cunningham and Hobby remained a secret, the political expediency of passing the primary woman suffrage bill did not go unnoticed. The *Texas Register* reported that Hobby had signed the suffrage bill and concluded that politicians previously uninterested in Texas women would suddenly convert to woman suffrage: "Mary had a little vote she never had before, and now the festive candidate loves Mary all the more."<sup>299</sup>

By the time of the 1918 election, Governor Hobby was aligned with progressive, prohibitionist Democrats and former Governor Ferguson was solidly aligned with conservative, anti-prohibitionists. The gubernatorial primary race would be a referendum on the wet-dry split within the Texas Democratic party. To prove Hobby's progressive

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<sup>298</sup> Anders, 250; Wranosky, *Southern Promise and Necessity* (advanced copy), 202-203.

<sup>299</sup> Newspaper Clipping, "Signed Suffrage Bill," *S. Texas Register*, March 29, 1918, Cunningham Papers, Box 8, folder 2.

credentials, Mrs. J. S. Sweeney wrote TESA requesting a circular be issued informing the public that Hobby supported suffrage as early as 1915. She added, “While Gov. Hobby and I are [related], I have had unfavorable feelings toward him, for being on the ticket with Ferguson and too he was an antiprohibitionist, though I never knew of him doing anything especially in favor of liquor. Good people sometimes get in bad campaigns and sometimes later they see their mistakes.”<sup>300</sup> Cunningham replied that she would consult the Hobby Campaign and if they approved, would produce the requested circular.<sup>301</sup> Trying to clearly delineate between Ferguson and Hobby’s politics, TESA suffragist League wrote supporters that the success of progressive legislation at the 1918 special session was being covered “in all the leading magazines in this country.”<sup>302</sup> She argued it was a nice counter to the coverage Texas received during the Ferguson impeachment trial.

Suffragists were not the only ones trying to establish Hobby’s suffrage record. The Ferguson campaign argued that Hobby was actually against woman suffrage, and that Ferguson had moderately supported the cause. The confusion led Mrs. Dallas Scarborough in Abilene to ask the Hobby Campaign for clarification on both candidates’ records, “Altho Ferguson has always opposed Woman Suffrage, and has stated his opposition on more than one occasion, he now declares through correspondence with

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<sup>300</sup> Sweeney to Cunningham, May 26, 1918, Box 2, Folder 23, MFC Papers.

<sup>301</sup> Cunningham to Sweeney, May 27, 1918, Box 2, Folder 28, MFC Papers.

<sup>302</sup> Edith League to Mrs. D. E. Sims, July 9, 1918, Box 2, Folder 52, Cunningham Papers, UH Special Collections.



some friends here, that he is for Woman Suffrage and that you are opposed to it.”<sup>303</sup>

Scarborough recalled reading speeches Ferguson gave ridiculing the idea of woman suffrage, but wanting to be sure, she asked the Hobby campaign to send her the facts on both candidates. The campaign replied with newspaper clippings about Ferguson’s speeches at the 1916 Democratic National Convention in St. Louis and literature regarding Hobby’s record on woman suffrage.<sup>304</sup>

The *Denton Record Chronicle* reported, “We predicted recently that Mr. Ferguson would soon be posing as an original suffrage advocate and sure enough he did in his speech here say he had always favored suffrage. Mr. Ferguson must have a short memory or think the people of Texas have...” The paper went on to again cite Ferguson’s attempt at defeating the suffrage plank in St. Louis.<sup>305</sup> Some newspapers friendly to Ferguson ran misleading articles or at least argued that Hobby did not deserve the credit for the primary woman suffrage law. The *Houston Labor Journal* ran an editorial questioning Hobby’s responsibility for the law, giving credit to Judge Hodges of Texarkana who they asserted authored the bill, and dismissing pro-Hobby newspapers

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<sup>303</sup> See Chair Hobby Campaign to Scarborough, July 1, 1918, Folder 1, Box 3H3 Hobby Family Papers.

<sup>304</sup> Chair Hobby Campaign to Scarborough, July 1, 1918; Crawford to Scarborough, July 8, 1918; both in Folder 1, Box 3H3 Hobby Family Papers.

<sup>305</sup> Newspaper Clipping, *Denton Record Chronicle*, July 18, 1918, “Women voters should not forget...” Campaign: 1918 Newspaper Clippings Folder, Box 3H5, Hobby (William P., SR.) Family Papers, Briscoe Center.

by arguing “that leading newspapers supporting Mr. Hobby for governor opposed the passage of the bill to the very last.”<sup>306</sup>

The Ferguson campaign also used Mrs. N.B. Kent as a surrogate. The *Dallas Evening Journal* identified her as the State Supervisor of Womanhood for the State Department of Agriculture, and reported that she was encouraging women to vote and believed that the majority of Texas women would. Concerned suffragists reported to Cunningham that Kent accused Hobby of having connections with the “whiskey ring,” and as a result, Kent encouraged women to support Ferguson.<sup>307</sup> Cunningham asked her contacts in Austin to investigate Kent and what position she actually held, maintaining, “I was not aware that there was any such official position as State Supervisor of Womanhood, and certainly no woman holding such a large position as that would be[,] has any business to favor a man like Mr. Ferguson.”<sup>308</sup>

Kent was not the only previously unknown woman campaigning for Ferguson. TESA Secretary Edith League asked Hobby Campaign Manager Crawford for information on a woman campaigning for Ferguson in Galveston, the home base of TESA and the city where Cunningham lived and worked: “We are trying to find out who this woman is in order to know how best to undo any of her work.”<sup>309</sup> Crawford replied that the Ferguson campaign had hired women throughout the state “scattering poison and

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<sup>306</sup> Newspaper Clipping, *Houston Labor Journal* Editorial, May 18, 1918, “A Flanking Drive for Suffrage,” Box 5, Folder 50, MFC Papers, UH Special Collections.

<sup>307</sup> C.U. Abbott to MFC, June 11, 1918, Box 5, Folder 44, MFC Papers. See also: Ernest E. Lomax to Mr. Mahan, June 8, 1918; Newspaper Clipping, “Woman Official Says Many Women Will Vote,” *Dallas Evening Journal*, Box 5, Folder 44, MFC Papers.

<sup>308</sup> MFC to Abbott, June 12, 1918; all in Box 5, Folder 44, MFC Papers.

<sup>309</sup> HQ Sec [League] to Crawford, June 24, 1918, Box 4, Folder 44, MFC Papers.

waging a campaign of misrepresentation, falsehood, and fraud.”<sup>310</sup> He believed that the candidates’ well-publicized records on the issues would lead to Hobby’s victory in the end. The campaign issued pamphlets informing women “how, when and where they can cast ballots” and reiterating that “Hobby signed the law giving women this privilege,” “Ferguson fought woman suffrage;” and “Here is what Ferguson did at the Democratic National Convention and what the Convention did to him,” before recounting Ferguson’s fight against a suffrage plank in St. Louis.<sup>311</sup>

While Ferguson had a strong anti-suffrage record from at least 1916 on, Hobby had remained uncommitted for as long as possible. However, in 1914, Texas Woman Suffrage Association (TWSA) President Annette Finnigan wrote both men, as well as all other candidates for governor and lieutenant governor, asking, “if elected, [will you] favor a submission to the voters of the question of woman suffrage as a constitutional amendment?”<sup>312</sup> Ferguson evaded the question. His campaign manager replied with only the opening speech of the campaign, which failed to mention votes for women.<sup>313</sup> Unlike Ferguson, Hobby replied to Finnigan’s inquiry in the affirmative. Hobby handwrote his response on Finnigan’s original letter: “I beg to answer your question in the affirmative. If you wish me to put it in different [wording] kindly advise. Am traveling...no

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<sup>310</sup> Crawford to Hill with CC to League, Undated, Box 4, Folder 44, MFC Papers.

<sup>311</sup> “Women can vote in Texas in July, 1918,” Box 5, Folder 49, MFC Papers.

<sup>312</sup> Finnigan to Ferguson, June 11, 1914, Box 3, Folder 5, McCallum Papers; Finnigan to Hobby, June 12, 1914, Box 5, Folder 45, MFC Papers; The Texas Woman Suffrage Association changed its name to the Texas Equal Suffrage Association in 1916.

<sup>313</sup> G. McKay to Finnigan, June 17, 1914, Box 3, Folder 5, McCallum Papers.

stationery with me...”<sup>314</sup> In their support of Hobby, suffragists referenced the document, but they did not release it. If they had, detractors would likely have pointed out that Hobby’s support of putting the issue to a vote was very different than actually advocating woman suffrage, especially at a time when suffragists would likely have lost the vote anyway.

The Ferguson campaign cast doubts on Hobby’s suffrage leanings; pondered when he converted to a supporter and why; and willfully misled voters about both candidates’ suffrage records. Ferguson supporter James T. Denton telegrammed Cunningham, asking for the “full and exact language of WP Hobbys (*sic*) letter in 1914 favoring equal suffrage.”<sup>315</sup> Edith League replied that TESA did not give out copies of their records “upon unexplained requests.”<sup>316</sup> As the telegram came from Temple and TESA had received mail before from Denton on *Ferguson Forum* letterhead, she posted the letter care of the *Ferguson Forum*. Denton promptly replied, “in view of the standing that I ought to have in your circles, any request for information or facts of a public nature that I might make ought not to need ‘explaining.’” However, Denton explained that the Governor has said the letter exists but did not produce a copy, “Governor Hobby’s opponents assert that [his statement was] untrue –that there never was such a letter. What’s the reply?”<sup>317</sup>

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<sup>314</sup> Hobby to Finnigan, undated reply on original letter, Box 5, Folder 45, MFC Papers.

<sup>315</sup> Denton to Cunningham, Telegram, July 5, 1918, Box 5, Folder 21, MFC Papers.

<sup>316</sup> HQ Secretary to Denton, July 8, 1918, Box 5, Folder 21, MFC Papers.

<sup>317</sup> Denton to League, July 10, 1918, Box 5, Folder 21, MFC Papers.

Ferguson's campaign continued to make the case that there was considerable animosity between female voters and Governor Hobby. An anti-Hobby flyer titled "A Woman Asks W.P. Hobby Embarrassing Question at Houston" reported that women would not vote for Hobby, alleging that Mayor of Houston, and Hobby Campaign Manager in that city, warned anyone attempting to pay women to disrupt Hobby's campaign speech in Houston that the city would not tolerate an interruption. The article inquired "What is there in the life of W.P. Hobby so black that he would fear to have a woman ask him a question in a public meeting[?]... There is nothing in James E. Ferguson's life to hide. The lid is off."<sup>318</sup> Ferguson tried to appeal to women's class sensibilities as well, depicting woman suffrage as an issue of wealthy women who would have nothing to do with common women. The *Dallas News* reported one of his campaign speeches, "Ferguson Alleges Campaign of Hate: Declares fight against him violates principles of Christian religion- Is Denied Redemption- Warns women not to be misled by Aristocrats who have suddenly become interested in them."<sup>319</sup> By arguing that suffragists were aristocratic women uninterested in the lives of farmwomen, Ferguson hoped to rally rural women to support him. In their own distinctive ways, each campaign advertised their candidate as more in touch and in line with female voters.

The Hobby campaign made patriotism and loyalty during the war the theme of the campaign. They criticized Ferguson for his ties to the German-dominated beer

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<sup>318</sup> Undated flyer, "A Woman Asks W.P. Hobby Embarrassing Question at Houston," Folder 2 (Campaign: Ferguson 1918), Box 3H4, Hobby (William P., SR.) Family Papers, Briscoe Center.

<sup>319</sup> Newspaper clipping, *Dallas News*, July 20, 1918, Campaign: 1918 Newspaper Clippings Folder, Box 3H5, Hobby (William P., SR.) Family Papers, Briscoe Center.

industry, suggested he was the preferred candidate of the German-American Alliance being investigated in Washington D.C., and insinuated that perhaps his disloyal friends were the originators of his \$156,000 loan.<sup>320</sup> The *Houston Post* called the campaign “an impetuous, patriotic impulse to ‘slay the beast’ at home.”<sup>321</sup> Hon. John W. Pope publicly announced his support for Hobby arguing, “Insofar as Texas and Good State Government is concerned it is almost as important to defeat Jim Ferguson and the German Rifle Clubs of South Texas as it is to defeat the Kaiser.”<sup>322</sup>

One flyer announced that “Made by German Ideas” were included in Ferguson’s platform, while another accused Ferguson of hiring a German translator so he could give campaign speeches to German-speaking immigrants in their native language in Seguin, Texas in 1914.<sup>323</sup> Another TESA pamphlet reminded women that they only vote in the primary “as a result of Governor W.P. Hobby signing the [primary woman suffrage] bill” and concluded “While we are fighting to whip the Kaiser abroad, we must be careful not to let the Kaiser beat us at the polls at home.”<sup>324</sup> After receiving a sample of anti-Ferguson literature in the mail entitled “Shall Germany Elect the Governor of Texas?” TESA secretary Edith League wrote the editor of the press asking for one to be

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<sup>320</sup> Anders, 255.

<sup>321</sup> Handbook of Texas Online, Lewis L. Gould, "Progressive Era," accessed June 10, 2016, <http://www.tshaonline.org/handbook/online/articles/npp01>.

<sup>322</sup> Undated flyer, “Hon. John W. Pope of Dallas will speak for Hobby for Governor,” Folder 10, Box 3H1, Hobby (William P., Sr.) Family Papers, Briscoe Center.

<sup>323</sup> Flyer, “Made by German Ideas was included in Ferguson Platform,” and Flyer, “Address in German for Ferguson,” All in Box 5, Folder 49, MFC Papers, UH Special Collections.

<sup>324</sup> Pamphlet, “Instructions for Women Voters” Box 8, Folder 11, MFC Papers, UH Special Collections.

sent to each woman on her list, which included, “a lady in each county who is attending to the Hobby campaign for the Texas Equal Suffrage Association.” The editor confirmed he had 259 circulars and was sending 50 more to TESA directly.<sup>325</sup>

The Hobby campaign strongly advertized the governor’s support of woman suffrage through the primary woman suffrage bill and targeted female voters specifically. One of their flyers emphasized Hobby’s war record, and along the bottom instructed supporters: “P.S. Please read this and pass it to the women members of your family, who are voters.”<sup>326</sup> A campaign circular addressed “To the Women of Texas” was signed by leading women in Texas including Texas Women’s Christian Temperance Union (WCTU) President Nannie Webb Curtis; TESA President Cunningham; and accomplished lawyer and Houston Equal Suffrage Association President Hortense Ward.<sup>327</sup> Another circular entitled “Help Win the War” called attention to the dry zone law passed under Hobby at the request of the Secretary of War, arguing that these laws helped “make the world safe for Democracy.”<sup>328</sup>

One pamphlet informed women when, where and how to register warning them, “Don’t fail to register and do your duty as American Citizens.”<sup>329</sup> One campaign flyer

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<sup>325</sup> HQ Sec to R.P Shuler, July 12, 1918, editor of Free Lance; Shuler to HQ Sec, July 15, 1918; HQ Sec to Shuler, July 17, 1918; All in Box 8, Folder 13, MFC Papers.

<sup>326</sup> Hobby for Governor circular, May 20, 1918, Folder 5, Ferguson (James Edward) Collection, Box 3P45, Briscoe Center.

<sup>327</sup> “To the Women of Texas” circular, undated, Folder 1, Hobby (William P., SR.) Family Papers, Box 3H1, Briscoe Center.

<sup>328</sup> “Help Win the War” 1918, Folder 1, Hobby (William P., SR.) Family Papers, Box 3H1, Briscoe Center.

<sup>329</sup> Flyer, “Women Voters Attention: When, Where and How to Register,” Box 5, Folder 49, MFC Papers, UH Special Collections.

called on women to register and vote “to uphold the standard of your country.” The same flyer argued, “It is as much your precious privilege and sacred duty to answer this call at home as it is for our men to answer the call to leave home and go forth to battle for American ideals, homes, women and children.”<sup>330</sup> Ward used similar wording in her poster:

War is calling to arms our best young men. They lose their right to vote when they put on the uniform. Upon the mothers, wives, sisters, and sweethearts devolves the duty of electing men to all the offices of the State. It is a sacred and important duty. I know the women of Texas will prove worthy of their trust. You must choose a Governor. What are you doing for the Governor who gave you the privilege of voting, who since his entrance into politics in 1914 has been in favor of your enfranchisement?<sup>331</sup>

The message was clear; voting was part of women’s war work. No longer was suffrage the reward for women meeting their obligations to the state through war work. Now the Hobby campaign made suffrage itself an obligation to the state.

Annie Webb Blanton’s campaign for State Superintendent of Public Instruction also emphasized the war work of Texas women. In one campaign address, Blanton argued that there were two reasons why women were given primary suffrage, “to replace the loyal voters now in the army and because of the ability shown by women in war

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<sup>330</sup> Undated Flyer, Folder 1, Box 3H3 Hobby (William P., SR.) Family Papers, Briscoe Center.

<sup>331</sup> Poster “To the women of Texas,” Hortense Ward, May 15, 1918, Box 8, Folder 11, MFC Papers, UH Special Collections.



work.” Blanton went on to emphasize “the duty of every woman to take the place, at the ballot box, of the Texas boys who are fighting the battle of democracy in Europe.”<sup>332</sup>

The Ferguson campaign both feared and reviled the political women working against them. This may have been why they failed to adequately organize female Ferguson supporters. The campaign did print some flyers inviting ladies to “cooperate in organization” of Ferguson Clubs, but in contrast to the Ladies’ Hobby Clubs, they wanted women to participate in the already forming Ferguson Clubs instead of starting their own.<sup>333</sup> One supporter wrote Ferguson, a women’s Hobby Club in Austin met, “that a committee had been appointed to visit every woman who could vote in the primaries and if they refused to sign up to support Hobby, they would be blacklisted. This is a fine recommendation for woman suffrage and if this is the kind of democracy to lead to victory, God pity the old party under the regime of Woman Suffrage.”<sup>334</sup> While the women were not actually blacklisting anyone, their opponents considered their political organizing unwomanly and extremely threatening for its potential to harm the Ferguson campaign. Meanwhile, the Hobby Campaign advertised his speeches on flyers noting, “LADIES are especially invited to be present and hear the issues discussed as they are to have the equal responsibility in the election of officers.”<sup>335</sup>

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<sup>332</sup> “Address of Miss Annie Webb Blanton in her candidacy for the office of state superintendent of public instruction,” Box 5, Folder 41, MFC Papers.

<sup>333</sup> Undated flyer, Folder 2, Box 3H3 Hobby (William P., SR.) Family Papers, Briscoe Center.

<sup>334</sup> JC Jones, Commissioner of Pensions to Ferguson, June 22, 1918, Folder 5, Ferguson Papers, Briscoe Center.

<sup>335</sup> Undated Flyer, Folder 3, Box 3H3 Hobby Family Papers.

After seeing Texas women deploy their political power effectively in the impeachment trial of Ferguson and again in the primary campaign, moderate politicians became more accepting of women voting. One suffragist wrote Cunningham that a candidate for sheriff had previously expressed concerns about votes for women: “when women voted, the men would cease to tip their hats.” She reported that in the 1918 campaign, the same sheriff “asked [a friend] for her vote, that he not only tipped his hat, but held it in his hand, the whole time he talked to her.”<sup>336</sup> Conservatives regularly espoused concerns that participating in politics would unsex women. However, once women had the power of the primary vote in 1918, some of those same candidates continued to abide by customs concerning the treatment of middle-class, white women while pursuing their votes.

Under the instructions of TESA and the Hobby Campaign, clubwomen and suffragists respectively or together formed local organizations encouraging women to register to vote for Hobby. Hobby Clubs answered to the Hobby campaign and formed specifically to encourage men and women to register and vote for Hobby. Suffrage leagues throughout the state advocated for woman suffrage and usually affiliated with TESA, but publicly supported Hobby and Blanton in 1918. This was unusual in that the official policy of TESA was to not endorse candidates. Instead, they issued the record of the candidates’ stances and votes, and encouraged members to support whomever they felt was the best candidate.

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<sup>336</sup> Mrs. Phyrne C. Tanner to MFC, April 2, 1918, Box 2, Folder 51, MFC Papers.

In spite of their policy of nonpartisanship, TESA encouraged people to register and vote for Hobby and progressive, pro-suffrage candidates. In 1918, the Hobby clubs and suffrage leagues shared the same goal and strategies. Whether supporters in a particular locale organized as a Hobby club or as a suffrage league was determined by local political situations. Nannie Webb Curtis, concerned that pro-Ferguson husbands would not allow their wives to vote if they joined a Hobby Club, formed a “Democratic League.”<sup>337</sup> J. M. Andrews tried to organize a suffrage club, but some of the women did not want to be called suffragists. Instead, they called themselves the Wharton County Hobby Club. TESA’s Edith League advised Andrews, “so long as cooperation in the matter of registering, and then voting in the Primary Election, July 27<sup>th</sup>, is what is desired you did the correct thing.”<sup>338</sup> Cunningham replied to a similarly concerned local suffragist, “It makes no difference to me whether they are called Hobby Clubs, Good Government Leagues, or Suffrage Leagues. ‘A rose by any other name would smell as sweet;’ the thing is to get the women to register and vote.”<sup>339</sup>

Mrs. George Langley wrote Cunningham about her organization, “We call ourselves the Hobby Club now as we want every woman to know we will not have Ferguson... [We will] go in a body to register that the Ferguson men may see we mean business.” Langley also noted that men in town “who would not think of suffrage when I

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<sup>337</sup> Curtis to Cunningham, May 24, 1918, Box 5, Folder 44, MFC Papers.

<sup>338</sup> Andrews to Cunningham, July 3, 1918, Box 3, Folder 30, MFC Papers; League to Andrews, July 10, 1918, Box 3, Folder 30, MFC Papers.

<sup>339</sup> June 13, 1918, MFC to Kate Hunter, Box 2, Folder 40, MFC papers.

[championed it] last winter, are now saying well done. Funny, isn't it?"<sup>340</sup> Knowing that women could bring the candidate they supported to victory swayed the men. When the Democratic Party split between wet and dry candidates, white women were seen as the least threatening group to break the tie. County Chairperson Mrs. D. N. Stowe reported that local clubwomen organized twenty-three Hobby Clubs in her county. She noted that the number of women registered to vote closely aligned with the membership of the Hobby Clubs and concluded, "I feel confident that nearly all who registered will vote for Gov. Hobby...I think we shall give Hobby and [decency] a good vote on July 27<sup>th</sup>."<sup>341</sup>

In addition to suffrage leagues and Hobby clubs, women in some cities formed Blanton Clubs to support Annie Webb Blanton's candidacy as well. A Fort Worth paper reported on the formation of the Blanton Club of Fort Worth by the members of the Woman's Wednesday Club. The club formed after Blanton gave a campaign speech in Fort Worth, which was followed by "a short talk by Mrs. Ella Caruthers Porter of Dallas...[who] urged the women of the State to register to vote."<sup>342</sup>

There was quiet cooperation between the Hobby, Blanton and TESA campaigns. For example, Cunningham asked Ellis to draft campaign material for Blanton. Blanton drafted a flyer entitled "Ought the fathers and mothers of Texas or the Brewers and German-American Alliance to O.K. our State Superintendent of Public Instruction?"<sup>343</sup>

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<sup>340</sup> Langley to Cunningham, July 23, 1918, Box 3, Folder 30, MFC Papers.

<sup>341</sup> Stowe to Cunningham, July 20, 1918, Box 3, Folder 8, MFC Papers.

<sup>342</sup> Newspaper Clipping, "Political Notes," Fort Worth, Texas, July 10, Box 8, Folder 6, MFC Papers.

<sup>343</sup> Ellis to MFC, July 2, 1918; Flyer with editor notes by Ellis; Both in Box 5, Folder 41, MFC Papers.

Ellis wrote Cunningham that he showed the flyer “to Mr. Broham at Hobby headquarters and he said it would beat [current Superintendent Walter Francis] Doughty certainly if you could only get it out in time.”<sup>344</sup> Ellis recommended to Cunningham that Blanton’s circulars tie her opponent, Doughty, to Ferguson and to the brewers. He believed that letters from Doughty that came to light during the German-American Alliance would be useful for establishing those connections.<sup>345</sup> A few days later Ellis elaborated that the campaign must “give documentary proof of any charge made.”<sup>346</sup> He argued that people “are rather tired of, and skeptical of, general charges unsustained by documentary evidence,” after Ferguson had “charged everybody with nearly everything, and everybody is charging Jim and his crowd with everything.”<sup>347</sup> He suggested that Cunningham or Blanton use the letters revealed in the German-American Alliance investigation to prove Doughty had lied to Texas voters. Cunningham wrote a circular endorsing Blanton following Ellis’s advice.<sup>348</sup>

While supporting Hobby, TESA maintained calculated separation between themselves and the official Hobby campaign. They did not issue or distribute Hobby campaign literature, instead instructing supporters to write directly to the Hobby Campaign if they required it. After the election, Cunningham maintained, “Our organization has never officially endorsed Governor Hobby, either before his election or

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<sup>344</sup> Ellis to MFC, July 2, 1918; Flyer with editor notes by Ellis; Both in Box 5, Folder 41, MFC Papers.

<sup>345</sup> Ellis to MFC, July 7, 1918, Box 5, Folder 41, MFC papers.

<sup>346</sup> Ellis to MFC, July 10, 1918, Box 5, Folder 41, MFC Papers.

<sup>347</sup> Ibid.

<sup>348</sup> Circular by MFC, July 16, 1918; Box 5, Folder 41, MFC Papers.

since. As between himself and Mr. Ferguson, even leaving out the question of the latter's impeachment, our women would naturally have voted for Hobby because of Ferguson's speech against Suffrage in Saint Louis. Those of us who heard it, and I was one, are not likely to forget it."<sup>349</sup> Cunningham never forgot Ferguson's actions in St. Louis, but she did far more to elect Hobby than she later let on. She even drafted letters and sent them to the Hobby Campaign to be printed on campaign stationery.<sup>350</sup>

However, there was some friction between the Hobby Campaign and TESA. In early July, Cunningham wrote Walter J. Crawford, Chairman of the Hobby Campaign, after receiving a letter from a concerned suffragist in Grimes County. The Woman's Hobby Club there had been "instructed by the Chairman of the Men's Hobby Club not to mention Suffrage in the Club..."<sup>351</sup> Crawford replied that Cunningham's letter was the first he had heard of the situation. He assured her that "suffrage should be advocated and encouraged, at all times," and that if the Men's Hobby Club Chairman acted differently, he did so without the permission of the Hobby Campaign.<sup>352</sup> He closed by thanking Cunningham for her work on behalf of himself and Governor Hobby.<sup>353</sup> Notably, he did not mention any effort to follow-up with the Men's or Women's Hobby Clubs in Grimes County.

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<sup>349</sup> MFC to Virginia Yeager, June 21, 1919, Box 3, Folder 1, MFC Papers.

<sup>350</sup> League to Mrs. J.E. Ellington, July 10, 1918, Box 2, Folder 49, MFC Papers; MFC to R. Lee Kempner, May 27, 1918, Box 5, Folder 44, MFC Papers.

<sup>351</sup> MFC to Crawford, July 5, 1918, Folder 1, Box 3H3 Hobby Family Papers, Briscoe Center.

<sup>352</sup> Crawford to MFC, July 6, 1918, Folder 1, Box 3H3 Hobby Family Papers, Briscoe Center

<sup>353</sup> Ibid.

Cunningham declined the Hobby Campaign's request to move her TESA office from Galveston to Austin or Dallas so the two entities could more closely coordinate their campaigns. When the Women's Committee for the Hobby Club of Galveston secured an office on the same floor as Cunningham's TESA office, TESA kept clear the dividing line. League wrote a Galveston suffrage supporter, "the rush of getting important letters and papers out to the various County Chairpersons for Hobby Clubs through the state prevented earlier reply."<sup>354</sup> After admitting that she worked on correspondence with Hobby Clubs she noted, "we have had our phone (891) move[d] into that room, which is two doors distant us. It was impossible to secure a separate phone, and we thought that the Women's Comm. of Hobby Club needed a phone more than we did just at this time. This in explanation of 891 now being the phone to call for Miss Hill, and why I am unable to answer."<sup>355</sup> During WWI, government offices had first priority for new phone lines, resulting in a delay for civilian orders. While League was sending correspondence out to Hobby Clubs, she could not have it appear that she, as an employee of TESA, was answering the local Hobby Club phone. That would have been too public. When the 1918 primary concluded, TESA took custody of the phone and the number 891 again.<sup>356</sup>

There was also friction between TESA and male politicians allied with the group. For example, Representative Metcalfe tried to exert his influence on TESA and alter

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<sup>354</sup> League to Sweeney, June 20, 1918, Box 2, Folder 28, MFC Papers.

<sup>355</sup> Ibid.

<sup>356</sup> MFC to Elkins, June 13, 1918, Box 5, Folder 21, MFC Papers; League to L.M. Kelsey, November 27, 1918, Box 2, Folder 28, MFC Papers.

their campaign tactics to suit him. In July 1918, he telegraphed Cunningham that Senator Hudspeth had pledged to support President Wilson, prohibition and woman suffrage, in contrast to his previous stances on these subjects. Metcalfe concluded that the recently converted Hudspeth “will be [a] strong effective worker for you on laws for women [and] my wife and I make our first personal request you wire me withdrawing your opposition on our assurance he is all right[.] wire full reply our expense so we can publish[.] help us out[.] your friend.”<sup>357</sup> Much to Metcalfe’s annoyance, Cunningham replied,

Deeply regret am unable to comply with your request. Would personally do anything in my power for you and Mrs. Metcalfe but am officially obligated by resolutions passed at state and national conventions to give out impartially the records of men who are candidates for offices. Hudspeth’s record was made in the Senate and in Democratic conventions.<sup>358</sup>

The Hobby Campaign was similarly irked by TESA’s policy of relaying a candidate’s suffrage record regardless of his current positions or supporters. Hobby Campaign Chairman Crawford wrote Cunningham when TESA’s records were leading women to support the opponent of a candidate for State Treasurer whom he considered a friend, “I believe it would be a mistake for us to become involved in other races, where our candidates are favorable to Governor Hobby, and approve the issues upon which he

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<sup>357</sup> Metcalfe to MFC, July 16, 1918, Telegram, Box 5, Folder 28, MFC Papers.

<sup>358</sup> MFC to Metcalfe, July 16, 1918, Box 5, Folder 28, MFC Papers.



bases his candidacy.”<sup>359</sup> Much to their male allies’ frustration, Cunningham and TESA did not change their policy.

Understanding the political power Cunningham had, numerous politicians wrote for her endorsement or to at least have her publicly confirm their suffrage record to would-be voters. In May, Texas Senator Offa Shivers Lattimore wrote, “As a candidate for Judge of the Court of Criminal Appeals, I am writing to ask you for your vote and active influence.”<sup>360</sup> He noted his suffrage record and pride in having written and introduced the primary woman suffrage bill in the Senate. Not only did he ask for Cunningham’s support, he asked for her advice on running his campaign, “I will greatly appreciate your vote and influence, as well as any suggestions you may wish to offer as to the success of my campaign. I would be glad to make my victory complete in the first primary. This I can undoubtedly do with your assistance and the assistance of women like you.”<sup>361</sup> When initial returns came in, Senator Lattimore wrote to Cunningham asking to use her name in an endorsement of him in a newspaper in preparation for a run-off election.<sup>362</sup> As the final returns showed he won a majority of the votes, Cunningham was able to deny the request without risking Lattimore’s future support or friendship.<sup>363</sup>

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<sup>359</sup> Crawford to MFC, July 6, 1918, Folder 1, Box 3H3 Hobby Family Papers, Briscoe Center.

<sup>360</sup> Senator Lattimore to MFC, May 18, 1918, Box 5, Folder 27, MFC Papers

<sup>361</sup> Ibid.

<sup>362</sup> Senator Lattimore to MFC, August 7, 1918, Box 5, Folder 27, MFC Papers.

<sup>363</sup> Senator Lattimore to MFC, August 16, 1918, Box 5, Folder 27, MFC Papers.

Even Annie Webb Blanton's brother, a Texas congressman, wrote Cunningham asking her to distribute his campaign cards. Instead Cunningham suggested he contact Helen Moore for the names of female Hobby campaign chairs, who she believed would be willing to distribute the cards. She concluded her letter, "As you are doubtless aware, the Texas Equal Suffrage Association is not distributing cards for anyone except Miss Blanton, who is the 'woman's candidate,' she coming out at our solicitation."<sup>364</sup>

The strangest request for political endorsement came from sitting State Superintendent of Public Instruction, Walter Doughty, whom Blanton was running against. In June, he wrote Cunningham noting the Austin Equal Suffrage Association had publicly endorsed Blanton. Doughty wrote Cunningham hoping that the suffragists were divided between himself and Blanton, and hoping to get her on the record supporting him. He offered Cunningham a list of his accomplishments and ongoing projects as state superintendent. However, he refused to take a side in the most important political dispute of the day, the gubernatorial race. Instead he argued, "I believe it is the business of the State Superintendent to work with the governor that the people elect and not to attempt to elect a governor."<sup>365</sup> Cunningham curtly replied that Blanton's candidacy "had the unanimous support of the Texas Equal Suffrage Association, convention assembled; also that it has my heartiest personal endorsement and support,

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<sup>364</sup> Mr. Blanton to MFC, July 17, 1918; MFC to Mr. Blanton, July 18, 1918; Both in Box 5, Folder 41, MFC Papers.

<sup>365</sup> Doughty to MFC, June 7, 1918, Box 5, Folder 41, MFC Papers.

together with that of hundreds of other individuals and numerous other organizations.”<sup>366</sup>

Cunningham sent a copy of her reply to Blanton as well, who used it in her campaign.<sup>367</sup>

While they campaigned against Ferguson, TESA also used the war effort in their rhetoric. While German and Mexican immigrants could vote, enlisted men could not. Suffragists encouraged women to vote in 1918 to counter the loss of servicemen’s votes. One political flyer was titled “Seaman appeals for some woman to cast his vote for Hobby.”<sup>368</sup> Suffragists also capitalized on conservatives’ reluctance to support the draft, fearing the resultant expansion of the federal government. They argued that votes for women was a war measure and encouraged women to vote to “elect All-American men who will stand behind our boys at the front.”<sup>369</sup> One political flyer read “As a woman of the world, A woman of America, A woman of Texas, A woman of Lamar County, You are called to uphold the standard of your country by registering and voting.”<sup>370</sup>

Houstonian Hortense Ward reported her speaking engagements to Crawford. She advised, “I am having splendid reports from all over Texas about how the women are registering and in some places, Palestine for example, they have already registered as

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<sup>366</sup> MFC to Doughty, June 10, 1918, Box 5, Folder 41, MFC Papers.

<sup>367</sup> Blanton to MFC, June 19, 1918, Box 5, Folder 41, MFC Papers.

<sup>368</sup> Undated Flyer, “Seaman appeals for some woman to cast his vote for Hobby,” Folder 2 “Campaign: Ferguson 1918,” Box 3H4, Hobby Family Papers, Briscoe Center.

<sup>369</sup> League to Andrews, July 19, 1918, Box 3, Folder 30, MFC Papers; Political Cartoon, Box 2P92, Folder: Suffrage, Ellis, ACE Papers; League to J.W. Lee, July 9, 1918, Box 3, Folder 30, MFC Papers.

<sup>370</sup> Undated Flyer, “As a Woman of the World...” Box 3H3 Hobby, Folder 1, Hobby Family Papers, Briscoe Center.

many women as there are poll taxes paid [by men].”<sup>371</sup> Hobby also had help from former Texas Governor Thomas Mitchell Campbell. Campbell had served two terms and was a well-known reformer. Newspapers quoted his speeches for Hobby during the campaign, “Where did Ferguson get that \$156,000? Ex-Gov Campbel[sic], in speech at Timpson, advances arguments to voters. Says State must be united in this time and condemns any man who would stir up strife?”<sup>372</sup> Ferguson’s 1916 campaign manager even went on the record for Hobby. The *Houston Chronicle* headline read, “Ferguson hopelessly beaten, says former manager; Two other leaders now for Hobby.”<sup>373</sup>

South Texas political bosses Archie Parr and James Wells lamented the fact that women could vote in the 1918 primary. Not only were the bosses unable to control the female vote, they could not predict how women would vote in South Texas. In July, Wells wrote Parr that between 1,000 and 1,100 women had registered to vote in Cameron County “and no one on earth can tell how they are going to vote, or control them.”<sup>374</sup> Parr responded, “The Lord only knows what these women are going to do. You ought to be able to vote all the Mexican women. Though I know they do not want to go to the polls.”<sup>375</sup>

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<sup>371</sup> Hortense Ward to Crawford, July 8, 1918, Folder 1, Box 3H3 Hobby Family Papers, Briscoe Center.

<sup>372</sup> Undated newspaper clipping, “Where did Ferguson get that \$156,000?” Folder 3, Box 3H3 Hobby Family Papers, Briscoe Center.

<sup>373</sup> Newspaper Clipping, *Houston Chronicle*, July 19, 1918, Folder: Campaign: 1918 Newspaper Clippings, Box 3H5, Hobby Family Papers, Briscoe Center.

<sup>374</sup> Anders, 256.

<sup>375</sup> Anders, 256.

Wells had stayed out of the impeachment struggle when Hobby was perceived as a conservative moderate. Historian Evan Anders argues that Wells' support of Ferguson was conditional upon Ferguson's political power, which was clearly undermined by the impeachment and conviction. He also did not perceive Hobby as the progressive threat he would become. Hobby was the son-in-law of a conservative Texas congressman and conservative politicians had supported his initial campaign.<sup>376</sup> Even when Hobby allowed progressive legislation to pass in the 1918 special session, Wells supported Hobby, hoping that this would prevent the Texas Rangers from actually enforcing the new primary alien suffrage law, aimed at restricting Mexican voting in his area.<sup>377</sup> Hobby's managers even urged Wells to get other border bosses to support Hobby and expressed delight at Wells' commitment to deliver "a large majority of Mexican voters."<sup>378</sup> Clearly Hobby had not allowed woman suffrage or restricted Mexican voting out of a commitment to clean elections, but because it was politically pragmatic for him to do so. There was no need for the Governor to have the Rangers strictly enforce the primary alien suffrage law as long as those voters controlled by the South Texas political bosses supported Hobby.

Unlike Wells, Parr backed Ferguson in 1918. Incumbent governors routinely used the Texas Rangers to influence elections, particularly in south Texas, and Hobby was no different. To counter the influence of Parr, Captain William Hanson and his

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<sup>376</sup> Anders, 249; Hobby was married to Willie Cooper, the daughter of former U.S. Representative Samuel Bronson Cooper.

<sup>377</sup> Anders, 255.

<sup>378</sup> Anders, 255.

Rangers intimidated Mexican voters in Corpus Christi and dissuaded them from voting. Rangers informed residents that they would be imprisoned for voting if they were illiterate.<sup>379</sup> Especially in light of the extreme violence Texas Rangers and vigilantes used against Mexicans in South Texas during WWI, the presence of armed Rangers at polling places discouraged Mexican voters from approaching whether they were literate or not. As most political bosses listened to Wells and backed Hobby, there was little Ranger interference at South Texas election places outside of Archie Parr's territory. On the contrary, Texas Rangers were ordered to patrol the voting booths in Mercedes after rumors of a concerted effort to prevent the Ladies Hobby Club from voting circulated. The women were allowed to vote.<sup>380</sup>

While political bosses who supported Ferguson tightly controlled the bloc immigrant alien vote, some suffragists attempted to build bridges into the Mexican American community. The Spanish-language paper, *La Prensa* printed an ad from the President of the San Antonio Equal Suffrage Association, Rena Maverick Green, urging Mexican women to vote to compensate for the men who had enlisted in the military. The ad condescendingly told women of Mexican descent to prove their intelligence and citizenship by voting: "Es el mayor signo de inteligencia y de ciudadania."<sup>381</sup> Green encouraged Mexican American women to register and vote in the 1918 primary election, even translating suffragists' campaign material into Spanish, extending the voter

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<sup>379</sup> Anders, 257.

<sup>380</sup> Anders, 257.

<sup>381</sup> Winegarten and McArthur, ed., *Citizens at Last* 169-171. "Es el mayor signo de inteligencia y de ciudadania" or "It [voting] is the best sign of intelligence and citizenship."

education campaign to non-English speaking Mexican women in Texas. Green also worked with the Texas Federation of Women's Clubs in an Americanization campaign, a style of campaign that would later become popular with the League of Women Voters. This particular campaign, "Stranger Within the Gates," was an attempt to "Americanize Mexican immigrant women," encourage them to assimilate, become citizens, and eventually to vote.<sup>382</sup> While bosses failed to mobilize the female vote, as did TESA at the state level, several TESA county chairmen expressed the desire and willingness to register eligible Mexican American women.

From the county seat of Falfurrias in South Texas, Brooks County Chairperson Lenore Hise wrote to League, "our county is not very populous therefore it will not be a very large task to get the women to register. It will require some effort to find the Mexican women that can vote and get them to register." Hise left League to assume that she would put in the effort. Hise's successor as county chairperson, Mrs. E.W. Dickey later submitted the county statistic sheet to TESA, noting that of the 2500 people in the county, including the 1500 in Falfurrias, 143 women registered, but at least ten women had their votes thrown out for reasons Dickey did not specify.<sup>383</sup>

Mrs. Wilmer Threadgill of Laredo, wrote League, "since time is passing so rapidly, and since we have quite a problem on our hands with regard to the Mexican women, who will not vote unless we organize them, we would like to get busy at once."

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<sup>382</sup> Martha Menchaca, *Naturalizing Mexican Immigrants: A Texas History* (Austin: University of Texas Press, 2011), 222-223.

<sup>383</sup> Hise to League, June 24, 1918; Mrs. E. W. Dickey, "County Statistic Sheet, for Brooks County;" both in Box 2, Folder 48, MFC Papers.

The following month Threadgill explained in a letter to Cunningham that she preferred to concentrate her work in the city:

Laredo is the only large town in Webb County, for this is a ranch, Mexican country. The near-by villages are populated by Mexicans who do not speak English for the most part. I would be glad to be County Chairman for you, but I think I could do more effective work as City Chairman for the reason explained... I should look after these surrounding villages incidentally.<sup>384</sup>

However, Threadgill planned on visiting the villages as opposed to ignoring them altogether. Threadgill gained a reputation as a fine organizer and speaker for woman suffrage. In July, Charles Flato Jr. wrote to Crawford of the Hobby Campaign emphatic that Kingsville would go for Hobby, “Mrs. Wilmer Threadgill of Laredo has just finished a speaking tour down through this part of the district and she made a fine impression and while a big majority of our women are for Hobby, I heard of several women voters who changed after hearing Mrs. Threadgill.” Flato suggested that the campaign write Threadgill thanking her for her good work.<sup>385</sup>

Laredo had a particularly active history of Mexican activist and feminist organizing. Laredo and San Antonio each had two Spanish-language newspapers that regularly ran articles discussing woman suffrage.<sup>386</sup> The First Mexicanist Congress was held in Laredo in 1911 and led Jovita Idar to found La Liga Femenil Mexicanista (Mexican women’s league) in Laredo that same year. The League of Mexican Women

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<sup>384</sup> Hise to League, June 24, 1918, Box 2, Folder 48; Threadgill to League, May 8, 1918; Threadgill to MFC, June 14, 1918; and MFC to Threadgill, July 3, 1918, Box 3, Folder 29, all in MFC Papers.

<sup>385</sup> July 15, 1918, Charles Flato Jr. to Crawford, Folder 1, Box 3H3 Hobby Family Papers, Briscoe Center.

<sup>386</sup> Wranosky, *Southern Promise and Necessity* (advanced copy), 226.



was a social and charitable organization. It particularly served refugees of the Mexican Revolution.<sup>387</sup> Anthropologist Martha Menchaca argues that during WWI, as “attitudes toward immigrants worsened, [Mexican] women turned from charitable activities to advocacy for the rights of immigrants.”<sup>388</sup> The fact that TESA embraced Americanization campaigns and argued against what they viewed as the injustice of non-citizen voting while citizen women remained disfranchised, likely limited cooperation between Anglo and Mexican American suffragists.

Cunningham routinely emphasized that county chairmen were to adjust campaign plans according to local needs and her reply to Threadgill reiterated this.<sup>389</sup> The level of cooperation between Anglo, black, and brown women on the local level heavily influenced the ways in which local white suffrage leagues went about registering women. Some were far more inclusive than others. Nurse administrator and activist Louise Dietrich of El Paso informed TESA, “We are organizing the Negro women and Mexican who are not affected by the Thomason Law [which restricted voter’s access to aid in filling out their ballots], and we are going to impress upon them the sacredness of

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<sup>387</sup> Gabriela González, “Jovita Idar: The Ideological Origins of a Transnational Advocate for La Raza,” in *Texas Women: Their Histories. Their Lives*, ed Elizabeth Hayes Turner, Stephanie Cole, and Rebecca Sharpless (Athens: University of Georgia Press, 2015), 227, 235-236.

<sup>388</sup> Menchaca, *Naturalizing Mexican Immigrants*, 223-224.

<sup>389</sup> Threadgill to League, May 8, 1918; Threadgill to Cunningham, June 14, 1918; and Cunningham to Threadgill, July 3, 1918, Box 3, Folder 29, all in MFC Papers.

the ballot given them and that it is not for sale.”<sup>390</sup> Progressives regularly accused persons of color of being easily bought by liquor interests.

While Dietrich pledged to register Black and Mexican women, she warned, “Owing to the fact that over one half of the poll taxes in El Paso co. are held by Mexicans you can see that every other part of the state will have to get votes enough to offset these.”<sup>391</sup> Dietrich detailed her plan, “[Outside El Paso] I have 14 other towns with 802 voters (white) and 257 Mexicans...I have arranged for meetings in these towns and will have some speaker talk in Spanish to the Mexicans, although everyone who knows them well say they will not vote for the amendment.”<sup>392</sup> Although Dietrich believed that the Mexican American vote would go for Ferguson, she still worked to register Mexican women, even using translators where necessary. Interestingly, her count of voters did not include Black women. Perhaps knowledge of the Democratic Party’s all-white primary led Dietrich to omit Black women or discourage them from registering, even though El Paso was home to a black suffrage league that regularly corresponded and worked with the white suffrage league.<sup>393</sup> As long as TESA did not have to welcome black women into the state organization and could continue arguing against immigrant voting, local suffragists were welcome to pursue these voters if they chose.

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<sup>390</sup> Dietrich to League, Undated 1918 letter (response written on May 17, 1918), Box 3, Folder 2, MFC Papers.

<sup>391</sup> Dietrich to Jane McCallum, Undated, Box 6, Folder 1, McCallum Papers

<sup>392</sup> Dietrich to MFC, Undated [March 1919], Box 3, Folder 2, MFC Papers

<sup>393</sup> Dietrich to MFC, Undated [March 1919], Box 3, Folder 2, MFC Papers; For the black and white suffrage leagues’ cooperation see, Undated annual report of El Paso Equal Franchise League, box 15, folder 5, McCallum Collection; The Thomason Law was aimed at illiterate and non-English speaking voters. It limited the ability of voters to have assistance filling out a ballot.

As Mexican Americans and Mexican immigrants were considered legally white, they were not routinely turned away from the all white primary. However, once WWI began, Texans began questioning the legality of allowing “enemy aliens,” those non-citizens whose country of origin the United States was at war with, to vote. In April 1918, Cunningham wrote to Judge Keeling asking for “an authoritative statement of the status of the enemy alien vote while the war lasts which I can quote in writing to our County Chairmen for their information and the protection of our work.”<sup>394</sup> The *Holland News* reported in July of 1918 that “The Germans of the Holland country who voted for Hughes for president in 1916 will not be allowed to participate in the democratic primary on the 27<sup>th</sup> of this month.”<sup>395</sup> Noting that the citizens of Bell County were for ‘Good Government,’ the *News* reported that supervisors had been appointed to each polling location in the country and that “it is the duty of these supervisors to see that only ‘white folks’ vote in the democratic primary.”<sup>396</sup>

Historian Bruce Glasrud maintains that WWI “strengthened the objective of black Texas women to acquire the power of the ballot,” particularly after seeing black men drafted into military service at a higher percentage than whites.<sup>397</sup> Black woman suffragists were certainly active before and during the 1918 campaign. In an undated annual report likely from 1917, the El Paso Equal Franchise League, a group of white

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<sup>394</sup> MFC to Judge Keeling, April 9, 1918, Box 8, Folder 9, MFC Papers.

<sup>395</sup> Newspaper clipping, “Oh, Mine Gott.” *Holland News*, July 19, 1918, MFC Papers

<sup>396</sup> *Ibid.*

<sup>397</sup> Bruce Glasrud, “Time of Transition: Black Women in Early Twentieth-Century Texas, 1900-1930,” in *Black Women in Texas History*, eds. Bruce A. Glasrud and Merline Pitre (College Station: Texas A&M University Press, 2008), 112.

woman suffragists, reported a request from the local African Methodist Episcopal Church for suffrage speakers and assistance organizing their own league. According to the report, “four speakers responded and a number of our members went and there was a gathering of about forty women and many men.”<sup>398</sup> The black suffragists organized into a league and held a debate on woman suffrage that same year.

In 1918, Mrs. E. Sampson of El Paso wrote directly to NAWSA’s Maud Wood Park requesting recognition of the new El Paso suffrage club. The request was unusual in that NAWSA did not affiliate directly with local organizations. Local organizations affiliated with the state organization (in this case TESA), which then affiliated with NAWSA. NAWSA sent the request to TESA’s Edith League. League wrote Mrs. Critchett, president of the El Paso Equal Franchise League for information, and Critchett explained that Sampson and her fellow suffragists were black women. Knowing that TESA would likely refuse to admit a black suffrage club, several white suffragists suggested she try getting recognition directly from NAWSA. NAWSA allowed black clubs to join, but only if their state organizations allowed it.<sup>399</sup>

Critchett noted that Sampson was “a well educated woman and is desirous of recognition from the white people,” suggesting that Sampson had been working on gaining recognition from El Paso whites for some time. Although Critchett expressed a desire to help the black suffragists with their side of the movement, she admitted: “I felt

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<sup>398</sup> Undated annual report of El Paso Equal Franchise League, box 15, folder 5, McCallum Collection, AHC.

<sup>399</sup> Sampson to Park, June 1918; HQ Sec to Ruth White, July 9, 1918; Critchett to League, July 1, 1918; all in box 5, folder 10, McCallum Papers.

that it was not best nor advisable at this time, our first election to rouse any trouble nor about the 'colored question.'"<sup>400</sup> Primary suffrage was too new and it was too risky for white suffragists to publicly support black woman suffrage.

League asked Catt for advice in the matter. Catt sympathized with Sampson, "I am sure if I were a colored woman, I would do the same thing they are doing." However, Catt acknowledged that in some southern states, the presence of black suffrage clubs would hinder the success of the larger white movement. She advised Cunningham that if this were true of Texas, "write to Mrs. Sampson and tell her you will be able to get the vote for women more easily if they do not embarrass you by asking for membership and that you are getting it for colored women as well as for white women and appeal to her interest in the matter to subside."<sup>401</sup>

Of course, no suffrage amendment at the state or national level secured voting rights for black as well as white women. While the Susan B. Anthony Amendment failed to specifically mention race, it did nothing to guarantee women of color the ballot; it simply removed one of many barriers between black women and the ballot. Very few black women were able to take advantage of the limited opportunities offered by suffrage legislation and vote, although more were able to register. Most progressive Democrats supportive of woman suffrage also supported the disfranchisement of black men and women through the poll tax and the all-white primary and the disfranchisement of Mexican immigrants by ending non-citizen voting. Cunningham responded to

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<sup>400</sup> Critchett to League, July 1, 1918, box 5, folder 10, McCallum Papers.

<sup>401</sup> Catt to League, July 17, 1918, box 5, folder 10, McCallum Papers.

Sampson citing the uniqueness of the request and leaving the decision for the state convention. This delay tactic saved face, but did not stop black women from registering to vote in the 1918 primary.<sup>402</sup>

In Kingsville, Christia Adair had previous experience working across racial lines for progressive change. In an oral history interview later in her life, Adair recalled how “the little town was populated according to race. It had what they called Negro Town, White Town, and Mexican Town.” Adair remembered a gambling house at the entrance to the black town, whose existence “hurt my heart.”<sup>403</sup> She became incensed after seeing one of the teenage boys she taught in the Sunday school exit the gambling house. She decided something had to be done to shut it down. She knew one white woman in town who happened to be the president of the Mother’s Club, who agreed to help Adair. On the woman’s advice, Adair organized a Mother’s Club among the black women in Kingsville that worked with the white Mother’s Club to end the gambling house. The sheriff, who was being paid off by the owner of the gambling house, was nervous when he heard rumor of the women’s efforts. He subpoenaed multiple black women to his office “and held court.”<sup>404</sup> Adair’s husband advised her that this “court” was not legal and that she and her clubwomen should “play stupid or dumb, just don’t have any

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<sup>402</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 62.

<sup>403</sup> *Black Women Oral History Project Interviews*; Christia Adair interview, April 25, 1977, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass, 14.

<sup>404</sup> *Black Women Oral History Project Interviews*; Christia Adair interview, April 25, 1977, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass, 14-15.

answers.”<sup>405</sup> The women took his advice and the sheriff was convinced the rumors were all talk. Afterwards, Adair appealed to her white allies. They sent her to the district attorney who called “real court then with authority.”<sup>406</sup> The gambling house was closed and the crooked sheriff was forced to board up the building himself.

The white clubwomen Adair worked with were also involved in the suffrage movement and reached out to her to participate in the 1918 campaign for a primary woman suffrage bill. Adair knew that black Texan men could vote in the general election, but had not considered the fact that they were barred from the primaries. Adair recalled that white suffragists had asked for their help in passing the primary suffrage bill, and that black women had “helped make contacts and excite public opinion and worked on people about it.”<sup>407</sup> When the bill passed, the black women who had worked for its passage fully expected to be able to participate in the primary. However, the election officials barred them from accessing the polls. The official explained that blacks could not vote in primary elections in Texas, which “just hurt our hearts real bad and we went on.”<sup>408</sup> Although Adair and her constituents had helped remove one barrier, based

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<sup>405</sup> Ibid.

<sup>406</sup> Black Women Oral History Project Interviews; Christia Adair interview, April 25, 1977, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass, 15.

<sup>407</sup> *Black Women Oral History Project Interviews*; Christia Adair interview, April 25, 1977, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass, 15-16.

<sup>408</sup> *Black Women Oral History Project Interviews*; Christia Adair interview, April 25, 1977, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass, 15-16.

on sex, that restricted black women's access to the polls, the barrier based on race remained.

Adair later moved to Houston and worked for the local branch of the National Association for the Advancement of Colored People (NAACP). The words of the election officials in Kingsville came back to her when Thurgood Marshall advised her that "the only time I can take a case and do something with it is when they deny you with this word, 'You can't do it because you're a Negro.'"<sup>409</sup> Through her work with the Houston NAACP, Adair was later involved with the Supreme Court case that brought down the all-white primary.

In 1918, multiple groups of black women tried to register to vote, even knowing they would not be able to participate in the primary. One such group of black women in Houston was turned away at the tax collector's office when they tried to register. They returned and presented the official with a letter from the local branch of the National Association for the Advancement of Colored People (NAACP) threatening a lawsuit. They were allowed to register. This is even more remarkable because the Houston chapter of the NAACP went inactive after 1918, before being revived a few years later. Glasrud notes that despite registering, "few [black women] voted in the primary election," as the all white primary usually prevented their participation.<sup>410</sup>

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<sup>409</sup> *Black Women Oral History Project Interviews*; Christia Adair interview, April 25, 1977, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass, 16.

<sup>410</sup> Monroe N. Work, ed. *Negro Year Book: an Annual Encyclopedia of the Negro...* (Tuskegee, Negro Year Book Publishing Co, 1916-1917) 57-58; Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote* (Bloomington:



In the east Texas county of Orange, black women sued the tax collector who prevented them from registering. Attorney T.N. Jones wrote Cunningham informing her that the local newspaper ran a story about an injunction suit filed in Beaumont against R.M. Johnson, the tax collector in Orange County “either for an injunction or a mandamus to compel the registration of a certain negro woman.”<sup>411</sup> Jones assumed it was an attempt by antisuffragists to hurt the primary suffrage law, either by having it associated with black voting or by getting a court ruling against it. Cunningham, equally concerned, sought details of the case from a resident of Orange County. Mrs.

Benckenstein replied:

The colored women of Orange were told at their church on Sunday that they would be registered on Monday. They proceeded to the Court house where our Sheriff & Tax Collector instead of being courteous in his refusal to register them was very insulting making our [dusky] population very indignant. They then proceeded to employ an attorney to mandamus the sheriff and their attorney happened to be Geo Holland who at the time was & is chairman of the Men’s Hobby Club of Orange Co. They went to Beaumont next day for trial & the judge before whom the case came up was McDonald a great Ferguson supporter & admirer. The case was dismissed.<sup>412</sup>

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Indiana University Press, 1998), 148; MFC to Benckenstein, July 17, 1918, Box 1, Folder 35, MFC Papers; Glasrud, “Time of Transition in *Black Women in Texas History*, Eds. Glasrud and Pitre, 114; Wranosky, *Southern Promise and Necessity* (advanced copy), 2015. Black women would not be allowed to vote in the Democratic Party’s all white primary, but their registration to vote was still subversive to white supremacy. The NAACP Houston Chapter that backed Adair was founded in 1912 and by 1918 had over 400 members. See Hine, *Black Victory*, 98.

<sup>411</sup> T.N. Jones to MFC, July 15, 1918, Box 20, Folder 5, McCallum Papers.

<sup>412</sup> Mrs. LF Benckenstein to MFC, July 17-18, 1918, Box 20, Folder 5, McCallum Papers

Benckenstein concluded that “the whole affair could have been avoided very easily” and hoped the incident did not hurt woman suffrage.<sup>413</sup> In Benckenstein’s view, the issue was not that black women were being denied the ability to register to vote, but that the authorities had denied that right in a rude manner. Assured that the primary suffrage law was safe, at least for white women’s use, Cunningham replied to Jones. She did not foresee a problem coming out of Orange, but assured Jones that the legal defense committee would handle any that did arise. She added: “The registration figures are enough to make Ferguson sick, and I should not blame him at all if he did want to cut us out. Those are practically all Hobby voters.”<sup>414</sup>

Officially, the primary suffrage bill did not limit voting based on race, as the all-white primary and the poll tax were expected to legally limit non-white and poor voting. However, tax collectors all issued advertisements encouraging women to vote that misrepresented which women were legally entitled to register and vote in primaries:

By authority of a ruling of the attorney general of Texas, all white women who reside outside of Waco were not required to register, and therefore all white women in McLennan County residing outside of Waco, over the age of 21 on or before July 27<sup>th</sup>, 1918, and who are citizens of the United States, and who have resided in Texas one year and in McLennan county six months may vote at the primary election, regardless of whether or not they registered.<sup>415</sup>

The law did not dictate the race of women that were allowed to vote, but clearly individual poll tax collectors who acted as voter registrars were determined to limit their

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<sup>413</sup> Ibid.

<sup>414</sup> MFC to T.N. Jones, July 13, 1918, box 20, folder 5, McCallum Papers.

<sup>415</sup> Newspaper clipping, Waco Times-Herald, July 21, 1918, Box 3, Folder 42, MFC Papers.

registrations to white women. Additionally, while the primary alien suffrage law was not enforced in most of south Texas where political bosses backed Governor Hobby, tax collectors in other areas took it upon themselves to enforce it through these advertisements, which repeatedly list citizenship as a voting requirement.

Cunningham wrote to TESA suffragist Jane McCallum about the hard work that summer, made sweeter by being able to register to vote herself:

I think we are going to be reasonably satisfied with the showing of the women in registration over the state. Don't you? Its been an awful strain tho! I registered today. And honey you'll never know how I felt when I walked out with that piece of paper. But I know how a mocking bird feels when he perches on the top most swaying bough and fast tells his heart's secrets to the world. But for a hundred and sixty pounds excess baggage and the trifling matter of lack of voice, I could have done it myself!<sup>416</sup>

Approximately 386,000 Texan women registered to vote in seventeen days, or as Cunningham put it, "enough to make Ferguson sick."<sup>417</sup> The *Dallas Morning News* headline the morning after the election read: "Hobby Wins by Majority of 250,000 or More."<sup>418</sup> The article noted that the total vote was approximately 740,000, but that women voting for the first time were the reason for such a large increase in turnout. Returns were still coming in but as of that morning Hobby led Ferguson 3 to 1.<sup>419</sup>

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<sup>416</sup> MFC to Jane McCallum, undated [Monday, 1918], Box 3K84, File: Jane Y. McCallum: Women's Suffrage, Correspondence, Letters Received, 1918-1921, Jane Y. and Arthur N. McCallum Papers, Dolph Briscoe Center, University of Texas (hereafter Jane and Arthur McCallum Papers).

<sup>417</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 64.

<sup>418</sup> "Hobby Wins by Majority of 250,000 or More" *Dallas Morning News*, July 28, 1918, Folder 2, Box 3H1, Hobby Family Papers.

<sup>419</sup> *Ibid.*

After all the election returns were submitted, Hobby won the governorship by more than 300,000 votes, giving him a 2 to 1 margin over Ferguson. It remains the largest majority ever received in a Democratic primary.<sup>420</sup> Ferguson argued that women's votes were unconstitutional, but estimated he earned less than ten percent of them.<sup>421</sup> A Victoria County paper reported, "If Ferguson's claim... is correct, without the women voting in this county Hobby's vote would have been less than 549 to 742 or more for Ferguson, which would have given Ferguson a majority of at least 149" in Victoria County.<sup>422</sup> Newspapers ran the numbers for their counties, reporting the actual number and estimates of what they would have been without women's votes, proving their impact.

Congratulations poured into Cunningham's office; one correspondent called it the "greatest victory since [the] battle of San Jacinto."<sup>423</sup> *The Woman Citizen* carried an article titled "Who Will Women Remember?" recalling Ferguson's St. Louis speech of 1916. The article concluded, "When the primary returns were all in, it was found that James E. Ferguson had been defeated... Texas women remembered."<sup>424</sup> Hobby Campaign Manager Crawford wrote Cunningham hopeful that "we will hear no more of

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<sup>420</sup> Newspaper clipping, Galveston Daily News, July 28, 1918, Box 5, Folder 50, MFC Papers; Handbook of Texas Online, William P. Hobby, Jr., "Hobby, William Pettus," accessed September 20, 2016, <http://www.tshaonline.org/handbook/online/articles/fho04>.

<sup>421</sup> Buenger, *Path to a Modern South*, 178.

<sup>422</sup> Newspaper clipping regarding Victoria County, "Over 646 women in this county voted in primary election," Box 3, Folder 42, MFC Papers.

<sup>423</sup> Mr. and Mrs. Kirby to MFC, Telegram, July 28, 1918, Box 5, Folder 44, MFC Papers

<sup>424</sup> Newspaper clipping, *The Woman Citizen*, August 24, 1918, Box 5, Folder 50, MFC Papers.

this person Ferguson, since the people not only ‘spoke,’ but shouted on Saturday.”<sup>425</sup> In August, Cunningham wrote Legal Defense Committee-member Crane with good news. Ferguson had publicly announced that he would accept the election results as final. However, Ferguson and his friends did not consider his career lost. One supporter wrote him thanking him for running, prophetically reminding him that he was still young with political opportunities in front of him: “I think those who have opposed you for the past few years now realize that your case is not settled and that you are still as game as ever and getting a little more prepared for the fight as you go along.”<sup>426</sup>

While Ferguson accepted defeat, not all politicians did. On August 29, 1918, M.A. Childers, a county judge in Sinton, Texas, wrote to Cunningham about his win over incumbent Judge F.G. Chambliss of Beeville. Judge F.G. Chambliss was considering filing suit, arguing that the primary woman suffrage law was unconstitutional and that he would have won if only the “constitutional” vote were counted. Childers wrote Cunningham that he had run openly in support of woman suffrage, while:

My opponent, Judge Chambliss, has always been against suffrage for women. During the campaign before the election he made the assertion that he would be alright in the election if it were not for the d-M women. Yet he solicited their votes just the same as I did. My majority may be due to the women, but if it is, I consider it a great compliment indeed.<sup>427</sup>

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<sup>425</sup> Crawford to MFC, July 30, 1918, Box 5, Folder 44, MFC Papers.

<sup>426</sup> CP Woodruff to Ferguson, September 5, 1922, Folder 6, Ferguson (James Edward) Collection, Box 3P45, Briscoe Center (hereafter Ferguson Papers).

<sup>427</sup> M.A. Childers to MFC, August 26, 1918, Box 5, Folder 37, MFC Papers.

Childers contacted Cunningham after seeing newspaper coverage of TESA's legal defense committee. Knowing that the suit would be filed in the District Court of San Patricio County, and the Chambliss could not hear his own case, Childers wrote a short biography of each of the four judges in adjoining districts who might be appointed by the Governor to preside over the case. Childers considered Judge Volney Taylor to be the worst possible choice to hear the case as he was "a pronounced Ferguson man and anti-suffragist." Childers continued, "I am reliable [*sic*] informed that my opponent has already indirectly conferred with Judge Taylor as to his views on this question, and that Judge Taylor has already expressed it as his opinion that the law granting women the right to vote in the primary is unconstitutional. My opponent expects to bring pressure to bear on the Governor to have Judge Taylor appointed." Childers hoped instead that Governor Hobby would choose Judge John M. Green of Cuero to hear the case as "he is a pronounced Hobby man, and believes in full suffrage for women."<sup>428</sup>

Cunningham replied to Childers asking him to keep her informed of his case and promised "we will not sit idly by and permit ourselves to be disfranchised without doing what we can to stop it!"<sup>429</sup> Childers wrote Cunningham the next day, "The fight is on. Judge Chambliss filed his contest yesterday." Chambliss filed a petition in the District Court "to review for illegality and fraud in the Primary Election...the Certificate of Nomination, a Democratic Nominee for District Judge..." He argued that the 1,646 ballots cast by women in the primary election should be thrown out as unconstitutional.

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<sup>428</sup> M.A. Childers to MFC, August 26, 1918, Box 5, Folder 37, MFC Papers.

<sup>429</sup> MFC to Childers, August 27, 1918, Box 5, Folder 37, MFC Papers.

Childers again urged Cunningham to speak to “communicate with Governor Hobby at once and ask that he appoint Judge John M. Green of Cuero to try the case. He is the only [adjoining] district judge who would give us a ‘square deal.’”<sup>430</sup>

Childers handwritten notes on the copy of the petition he sent to Cunningham argues that Chambliss campaigned for women’s votes, “he accompanied his tax collector to the various voting precincts, where the ladies registered, and solicited each and every woman who registered for voting in Bee County.”<sup>431</sup> Only after winning the male vote by 19 counts, did Chambliss seek to throw out all women’s votes as unconstitutional. Not only did Texas politicians enfranchise women when it was politically expedient for them to do so, they worked to disfranchise women when it was convenient as well. Not wanting to commit TESA’s finite resources to a small contest that would not affect the constitutionality of the primary suffrage law in other parts of the state, Cunningham wrote a vague reply to Childers, “You will pardon me if I do not go into detail as to the assistance which we hope to be able to render you in this fight. I can only assure you that we will do our absolute best, and feel sure that you will be satisfied with it.”<sup>432</sup>

Judge Chambliss had indeed spoken with Judge Taylor and, giving rise to questions of impropriety, the two men made a deal to exchange benches while Chambliss’ case worked its way through the court. In other words, Judge Chambliss handpicked his friendly colleague to hear his case. Childers reported to Cunningham:

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<sup>430</sup> “Petition of F.G. Chambliss, Contestant vs. No. 2596, M.A. Childers, Contestee;” Childers to MFC, August 28, 1918; all in Box 5, Folder 37, MFC Papers.

<sup>431</sup> “Petition of F.G. Chambliss, Contestant vs. No. 2596, M.A. Childers, Contestee;” Box 5, Folder 37, MFC Papers.

<sup>432</sup> MFC to Childers, August 30, 1918, Box 5, Folder 37, MFC Papers.

Judge Chambliss refused to certify his disqualification to the Governor exchanged Districts with Judge V.W. Taylor of Alice. Judge Taylor appeared at Sinton to-day, and took the bench and called the case. We refused to answer, as we had received no notice of the setting of the case, the law requiring the judge who sets the case to give the contestee five days notice. The case was set for next Wednesday, Sept. 25<sup>th</sup>. and notice issued to me immediately. Next Wednesday the case will be called, and tried, and a judgment rendered against me.<sup>433</sup>

Cunningham was in DC working on the federal amendment, when Childers' Campaign Secretary asked her to come to Beeville for the trial.<sup>434</sup> Cunningham, ill with the flu, was unable to travel.<sup>435</sup> Judge Taylor upheld Chambliss' argument that the primary woman suffrage bill was unconstitutional and threw out women's votes. The recount gave Chambliss a nineteen vote win over his challenger. Due to the stacked nature of the court system and the limited impact this ruling had on the rest of the state, Cunningham chose not to challenge it.<sup>436</sup>

Childers did not give up after seeing the Democratic nomination officially awarded to Chambliss. Instead his supporters launched a grassroots campaign to have voters write in his name on the general election ballot in November instead of voting for the official Democratic nominee, Judge Chambliss. The Chambliss campaign accused Childers of underhanded tactics and alleged that he had corresponded with people in the State who could help him overturn Chambliss's rightful victory. When Childers searched his files for his copy of his correspondence with Cunningham, he found it missing and thought it might have been stolen. To clear his name, he got the original letters from

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<sup>433</sup> Childers to MFC, Sept 18, 1918, Box 5, Folder 37, MFC Papers.

<sup>434</sup> R.L. Cox telegram to MFC, October 25, 1918, Box 5, Folder 37, MFC Papers.

<sup>435</sup> MFC to Childers, October 28, 1918, Box 5, Folder 37, MFC Papers.

<sup>436</sup> Anders, 259-260.



Cunningham and made them available to the interested parties. He later forwarded Cunningham a copy of the “affidavit of M.C. Nelson, admitting to the purloining of my correspondence.” He added “notwithstanding the person insults, the trickery, the conspiracies, etc. the friends of good government wrote in my name in sufficient numbers to give me more than 300 majority.” When the votes containing misspellings were thrown out, Childers’ actual majority was approximately 150 votes.”<sup>437</sup> The write-in campaign was successful, and Chambliss was voted out of office.

Another local contest that caught the attention of Cunningham and TESA was that of the machine-connected, Archie Parr, against D. W. Glasscock. After the election, Glasscock had a 1,200 vote lead over Parr, but Parr refused to release the election returns from his home county. Fearful that Parr would steal the election by inflating the Duval County returns, the Glasscock campaign appealed to Governor Hobby to launch a Texas Ranger investigation into “election irregularities in Duval County, as well as the Latino precincts of Cameron and Hidalgo counties.”<sup>438</sup>

The Rangers uncovered mass electoral fraud including ballots prepared by election officials for illiterate Mexican voters; a candidate for office, who happened to be political boss Jim Wells’ brother-in-law, who had acted as an election official and marked ballots; voters who were not legally eligible to vote including non-citizens who had not filed their initial naturalization papers; and citizens who had failed to pay the poll tax. Parr finally submitted election returns for Duval County, giving himself enough

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<sup>437</sup> Childers to MFC, Nov 7, 1918, Box 5, Folder 37, MFC Papers.

<sup>438</sup> Anders, *Boss Rule in South Texas*, 248

of an edge to beat Glasscock. When Wells and Parr's men organized the district convention with the intention of awarding the election to Parr, Glasscock's men bolted and formed their own convention, nominating Glasscock and nullifying the votes in Duval County based on the Ranger investigation.<sup>439</sup> The fight was now between Glasscock's faction with their legally questionable convention and Parr's faction which was clearly guilty of rampant voter fraud.

Glasscock's faction appealed to the state Democratic Party, led by Hobby and his supporters, who directed the Texas secretary of state to confirm Glasscock as the nominee. In response, Parr sued to have the Glasscock's Certificate of Nomination reviewed and to have the courts declare which convention had been the proper convention. Glasscock obtained a favorable ruling from none other than Judge Chambliss, who ruled that "Parr's convention was the regular one, and directing that Parr's name be printed on the ballot as the nominee..." Judge Volney Taylor would normally have heard the suit, but Taylor and Chambliss had exchanged benches due to Chambliss' own election suit. Additionally, the same attorney represented Glasscock and Childers.<sup>440</sup>

Like Childers' faction, Glasscock's faction refused to give up. In October, they formed the Hobby-Glasscock Club to launch a write-in campaign for Glasscock in the November election. The Chairman of the club, Chas. H. Flato Jr, wrote Cunningham that the "club has for its objective the overthrow of the corrupt machine domination

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<sup>439</sup> Evan Anders, *Boss Rule in South Texas*, 258

<sup>440</sup> "For Clean Politics on the Rio Grande," Pamphlet, Box 5, Folder 39, MFC Papers; Anders, 260-261.

heretofore exercised by Archie Parr, and the installation of 'Clean politics on the Rio Grande.' and an honest, decent, patriotic, representative for the citizenship of this district in the State Senate." Flato Continued, "Of course, you are entirely familiar with the plan of Mr. Parr's campaign, which is being made in behalf of liquor interests, Fergusonism and strictly against woman suffrage."<sup>441</sup> Flato appealed to Cunningham to enlist the suffragists in the twenty-third senatorial district to educate male voters how to scratch out Parr's name and write in Glasscock's. He also wanted Cunningham to write a public endorsement of Glasscock for publication in local and state newspapers.

Cunningham responded three days later, delayed by her bout with the flu. She forwarded to Flato a list of women in the 23<sup>rd</sup> senatorial district whom she was writing, urging them to get in the campaign. She specifically lauded Mrs. Wilmer Threadgill of Laredo, "a young, vigorous, well educated, progressive woman, [who] did splendid work during the campaign in June and July in your district."<sup>442</sup> Finally, as TESA and Cunningham rarely ever endorsed specific candidates beyond giving out their record on suffrage, Cunningham instead wrote her endorsement as an appeal to local women to "get into the fight."<sup>443</sup> Hedging Flato's expectations, Cunningham warned him against using the appeal too widely less the Parr campaign used it "to rouse a spirit of local resentment at interference from the outside District."<sup>444</sup> She concluded, "Please exercise

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<sup>441</sup> Chas. H. Flato, Jr. to MFC; October 22, 1918, Box 5, Folder 39, MFC Papers.

<sup>442</sup> MFC to Flato, Oct 25, 1918, Box 5, Folder 39, MFC Papers.

<sup>443</sup> Ibid.

<sup>444</sup> Ibid.

your best judgment about making use of it.”<sup>445</sup> However, Cunningham did give Flato advice on how best to use mobilized women to help Glasscock by distributing educational material, canvassing neighborhoods and as poll watchers who could “watch the methods of the ‘Steam Roller.’”<sup>446</sup>

In her letter to the women of the 23<sup>rd</sup> senatorial district, Cunningham called the election “a contest between the advocates of a democratic form of Government and the advocates of the old fashioned ‘Steam Roller.’”<sup>447</sup> She argued, “because this question of a high ideal in governmental matters is more than a local one, it effects[*sic*] the welfare of the whole state, to appeal to you to do anything that you can to help in the educational campaign for good government and the election of Mr. Glasscock as Senator from the 23<sup>rd</sup> Senatorial district.”<sup>448</sup> Drawing connections between democracy at home and WWI, Cunningham continued:

Remember that much blood has been shed that ‘Governments of the people shall not perish from the earth.[‘] Remember that today our best and bravest are daily making supreme sacrifice of their lives to ‘Make the world safe for Democracy.’ You are privledged [*sic*] to bear your share in this world movement, you are privledged [*sic*] to serve in making Texas a state to which those soldiers of Democracy on the Western front may return with joy. I feel sure that you will hold your part of the line.”<sup>449</sup>

Flato replied thanking Cunningham, assuring her that he was contacting each of the women on the list she sent to him, and assuring her that he was confident they would

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<sup>445</sup> Ibid.

<sup>446</sup> Ibid.

<sup>447</sup> Circular “To the women of the 23<sup>rd</sup> Senatorial District,” MFC, Box 5, Folder 39, MFC Papers.

<sup>448</sup> Ibid.

<sup>449</sup> Ibid.

win the majority of the votes, “whether or not we are able to get a fair count at the polls is another matter.”<sup>450</sup>

The Glasscock campaign utilized boss-delivered votes in counties friendly to them, while working to limit non-citizen voting in counties friendly to Parr in the November election. Hobby again had the Texas Rangers patrol Parr’s territory. Armed Rangers guarded the polling stations, intimidating Mexican voters. However, Parr was able to retain his state senate seat through typical political boss tactics of allowing ineligible immigrants to vote and throwing out write in ballots with minor spelling errors. He was also aided by the fact that Glasscock’s female supporters could not vote in the general election.<sup>451</sup>

Hobby won the governorship by a comfortable margin. Annie Webb Blanton was also elected State Superintendent of Public Instruction, the first woman to win a state office in Texas.<sup>452</sup> Texas women were credited with turning the tide against Ferguson, and politicians took notice of their political power and usefulness when the Party divided. Shortly after the 1918 election, the Texas Democratic Party unanimously adopted a suffrage plank, endorsing state and federal woman suffrage amendments. The platform, written by Ellis, also advocated a citizenship requirement for voting, “Thus making our Texas ballot 100 percent Democratic and 100 percent American.”<sup>453</sup> WWI

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<sup>450</sup> Flato to MFC, Oct 26, 1918, Box 5, Folder 39, MFC Papers.

<sup>451</sup> Anders, 262-265.

<sup>452</sup> Winegarten and McArthur, ed., *Citizens at Last*, 174.

<sup>453</sup> MFC to Crane, August 8, 1918, Box 5, Folder 1, MFC Papers; “Democratic Platform Adopted Unanimously at Waco 1918,” Box 2P92, Folder: Suffrage, Ellis, ACE Papers.

concluded in November of 1918, but nativist sentiment lingered. Evan Anders concludes, “the establishment of woman suffrage and the partial enforcement of the restrictions on Hispanic voting contributed to the formation of the new Anglo majority within the local electorate” of south Texas.<sup>454</sup> That new Anglo majority would join progressive Democrats throughout the state and further solidify white control of state politics in the coming years.

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<sup>454</sup> Anders, *Boss Rule in South Texas*, 274.

## CHAPTER V

“NOTHING SHORT OF A MIRACLE WILL AVERT IT”:

### THE 1919 STATE SUFFRAGE AMENDMENT CAMPAIGN

1918 was a great year for Texas suffragists and for Cunningham. After brokering the primary suffrage deal and successfully defeating Ferguson, Cunningham led TESA in passing a resolution at their annual convention vowing to hold off on a state suffrage amendment in favor of waiting and working for the federal amendment. NAWSA put pressure on states to limit the number of referendums requiring NAWSA support and money per year. As NAWSA was very close to having the federal suffrage amendment through Congress, they did not want to waste resources on a single state or suffer an unnecessary loss that could be used against them in their congressional lobbying campaign. Concurring with Carrie Chapman Catt’s strategy, Cunningham prepared for a fight to ratify the amendment in Texas. Before the 1918 primary election, TESA mailed statistics tally sheets to each of its county chairpersons. TESA instructed them to hold the sheets until after the election and then return them reporting the total population of the county, the number of women registered, and the number of women who voted.<sup>455</sup>

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<sup>455</sup> Edith League to Mrs. G. F. Winfield, July 26, 1918, Box 2, Folder 46, MFC Papers; Sections of this chapter are reprinted with permission from, “Without Us, It is Ferguson with a Plurality: Woman Suffrage and Anti-Ferguson Politics,” in *Impeached: The Removal of Texas Governor James E. Ferguson, A Centennial Examination*, eds. Jessica Brannon-Wranosky & Bruce A. Glasrud (College Station, TX: Texas A&M University Press), Copyright 2017 (Texas A&M University Press).

They hoped to use the information to sway representatives in favor of ratifying the Susan B. Anthony Amendment when it was sent to the states.

As early as November 1918, Cunningham was tactically arguing against politicians who wanted to submit a statewide woman suffrage bill. When Representative W.L. Dean offered to submit the bill for her, Cunningham replied that the amendments enacting prohibition and restricting voting to citizens should come first.<sup>456</sup> Following Catt's advice, Cunningham did not want a woman suffrage state amendment to be voted concurrently with a prohibition amendment. Both women believed that anti-prohibitionists would swiftly organize to try to defeat the prohibition amendment, and that these organizers would also work for the defeat of the suffrage amendment. Requesting amendments requiring citizenship as a voting prerequisite and prohibition be passed first allowed Cunningham to delay submission of the state suffrage amendment. Such amendments would also eliminate the non-citizen vote controlled by boss rule in south Texas, which Cunningham believed would be used against any woman suffrage state amendment. In addition to using the citizenship and prohibition amendments, Cunningham also argued for a delay on the grounds that suffragists did not want the amendment to go to a general referendum until the soldiers had returned from service in WWI. She even asked Representative Dean if it was possible to submit the bill with a clause that it not go to general referendum until the troops returned home and were able to vote.<sup>457</sup> Cunningham hoped to delay submission of a state suffrage amendment until

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<sup>456</sup> MFC to W.L. Dean, Nov 21, 1918, Box 20, Folder 4, MFC Papers.

<sup>457</sup> Ibid.



the federal amendment had been submitted and ratified, guaranteeing woman suffrage throughout the United States.

After TESA successfully passed a resolution confirming they would not submit a state suffrage amendment in 1919 without NAWSA approval, Cunningham went to Washington D.C. to assist NAWSA in lobbying for the federal amendment. She persuaded Texas Senator Morris Sheppard to obtain a resolution by the Texas legislature in support of the federal amendment noting the success of woman primary suffrage in Texas, “In the Democratic Primary of July twenty-seven, nineteen eighteen, the women of Texas spoke clearly and emphatically in behalf of civic righteousness and honor in its public servants, thus giving trustworthy proof of their eminent fitness for the ballot, without any limitations whatsoever, except such as may apply to all voters alike...”<sup>458</sup> The phrase on limitations was likely intended to relieve fears about non-white voting by ensuring those concerned that the same restrictions that prevented black men from voting would prevent black women from voting as well. The resolution passed by the Texas legislature “respectfully but urgently requested [the U.S. Senate] to act immediately and favorably upon the woman suffrage amendment which has already received proper recognition by the House of Representatives.”<sup>459</sup>

Cunningham was still away from Texas when rumors began to circulate that a state suffrage amendment would be submitted despite TESA’s opposition. In late December, Catt received word from Mrs. E.B. Reppert, president of the Dallas Equal

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<sup>458</sup> Sheppard to C.D. Mims, Acting Secretary State, Jan 22, 1919, Telegram, Box 5, Folder 30, MFC Papers.

<sup>459</sup> Ibid.

Suffrage Association, that M.M. Crane, their ally in the impeachment of Governor Ferguson and in the fight for primary suffrage, was backing a state suffrage amendment regardless of TESA's official stance.<sup>460</sup> Cunningham replied that she was "depressed by the nature" of Crane's letter, concluding, "if the leading Democrats of the state see the women of Texas resting under obligation to the Democratic Party, it is indicative of a complete failure to envision and appreciate the work which the women did to rescue and regenerate the Democratic Party in our state."<sup>461</sup> She specifically mentioned women's work in the campaign against Archie Parr. Cunningham was incensed that Crane believed women "enjoy[ed] the right of Primary Suffrage by favor of the Democratic Party." She bitterly recalled the 1916 state convention where suffragists asked for "only the endorsement of the principle of Equal Suffrage, . . . he may remember that we found no man, in all that throng, and we asked many, including himself, willing to introduce our resolution . . ."<sup>462</sup>

Fearing that Texas suffragists would be rushed into an underfunded and ill-fated campaign, Cunningham wrote to Catt for advice over the Christmas holiday. Referring to the public referendum required for an amendment to the Texas constitution, Cunningham asked: "Shall we go into that state referendum? The men are wild for us to, for their own selfish reasons of course."<sup>463</sup> Progressive prohibitionists believed that a woman suffrage amendment would increase turnout for their own cause, and once

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<sup>460</sup> MFC to EB Reppert, Dec 23, 1918, Box 5, Folder, 20, MFC Papers.

<sup>461</sup> Ibid.

<sup>462</sup> Ibid.

<sup>463</sup> MFC to CCC, Dec 22, 1918, Box 19, Folder 4, McCallum Papers.

women were enfranchised, they would largely support prohibition as well. Cunningham explained to Catt that suffrage supporters in the legislature suspected that the reason TESA would not appeal *Childers v. Chambliss*, the one court decision against the primary suffrage law, was that they feared the law would be overturned as unconstitutional. In reality, Cunningham did not want to invest in challenging a ruling in such a stacked court, when the ruling did not affect the constitutionality of the primary suffrage law in other parts of the state and she was sure the federal amendment was forthcoming.<sup>464</sup> To promote their own causes and to protect primary woman suffrage for their own benefit, progressive legislators sought a amendment to the state constitution allowing woman suffrage.<sup>465</sup>

Catt and Cunningham both wrote Crane arguing against the passage of the state suffrage amendment in early 1919. Crane replied to Reppert regarding both letters and argued that the Texas Democratic platform included a suffrage plank now binding Governor Hobby to submit a state suffrage amendment. If Hobby failed to do so and immediately, Crane argued, he would “would be classed in that particular with ex-Governor Ferguson,” who ignored prohibition planks and elections results during his administration.<sup>466</sup> Crane condescendingly argued that “the decision [of the TESA convention] was overridden by the unanimous adoption of the party platform...when the entire Convention overrode the decision of the women’s meeting, as a matter of course it

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<sup>464</sup> Anders, 259-260.

<sup>465</sup> Ibid.

<sup>466</sup> Crane to Reppert, Jan 8, 1919, Box 5, Folder 20, MFC Papers (Note: The letter is mistakenly dated Jan 8, 1918, but was clearly written in January 1919).

was nullified, and the will of the Convention substituted thereof.”<sup>467</sup> Crane then dismissed Catt’s contention that “saloons will be lined up against us” as the prohibition amendment referendum would be held the same day, arguing that the saloons had been run out of Texas and were no longer a concern.<sup>468</sup> He asked suffragists to not divide themselves between national suffragists and state suffragists, and instead work for suffrage in all places. He concluded, “the Democrats of the state have taken the subject out of the hands of its women, and put it in the hands of the men to vote on now.”<sup>469</sup> He cryptically warned that if suffragists did not urge legislators to support the amendment, “the men may conclude that the time for woman’s suffrage has not yet arrived.”<sup>470</sup>

Reppert again sought Cunningham’s wisdom concerning the state suffrage amendment, writing that while she did not want it, “really I believe that nothing short of a miracle will avert it.”<sup>471</sup> Reppert included newspaper clippings detailing the growing momentum for the amendment. One quoted Representative Thomason of El Paso discussing the likelihood that suffrage and prohibition amendments would be “submitted early in the session.”<sup>472</sup> Another noted that Nannie Webb Curtis, president of the state Women’s Christian Temperance Union (WCTU), was in Austin working for both the prohibition and woman suffrage amendments. Reppert included an editorial written by the *Dallas Evening Journal* editor Tom Finty, whose help Cunningham sought during

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<sup>467</sup> Ibid.

<sup>468</sup> Ibid.

<sup>469</sup> Ibid.

<sup>470</sup> Ibid.

<sup>471</sup> EB Reppert to MFC, Jan 8, 1919, Box 5, Folder 20, MFC Papers; Reppert lists and summarizes the clippings in her letter.

<sup>472</sup> Ibid.

the primary suffrage bill campaign.<sup>473</sup> Finty gave suffragists advice on how to avoid losing a state constitutional amendment campaign, citing the recent failure of a similar suffrage amendment in Arkansas as an example of what not to do. Reppert despaired to Cunningham, "I am hoping by some miracle this 'cup' may pass over us, but I am afraid we are 'in for it.'"<sup>474</sup>

Cunningham wrote Catt to discuss Reppert's insistence that Cunningham support the campaign against submitting a full suffrage amendment to the state legislature. She stressed the "compact with the National" to not enter campaigns without NAWSA consent and the resolution passed by the TESA convention to not enter a state campaign in 1919.<sup>475</sup> Making matters more difficult, Texas WCTU President Curtis sent out circular letters to her supporters and the women's clubs claiming that "a traitorous attempt to defraud the women of full suffrage will be made and that they MUST be on guard!"<sup>476</sup> Referring to Curtis as "Our friend the enemy," Cunningham confided to Catt: "She [Curtis] hasn't sense enough to understand the strength of our present position, nor the difficulties and expense of a state campaign."<sup>477</sup>

Curtis was also one of the vice chairmen for a new organization of women that first met in January 1919, the Texas Women's Legislative Association. With primary suffrage in hand, and believing full suffrage was sure to follow, this group of Texas

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<sup>473</sup> Handbook of Texas Online, Alonzo Wasson, "Finty, Tom, Jr.," accessed March 27, 2017, <http://www.tshaonline.org/handbook/online/articles/ffi14>.

<sup>474</sup> EB Reppert to MFC, Jan 8, 1919, Box 5, Folder 20, MFC Papers.

<sup>475</sup> MFC to CCC, Dec 22, 1918, Box 19, Folder 4, McCallum Papers.

<sup>476</sup> Ibid.

<sup>477</sup> Ibid.

women's organizations formed the Association to lobby for their thirteen-point agenda, which included "strengthening laws regarding child labor, working women, mothers' pensions, public education and prohibition."<sup>478</sup> With the support of their respective memberships, the Association pursued successful lobbying campaigns including letter-writing campaigns to legislators similar to those utilized by Cunningham and TESA. The *Austin American* reported that their first meeting was "probably the largest and most representative meeting of Texas women ever held in Austin...More than 159 women representing practically every woman's organization in the state of Texas, were present."<sup>479</sup> The paper reported that Mrs. Lala Fay Watts, "chief of the woman's division in the Texas State Department of Labor," called the meeting, which elected Hortense Ward as chairman and multiple vice chairman including WCTU President Curtis, Watts, Mrs. R. L. Young, and McCallum.<sup>480</sup> Suffragist W.E. Spell of Waco was elected corresponding secretary. The Association was to be a permanent organization, which intended "to co-ordinate the efforts of the women of Texas interested in legislation to the end that they may intelligently further the measures which they have closest at heart."<sup>481</sup>

Cunningham believed that Curtis was motivated to push for the state suffrage amendment not just by suffrage sentiment, but also by the urge to be a part of a successful suffrage campaign, as she was out of the state during the fight against

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<sup>478</sup> Newspaper Clipping, "Texas Women Convene in Session in Austin to Advance Legislation Close to Their Hearts," *Austin American*, January 17, 1919, Box 8, Folder 7, MFC Papers.

<sup>479</sup> Ibid.

<sup>480</sup> Ibid.

<sup>481</sup> Ibid; Handbook of Texas Online, Judith N. McArthur, "Women and Politics," accessed June 08, 2016, <http://www.tshaonline.org/handbook/online/articles/pwwzj>.

Ferguson. However Curtis was not alone in asking Cunningham to back the full suffrage state amendment. Even TESA suffragists wrote to Cunningham imploring her to return to Texas to either fight submission of the bill or see it through to passage.<sup>482</sup> Hortense Ward was a leading suffragist and president of the Harris County Equal Suffrage Association in Houston. She was an experienced lawyer, the third woman in the state admitted to the bar. She worked for the passage of the Texas Married Women's Property Law of 1913. In 1915 she and her husband were both admitted to practice before the United States Supreme Court, making her the first woman from Texas to argue before the highest court in the land.<sup>483</sup> Not only did Ward support the state prohibition amendment; she authored the bill. Ward had tirelessly campaigned among Houston businessmen and elected officials for support of the federal amendment in 1917, and she was one of the women TESA sent to Austin in 1918 to convince Governor Hobby to submit the primary suffrage bill. However, she did not agree with Cunningham and Catt's strategy in 1919. She believed that submitting suffrage and prohibition amendments in 1919 would mean progress on both issues.<sup>484</sup>

Catt hoped in vain that the federal suffrage amendment would get through Congress quickly enough to change the course of events in Texas.<sup>485</sup> A ratification campaign would be far easier than a state referendum campaign. Cunningham assured

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<sup>482</sup> MFC to CCC, Dec 22, 1918, Box 19, Folder 4, McCallum Papers.

<sup>483</sup> <https://tshaonline.org/handbook/online/articles/fwa83>

<sup>484</sup> For discussion of Ward's involvement with the full suffrage amendment: August C. Hughston to MFC, Undated letter, "Sunday 1:45pm," Box 4, Folder 5, MFC Papers; For prohibitionist organizations backing the amendment: McArthur & Smith, *Minnie Fisher Cunningham*, 75-76.

<sup>485</sup> CCC to MFC, Dec, 25, 1918, Box 20, Folder 6, McCallum Papers.

Catt that despite the letters she was receiving urging her to return to Texas and push for a state suffrage amendment, she would remain in DC fulfilling her commitment to NAWSA and the congressional campaign, unless Catt instructed her to return to Texas. She felt it best to fight the mounting pressure for a state woman suffrage bill.<sup>486</sup>

Catt received letters from Texas women urging her to support the state amendment and to send Cunningham home to Texas. She replied to one such letter from TESA suffragist Jessie Daniel Ames: “In order that we may quite understand each other, let me repeat: We believe by the middle of January our big task will be over in Washington and Mrs. Cunningham can make quick tracks for Texas and attend to the ratification and all the incidental problems that may accompany it.”<sup>487</sup> She concluded with a warning that Cunningham would only be released to Texas if the federal amendment failed. Unfortunately for Catt and Cunningham’s strategy, the federal amendment was delayed in Congress. It would not pass in January 1919. Ames wrote Cunningham beseeching her to come home and warning her against turning the probable campaign over to Jane McCallum. Ames praised McCallum and her abilities, but argued that Cunningham could not bestow self-confidence or a statewide reputation on her, both of which would be needed for success.<sup>488</sup>

Meanwhile, Hobby heartily endorsed the full woman suffrage bill he sent to the legislature:

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<sup>486</sup> MFC to CCC, Dec 22, 1918, Box 19, Folder 4, McCallum Papers.

<sup>487</sup> CCC to Ames, Jan 3, 1919, Box 21, Folder 2, McCallum Papers.

<sup>488</sup> Jessie Daniel Ames to MFC, Dec 21, 1918, Box 20, Folder 5, McCallum Papers.



The action of the Thirty-fifth Legislature, in giving partial suffrage to the women of Texas by making it lawful for them to vote in party conventions and primaries, has, in my judgment, been heartily approved by the people. If any proof of the fact were needed to show that women are capable and competent electors, the proof was abundantly furnished by the manner of their participation in the electorate of the dominant party in Texas.<sup>489</sup>

Hobby also argued that women's vital contribution to the war effort was an "additional reason for hastening their equality as citizens."<sup>490</sup> He called woman suffrage "a fitting reward for duty well performed and at the same time it involves a broader Americanism."<sup>491</sup> He then detailed the citizenship clause he submitted alongside the woman suffrage amendment. Hobby maintained the citizenship clause, "limits the ballot to others who are not equal with respect to Americanism."<sup>492</sup> As an amendment to the Texas constitution, the woman suffrage amendment would not only have to pass both houses with a two-thirds majority; it would also have to survive a statewide referendum.

On January 21, 1919 Representative Thomason wrote Cunningham that it was almost a certainty that the Texas legislature would pass both the state suffrage amendment and the state prohibition amendment.<sup>493</sup> The situation had gone from bad to worse. Catt had for years advised against having suffrage and prohibition on the ballot at

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<sup>489</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, Regular Sess., 1919, 56.

<sup>490</sup> *Ibid.*

<sup>491</sup> *Ibid.*

<sup>492</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, Regular Sess., 1919, 54-56. See also Menchaca, 229-230.

<sup>493</sup> Thomason to MFC, Jan 21, 1919, Box 20, Folder 1, McCallum Papers.

the same election, fearing that the opposition to prohibition would organize and then be more than willing (and able) to fight the suffrage amendment as well.<sup>494</sup>

Progressive Democrats in Texas did not heed Cunningham's advice, because it did not benefit them. As Jessica Wranosky argued, "When male officeholders and political leaders backed woman suffrage legislation, they did so specifically to expand a political party's, or faction's, voter base and influence."<sup>495</sup> Progressive Democrats wanted to pass a state prohibition amendment in 1919, that could be enforced before the national prohibition went into effect, and they believed putting woman suffrage on the ballot would help secure their victory. They submitted the state woman suffrage amendment for their own benefit.

Additionally, antisuffrage politicians were aware that the Susan B. Anthony Amendment was close to approval in the U.S. Senate and they badly needed a suffrage defeat to argue against Texas ratifying it. After the success of the primary woman suffrage law, and with a legislature stocked with representatives subject to women's votes in the primary, anti-suffragists needed a state suffrage failure if they were to have any hope of blocking ratification. Therefore, "no legislators in the House voted against the resolution," although "most legislators representing South Texas and counties with large German [populations] were absent from the vote."<sup>496</sup> These legislators likely wanted the amendment to pass through the legislature only so that it could fail at public

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<sup>494</sup> Hannah Patterson to MFC, April 7, 1916, Box 19, Folder 4, McCallum Papers.

<sup>495</sup> Jessica Wranosky, *Southern Promise and Necessity*, Advanced Copy, 206.

<sup>496</sup> Menchaca, *Naturalizing Mexican Immigrants*, 230.

referendum and be used as a basis for not ratifying the Anthony Amendment. However, they did not want to be present and go on record supporting the suffrage amendment, especially with the citizenship clause included. Being absent allowed them to refrain from publicly supporting the amendment while allowing it to pass and be put on the statewide ballot.

On January 23, 1919, Catt wrote Cunningham that according to her sources, the full suffrage bill passed the Texas legislature and that the referendum would take place on May 24, a frighteningly short time to campaign in a state as geographically large as Texas. Catt feared the consequences of a referendum loss for other suffrage fights in the state: “It is quite possible that a defeat of that amendment in Texas would throw us out of suffrage for some years to come.”<sup>497</sup> She advised Cunningham to try to get the measure rescinded. However, Catt suggested a particular strategy if the amendment could not be rescinded; she was emphatic that the woman suffrage amendment include a citizenship clause. She even forwarded a copy of the South Dakota suffrage bill containing the language she thought best. She maintained that it had worked in South Dakota and she thought it would work well in Texas too: “If you cannot get it rescinded toward the end of the session then by all means leave no stone unturned to get it amended with these citizenship clauses.”<sup>498</sup>

Non-citizen voting was remarkably widespread in the nineteenth and early twentieth century America. It peaked in the 1870s when approximately “twenty-two

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<sup>497</sup> CCC to MFC, Jan 23, 1919, Box 21, Folder 5, McCallum Papers.

<sup>498</sup> Ibid.

states and territories granted aliens the right to vote.”<sup>499</sup> Non-citizen voting laws steadily declined in the following decades, and in 1889 North and South Dakota were the last two states to include non-citizen voting in their constitutions. As of 1900, Texas was one of only eleven states that continued to allow non-citizen voting. Four of these states banned non-citizen voting before WWI. Another three states banned it in 1918 including South Dakota, whose law Catt forwarded to Cunningham. The law repealing alien voting succeeded in South Dakota the same year Texas legally banned non-citizens from voting in primary elections, although the Texas law was not fully enforced.<sup>500</sup> By 1919, only four states continued to allow non-citizen voting: Indiana, Texas, Missouri and Arkansas. Legislatures in the two states where women had achieved primary suffrage, Texas and Arkansas, both passed amendments to end non-citizen voting in 1919, which required public referenda.<sup>501</sup>

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<sup>499</sup> Leon E. Aylsworth, “The Passing of Alien Suffrage,” *The American Political Science Review*, Vol 25, No. 1 (Feb 1931), 114.

<sup>500</sup> Aylsworth, “The Passing of Alien Suffrage,” 114-115.

<sup>501</sup> *Ibid*, 114-116; The Arkansas referendum was held in 1920 and the non-citizen voting amendment passed 87,237 to 49,757. However, the original constitution required amendments to pass by “a majority of the electors voting at such election,” and not just a majority who chose to vote on the amendment. The speaker declared the amendment lost and the Arkansas Supreme Court upheld that ruling in 1920. In 1925, the state Supreme Court reversed an earlier decision, and held that an initiative and referendum amendment passed in 1910 altered the constitution so that only a majority of votes on a particular amendment were needed for its passage. On April 12, 1926, the court completely reversed its original opinion on the non-citizen voting amendment. The Secretary of State then consulted the attorney general who confirmed that he considered the amendment “legally adopted and is now in full force and effect.” For more on alien voting see, Greg Cantrell, “Our Very Pronounced Theory of Equal Rights to All”: Race, Citizenship, and Populism in the South Texas Borderlands,” in *Journal of American History* 100 no 3 (December 2013), 663-690.

The citizenship clause would require all voters to be citizens, and as such, would disfranchise so-called “first-paper voters,” those legal resident aliens who had filed their intention (or first papers) to eventually become citizens. This would drastically reduce the Mexican bloc vote, the bedrock of power for political bosses in south Texas. Bosses ruled political machines, which dominated the politics of their respective areas.

According to Evan Anders, boss rule was a “semifeudalistic system” in which Mexican-Americans or Mexican immigrants received some advantages in exchange for control of their votes and acquiescence to obey the bosses.<sup>502</sup> Bosses performed services including political favors to powerful ranchers, who then delivered the votes of their Mexican workers. The bosses themselves also established paternalistic relationships with the workers in order to secure their ballots, and workers pressured bosses for particular favors. In 1919, Boss James B. Wells described the relationship thusly: “I take no advantage of them or their ignorance. I buried many a one of them with my money and married many a one of them. It wasn’t two or three days before the election, but through the years around, and they have always been true to me...”<sup>503</sup>

Boss rule in south Texas was dependent upon the bloc votes of Mexican legal resident aliens. The citizenship clause was part of a set of laws that limited the political power of Mexican immigrants. Early twentieth century immigration drastically reduced the number of Mexican immigrants in Texas who qualified to file for citizenship. In 1906, Congress passed laws requiring all immigrants to speak English and to have

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<sup>502</sup> Anders, *Boss Rule in South Texas*, 272.

<sup>503</sup> James B. Wells as quoted in Evan Anders, 284.

registered at their port of entry in order to qualify for citizenship.<sup>504</sup> In Texas, approximately 63% of non-citizen Mexican immigrants did not speak English in 1900. The new immigration laws also caused petitions to expire after seven years if they had not been completed. Many of those immigrants whose applications expired did not meet the new standards required for citizenship. Of the 28,597 initial petitions for citizenship filed by Mexican immigrants in Texas between 1848 and 1906, only 416 were completed and resulted in citizenship. After the law went into effect, only about 2,027 petitions were still considered active.<sup>505</sup> Additionally, as immigration laws in Texas encouraged the immigration of laborers, Mexicans who walked across the border “did not have to register or pay a fee,” which was required of immigrants who came by steamship or train. Many Mexican immigrants in Texas were excluded from citizenship by the new law, which specified that immigrants had to have registered upon entry to be eligible.<sup>506</sup>

In 1907, Congress passed the naturalization act that cemented women’s dependent citizenship, by requiring women to take their husband’s nationality in all cases. Married women were barred from applying for citizenship independently of their husbands. Anthropologist Martha Menchaca cites the 1910 U.S. Census estimate that “34,182 people of Mexican descent were part of mixed households in which one parent was born in Mexico,” to argue that “the law thus allowed many Mexican women to gain

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<sup>504</sup> Martha Menchaca, *Naturalizing Mexican Immigrants: A Texas History* (Austin: University of Texas Press, 2011) 210-211.

<sup>505</sup> Menchaca, *Naturalizing Mexican Immigrants*, 210-211; Menchaca cites the 34 *U.S. Statues at Large* [Part 1], 596 and U.S. Census 1901: ccxvi for her statistics.

<sup>506</sup> Menchaca, *Naturalizing Mexican Immigrants*, 210-211.

citizenship, while in other cases it caused U.S.-born women to lose it.”<sup>507</sup> The naturalization laws of the early twentieth century made it far more difficult for Mexican immigrants in Texas to qualify for citizenship. However, political bosses largely ignored the laws, continued to have these workers file first papers, illegally paid poll taxes for them when necessary, and instructed them how to vote in elections.

Citizenship voting bills had been considered by the Texas legislature before. In January 1917, the *El Paso Morning Times* headline read: “Bill Before Legislature to Prevent Mexicans Voting.”<sup>508</sup> The paper reported, “Representative Dudley declares men from across the [Rio Grande] River are voted in herds and he wants constitution changed to make alleged practice obsolete.”<sup>509</sup> Dudley and his fellow El Paso representative, progressive Democrat R.E. Thomason sponsored the legislation. Tellingly, Representative José Canales, representing Cameron and Willacy counties in south Texas’s seventy-seventh district, publicly opposed the citizenship-voting bill because non-citizen voting was occasionally necessary “in order to save the Democratic party.”<sup>510</sup>

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<sup>507</sup> Menchaca, *Naturalizing Mexican Immigrants*, 211-212; See: U.S. Census 1913b: 799.

<sup>508</sup> “Bill Before Legislature to Prevent Mexicans Voting: Amendment is Proposed by El Pasoans at Austin,” *El Paso Morning Times*, Jan 30, 1917, (texashistory.unt.edu/ark:/67531/metapth198631/m1/1/: accessed June 16, 2016), University of North Texas Libraries, The Portal to Texas History, texashistory.unt.edu; crediting University of Texas at El Paso.

<sup>509</sup> Ibid.

<sup>510</sup> Ibid. José Canales served represented the ninety-fifth district (Cameron, Hidalgo, Starr, and Zapata Counties), with the support of political boss James Wells, from 1905 to 1910. He then ran as an independent in 1910 and became supporting of prohibition and woman suffrage. He was elected as a Democrat to represent the Seventy-

In 1918, the legislature attempted to weaken the voting power of non-citizens by passing a primary alien suffrage law preventing non-citizens from voting in primary elections or nominating conventions. Its passage also ensured that the primary woman suffrage law would not enfranchise immigrant women. In 1919, the legislature passed the Thomason law, requiring that election officials only use the English language when assisting voters, and only those voters over sixty years of age or the physically disabled, or who had been citizens for at least twenty-one years were to receive aid. This provision allowed election officials to assist illiterate native-born whites, but prohibited assistance to non-English speaking immigrants or naturalized citizens.<sup>511</sup>

Progressives had been largely opposed to non-citizen voting, although when given the opportunity they embraced the system to ensure electoral victories. Running as a reformer in Duval County, D.W. Glasscock courted non-citizen votes delivered by machine bosses in his 1918 primary race against boss Archie Parr, as had Hobby in his fight against Ferguson. However, the investigations into voting fraud in the Glasscock-Parr race brought non-citizen voting and the rampant voter fraud amongst the south Texas political machines into the spotlight. Glasscock contested the seating of Archie Parr before the Texas Senate and called for electoral returns from Cameron, Hidalgo,

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Seventh District in the Texas House of Representatives from 1917 to 1920. He called for an investigation into the violence and vigilantism of the Texas Rangers along the border in the late 1910s and for a reorganization of the force. He went on to help found the League of United Latin American Citizens (LULAC) in 1929 and served as its president from 1932 to 1933. See: Handbook of Texas Online, Evan Anders, "Canales, Jose Tomas," accessed March 27, 2017, <http://www.tshaonline.org/handbook/online/articles/fcaag>.

<sup>511</sup> Anders, *Boss Rule in South Texas*, 273.



Willacy, Starr and Duval counties to be thrown out as it was impossible to distinguish the legal votes from the plethora of illegal ones. Concurrently, Representative Canales called for an end to Ranger intimidation of and violence against Mexicans and Mexican Americans in south Texas. Canales supported Hobby, but strongly believed that Ranger violence had to be stopped.

The Senate chose to investigate the Glasscock-Parr contest, and substantiated Glasscock's claims of fraud among Parr supporters. However, they found that the Glasscock campaign equally guilty of capitalizing on the controlled Mexican bloc vote and committing voter fraud. Concluding that both men were equally corrupt, the Senate chose 16 to 4 to seat Parr. The Senate investigation and the headlines it produced helped further turn the tide against non-citizen voting and the corrupt political machines whose power rested upon it.<sup>512</sup> Historian Evan Anders notes that while Parr clearly ran a corrupt political machine, "any endorsement of the Glasscock cause must be qualified, however, because of the racial implications of the insurgent uprising...For the Mexican Americans, a new Anglo order would mean labor exploitation, untempered by paternalistic concessions, and complete exclusion from the political process."<sup>513</sup>

Changing patterns of immigration and violence along the border contributed to the further exclusion of Mexicans from political power in Texas. After the Mexican Revolution began in 1910, the Mexican immigrant population in the United States surged. Menchaca cites the U.S. Census to argue that "by 1917 it was estimated that the

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<sup>512</sup> Anders, *Boss Rule in South Texas*, 263-265.

<sup>513</sup> Anders, *Boss Rule in South Texas*, 266.

Mexican population had more than doubled during the war years and had increased to over four hundred thousand.”<sup>514</sup> The majority of these refugees settled in Texas.

However, the declining economic and political power of Mexican immigrants combined with their social reality of discrimination and unequal rights led to a seditionist movement.

Historian Gabriella González explains that at the center of the centerpiece of the movement “was a manifesto known as the Plan de San Diego, a plot to kill Anglo males over the age of sixteen and return territories to Mexico.”<sup>515</sup> *Sediciosos* or seditionists attacked Anglo-owned businesses including ranches, railroads, and military camps. The unequal and violent response from the Texas Rangers and Anglo vigilantes led to the murder of hundreds of Mexicans in South Texas. González adds “Most of those killed were not part of the seditionist movement and simply fell victim to the strong anti-Mexican fervor.”<sup>516</sup> The heightened levels of violence close to the border after the Mexican Revolution climaxed between 1915 and 1916.<sup>517</sup> When the United States entered WWI, rumors abounded that Mexican immigrants would be forced into the American military. Governor Ferguson even made a tour of border towns to “give personal assurances to fleeing Mexicans...who are being frightened into deserting their

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<sup>514</sup> Menchaca, *Naturalizing Mexican Immigrants*, 215; see U.S. Census 1922a: 309.

<sup>515</sup> Gabriella González, “Jovita Idar” in *Texas Women*, 247. See also: James A. Sandos, *Rebellion in the Borderlands: Anarchism and the Plan de San Diego, 1904-1923* (Norman, University of Oklahoma Press, 1992).

<sup>516</sup> *Ibid.*

<sup>517</sup> Anders, *Boss Rule in South Texas*, 279; see also: Handbook of Texas Online, Robert C. Overfelt, "Mexican Revolution," accessed June 16, 2016, <http://www.tshaonline.org/handbook/online/articles/pqmhe>.

crops and crossing into Mexico to avoid conscription, in an effort to say the wholesale migration..." of a much needed labor force.<sup>518</sup>

In the wake of the violence, intimidation and rumors intended to encourage immigrants to return to Mexico, and increased Anglo immigration into South Texas, the Mexican immigrant population in South Texas declined as a percentage of the population during WWI. Even so, racial attitudes hardened, the legislature installed new voter restrictions, and the Texas Rangers enforced them when it benefited those already in office. Governor Hobby mobilized the Texas Rangers to "discourage Mexican voting," when it suited him.<sup>519</sup> Menchaca argues that U.S. entry into WWI and the U.S. government's increasingly hostile stance against revolutionary Mexico "cast doubt on the desirability" of German and Mexican immigrants in Texas and "tarnished their allegiance to the United States."<sup>520</sup> She concludes that German immigrants were perceived as "alien enemies" and Mexican immigrants as "a nuisance."<sup>521</sup>

Texas suffragists capitalized on the nativist sentiment and what they saw as the injustice of non-citizen voting in light of their own disfranchisement. Their propaganda in late 1917 focused on "alien enemies" voting while "loyal American women" remained disfranchised.<sup>522</sup> Anders argues that the persistence of machine rule even in the wake of increasing violence and voting restrictions, led to an "association of Mexican-

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<sup>518</sup> Newspaper clipping, "Will Tour Border Towns," Box 5, Folder 43, MFC Papers.

<sup>519</sup> Anders, *Boss Rule in South Texas*, 281.

<sup>520</sup> Menchaca, *Naturalizing Mexican Immigrants*, 217.

<sup>521</sup> *Ibid.*

<sup>522</sup> Menchaca, *Naturalizing Mexican Immigrants*, 218; McArthur and Smith, *Minnie Fisher Cunningham*, 61.

Americans with widespread corruption and reinforced the ethnic prejudices of the Anglo voters of the state.”<sup>523</sup>

Representative Canales’s efforts to rein in the Texas Rangers led to a Texas Senate investigation that “expose[d] the full scope of Ranger lawlessness,” though did little to change the laws or reform the organization. Wells and Parr supported Canales in his efforts, but were opposed by most other legislators.<sup>524</sup> The legislature was not particularly concerned with civil rights violations and vigilante violence perpetuated by the Rangers. Reform Democrats supported Hobby, who stood accused of using the Rangers to manipulate elections in south Texas in his favor. Anglos in south Texas also disapproved of the charges, as the Rangers were seen as a check on the power of the political bosses backed by Mexican voters. Defenders of the Rangers argued that the tactics in question, which included the killing of more than two hundred Mexicans along the border, were required to “restore order.”<sup>525</sup> The Ranger investigation further linked voter fraud, non-citizen voting and corrupt political bosses in the public mind, increasing public will to eliminate the practice.

In the 1919 regular legislative session, progressive Democrats passed two state constitutional amendments that were extremely important for their agenda. One was a prohibition amendment that would go into effect sooner than the federal prohibition amendment. Much to Cunningham and Catt’s dismay, the other bill was a statewide

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<sup>523</sup> Anders, *Boss Rule in South Texas*, 291-2.

<sup>524</sup> Anders, *Boss Rule in South Texas*, 268-270.

<sup>525</sup> Anders, *Boss Rule in South Texas*, 270.

suffrage amendment, which included the citizenship clause.<sup>526</sup> Unbeknownst to Catt, the amendment had been submitted alongside a citizenship amendment, and the two were combined. If woman suffrage passed, non-citizens would be disfranchised. If woman suffrage failed, first paper voters would retain the right to vote.<sup>527</sup> Although Catt believed it was a winning combination in the midst of the nativism of WWI, it contained a fatal Achilles' heel; women could not vote in a special election, but non-citizen men could vote.

The woman suffrage amendment with the citizenship clause intended to disfranchise legal resident aliens and weaken the system of boss rule in South Texas. The violation of election laws concerned progressives. Anders maintains: "All of the bosses systematically violated the election laws of the state by paying the poll taxes of their Mexican-American followers, recruiting ineligible aliens to vote, marking the ballots of illiterate voters, and tampering with the results when necessary."<sup>528</sup> Voter fraud angered Texan progressives, including white woman suffragists. These reformers sought to purify elections and rid them of fraud, in part by eliminating the votes of black and brown Texans.<sup>529</sup> Dry Democrats considered these voters racially inferior, uneducated, and too easily bought. Darlene Clark Hine defined legislator Alexander

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<sup>526</sup> Anders, *Boss Rule in South Texas*, 273.

<sup>527</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, Regular Sess., 1919, 54-56.

<sup>528</sup> Anders, *Boss Rule in South Texas*, 269.

<sup>529</sup> Cantrell maintains that while populists in Texas attempted to organize interracial alliances, select populists challenged the ability of Mexican immigrants to naturalize as a means to limit the corruption of legal resident alien voting in south Texas. See: Cantrell, "Our Very Pronounced Theory of Equal Rights to All," 663-690.

Watkins Terrell’s “right sort” of man for the ballot as “undoubtedly, white, native-born, of the upper socioeconomic class, and a Democratic party loyalist.”<sup>530</sup> According to her biographer, Annie Webb Blanton “believed the quality of voters –who, in her mind, would be educated, native, white, middle- and upper- class citizens of both sexes – remained more important than simply having a numerous electorate.”<sup>531</sup> In response to the violation of election laws and the inclusion of voters that they deemed unqualified or fraudulent, progressives pursued disfranchisement.

Texans were also concerned that the black vote could be the deciding factor in a divide of the dominant Democratic Party. Hine argues that Texans were “ever mindful of the potential of the black electorate to hold the balance of power when white people divided.”<sup>532</sup> At the turn of the century, in response to a threat presented from populists who tried to unite disparate factions in the state, Democrats imposed the (Alexander Watkins) Terrell election laws establishing the all white primary and the poll tax.<sup>533</sup> The laws made voting more difficult if not impossible for poor whites, cash-poor farmers, and blacks, all of which were active constituents in the populist movement. Even with these electoral controls, Democrats still had reason to be fearful. After all, capitalizing

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<sup>530</sup> Hine, *Black Victory*, 82.

<sup>531</sup> Cottrell, *Pioneer Woman Educator*, 49.

<sup>532</sup> Hine, *Black Victory*, 1.

<sup>533</sup> Alexander Watkins Terrell was a former Confederate general who advocated for statewide primary laws and the disfranchisement of black and brown Texans. See Hine, *Black Victory*, 81-82; Handbook of Texas Online, O. Douglas Weeks, "Election Laws," accessed February 27, 2017, <http://www.tshaonline.org/handbook/online/articles/wde01>; For more on the populist threat in Texas see: Cantrell, “Our Very Pronounced Theory of Equal Rights to All,” 663-690.

on a divide within the party is exactly how white Texas women achieved primary suffrage. The factional split influenced nearly all decisions made in the party. Progressive prohibitionists maintained that blacks voted against prohibition, because liquor interests paid them to do so. This logic led them to further favor disfranchising black Texans. They were also disheartened when individual candidates attempted to win close elections by appealing to the small number of black voters.<sup>534</sup>

Heightened levels of violence between whites and blacks reached climactic levels throughout the 1910s, particularly after the U.S. entered WWI. Between May and October of 1919, the so-called Red Summer, “twenty-five major racial conflicts” broke out in the United States.<sup>535</sup> Hine notes that in this decade, “the number of riots, lynching, and violent interracial clashes reached their highest level every,” in Texas.<sup>536</sup> In the town of Longview in Northeast Texas, racial tensions ran high as Samuel L. Jones and Dr. Calvin P. Davis, both leaders in the black community, encouraged black farmers to sell their products in Galveston for higher prices than selling locally to white buyers. Concurrently, a local black man named Lemuel Walters was lynched for dating a white woman.

The *Chicago Defender* covered the lynching, and whites angered by the unfavorable news coverage targeted the local reporter responsible. A white mob was fired upon as they approached the reporter’s house. The men fled, recruited other whites,

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<sup>534</sup> Hine, *Black Victory*, 87-93, 95.

<sup>535</sup> Handbook of Texas Online, Ken Durham, "Longview Race Riot of 1919," accessed June 16, 2016, <http://www.tshaonline.org/handbook/online/articles/jc102>;

<sup>536</sup> Hine, *Black Victory*, 88.

and formed a mob that burned black residences and black-owned businesses and beat a teacher. The County Judge E.M. Bramlette and Sherriff D.S. Meredith called on Governor Hobby to help restore order, and Hobby ordered eight Texas Rangers to the area. He also put three Texas National Guard units stationed nearby on alert.

When the Rangers did not arrive soon enough, the sheriff again turned to Governor Hobby, who ordered 100 guardsmen to immediately restore order in Longview. Eventually Hobby ordered another 150 guardsmen to Longview and declared the entire county to be under martial law. Brigadier General R.H. McDill enacted a curfew and confiscated all firearms, even from city peace officers. Eventually a white citizens' committee agreed to work with the guardsmen and passed resolutions disapproving of the shootings and arsons. Texas Rangers arrested seventeen white men and twenty-one black men, although none were tried once the violence subsided. After the end of five days under martial law, normal life resumed and citizens retrieved their previously confiscated firearms.<sup>537</sup>

Instead of blaming whites who initiated the violence, the state blamed blacks and particularly called out the NAACP for instigating racial violence through their publication of racial injustices. In response to the Longview Race Riot of 1919, the state attorney general subpoenaed the Austin NAACP's records. The NAACP national secretary John Shillady went to Austin to discuss the matter, and "was beaten by a gang

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<sup>537</sup> Ibid.



composed in part of local officials.”<sup>538</sup> Governor Hobby blamed Shillady for the incident and the NAACP for inciting the Longview Race Riot. He supported a campaign to rid the state of the NAACP. By 1923, only five NAACP branches remained active in the state.<sup>539</sup> Both violence against black and brown Texans and an increase in disfranchising laws curbed their political power in the late 1910s and early 1920s.

Responding to the effort to disfranchise a substantial portion of their base of power, conservative politicians including bosses James Wells and Archie Parr decided to focus their efforts against the woman suffrage amendment in 1919, rather than divide their efforts between the prohibition and woman suffrage amendments. The woman suffrage amendment, with the citizenship clause, could be far more damaging to the machine control than prohibition.<sup>540</sup> Wells took this position alongside his wife, Pauline Wells, who led the Texas Association Opposed to Woman Suffrage (TAOWS), a branch of the national organization. Pauline Wells was the first woman to address the Texas Senate in 1915, when she gave an impassioned speech against woman suffrage, linking votes for women with “feminism, sex antagonism, socialism, anarchy, and Mormonism.”<sup>541</sup> Pauline Wells established TAOWS in March 1916 in Houston along with prominent member Ida M. Darden. Although the organization failed to manifest

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<sup>538</sup> Handbook of Texas Online, Michael L. Gillette, "National Association For the Advancement of Colored People," accessed June 16, 2016, <http://www.tshaonline.org/handbook/online/articles/ven01>.

<sup>539</sup> Ibid.

<sup>540</sup> Anders, *Boss Rule in South Texas*, 273-274.

<sup>541</sup> Handbook of Texas Online, Debbie Mauldin Cottrell, "Texas Association Opposed To Woman Suffrage," accessed June 10, 2016, <http://www.tshaonline.org/handbook/online/articles/vbtvw>.

widespread grassroots support, the leaders of the movement circularized the state with antisuffrage literature. TAOWS regularly argued that woman suffrage would lead to black domination of the South. They had lobbied against the primary woman suffrage bill to no avail in 1918. In 1919, with the assistance of her husband, Pauline Wells and TAOWS distributed more than 100,000 pieces of antisuffrage literature.<sup>542</sup>

In contrast to the TAOWS campaign's focus on woman suffrage, Cunningham followed Catt's advice and made the citizenship clause the focus of TESA's 1919 state campaign. While Cunningham had led suffragists to avoid making overt racial arguments for suffrage, she and Catt both felt that arguing against non-citizen voting and specifically non-citizen voting in south Texas by Mexican immigrants was a winning strategy. She regularly asked supporters to emphasize that clause in their arguments and she did the same in hers.

Historian Walter Buenger argues that Texas progressives, including suffragists, rejected the Confederate myth in Texas in the 1910s and 1920s. He maintains that antisuffragists' effort to tie antisuffragism to the Old South was detrimental to their cause, as the state moved away from Confederate mythology of the Lost Cause and instead embraced the mythology of the frontier, the Texas Revolution, and the Alamo.<sup>543</sup> Historian Greg Cantrell concurs with Buenger, that "the years beginning around 1910 saw an upsurge in interest in the period of Anglo-American colonization and the Texas Revolution, as Texans began distancing themselves from the memories of the Civil War

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<sup>542</sup> Ibid.

<sup>543</sup> Buenger, *Path to a Modern South*, 130, 200, 258-260; Buenger, "Texas and the South," *Southwestern Historical Quarterly*, Vol 103, (Jan 2000), 309-324.

era —memories associated with slavery, defeat, military occupation, and poverty.”<sup>544</sup>

Cantrell further argues that progressives wished to portray a “New South that included harmonious (albeit paternalistic and unequal) race relations.”<sup>545</sup> In this context, anti-suffragists’ racist arguments about woman suffrage leading to black domination, in a state that as of 1910 was only 18% African American and contained no more than ten counties with black majorities, may have actually hurt the anti-suffrage cause.<sup>546</sup> On the contrary, Cunningham’s strategy to focus the campaign on non-citizen voting in the hyper-patriotic WWI era with its increasingly ugly nativist streak seemed to fit the prevailing attitudes of progressivism in Texas and the United States, while also playing on racial biases against Mexican Texans.

Cantrell contends that the version of Texas history which progressives embraced was “very much a white, male, elitist version.” Citing Oscar Branch Colquitt, Governor of Texas from 1911 to 1915 as his example, Cantrell argues “Colquitt may have wanted his fellow Texans to forget about slavery, the Civil War, and Reconstruction, but also he wanted them to remember a whites-only version of the Texas Revolution, a version in which Hispanics or Indians appear only as the enemy.”<sup>547</sup> With violence from the Mexican Revolution spilling across the Texas border, violence from Texas Rangers viciously attacking Mexican Americans and Mexican immigrants in south Texas, and the

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<sup>544</sup> Gregg Cantrell, “The Bones of Stephen F. Austin: History and Memory in Progressive-Era Texas,” *The Southwestern Historical Quarterly*, Vol 108, No. 2 (Oct 2004), 147.

<sup>545</sup> *Ibid*, 156-157.

<sup>546</sup> Handbook of Texas Online, Lewis L. Gould, "Progressive Era," accessed June 10, 2016, <http://www.tshaonline.org/handbook/online/articles/npp01>.

<sup>547</sup> Cantrell, “The Bones of Stephen F. Austin,” 177.

Zimmerman telegram leading many Americans to view Mexico as a potential threat during WWI, the mythology of the Texas Revolution was useful for those who sought to further delineate good, Anglo Texans from bad, Mexican immigrants and Mexican Americans.

When it became clear to Cunningham that a state suffrage amendment campaign was inevitable, she relented and returned to Texas. In late January, letters were already leaving TESA headquarters noting the election of May 24 and declaring “every woman in Texas should enter into it with enthusiasm and bring us triumphantly to the end of our labors...”<sup>548</sup> Cunningham attended the signing of the suffrage resolution on February 5 and was presented with one of two gold pens Hobby used to sign it. One newspaper reported “The Governor made no speech, merely stating that he was delighted to affix his signature to the document.”<sup>549</sup> Cunningham issued a letter to TESA board members pretending to be pleased that the full suffrage amendment had passed the state legislature and calling an emergency board meeting for February 12, 1919 in Austin. Maintaining her focus on the federal amendment she also called a meeting of the ratification committee that same morning, with a joint meeting of the committees in the afternoon.<sup>550</sup>

The board meeting also scheduled TESA’s annual meeting for June 11-13, 1919, only a couple of weeks after election day. The announcement read: “Suffrage

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<sup>548</sup> Unsigned to Yeager and Pomeroy, Jan 28, 1919, Box 19, Folder 5, McCallum Papers.

<sup>549</sup> Newspaper clipping, “Suffrage Resolution Signed by Governor who was Pleased to Do It,” Box 8, Folder 6, MFC Papers.

<sup>550</sup> MFC to TESA Board Members, Jan 28, 1919, Box 21, Folder 2, McCallum Papers.

Convention to be Victory Celebration.”<sup>551</sup> However, Cunningham’s statement to the paper reveals her hesitancy about this campaign. The paper reported “...in mapping out the campaign, [Cunningham] called attention to many advantages it will have over previous ones waged, and also pointed out several handicaps, Mrs. Cunningham said: ‘It is an unwise general who would go into battle without considering advantages and disadvantages, and we must be ready to overcome all handicaps in this fight.’”<sup>552</sup>

Crane wrote Cunningham in early February regarding the forced campaign, “the present situation cannot be helped.”<sup>553</sup> He complimented Cunningham’s gracious acceptance of the campaign she had tried so hard to avoid, “Your graceful acceptance of the unalterable condition imposed on the delegates by their constituents to put the state suffrage plank in the platform led me to believe you be able to endure what could not be helped as uncomplainingly as anyone, and much more so than most of us men.” Although he concluded the letter offering, “if at any time you think I can serve you, you may command me,” he did not come to Cunningham’s aid in the campaign.<sup>554</sup> When she telegraphed Crane that TESA had chosen him as the chairman of the advisory committee for the state amendment campaign, he promptly declined, claiming “it will be impossible for me to give time to campaign work.”<sup>555</sup> Cunningham wrote that his

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<sup>551</sup> Newspaper clipping, “Suffrage Convention to be Victory Celebration,” Box 8, Folder 6, MFC Papers.

<sup>552</sup> Ibid.

<sup>553</sup> Crane to MFC, Feb 4, 1919, Box 5, Folder 20, MFC Papers.

<sup>554</sup> Ibid.

<sup>555</sup> Crane to MFC, Telegram & letter, Feb 13, 1919, Box 5, Folder 20, MFC Papers.

response was “a great disappointment.”<sup>556</sup> She emphasized that they did not want his time so much as his name and occasionally his advice when TESA suffragists asked for it.

Cunningham told Crane she was encouraged by the TESA board meeting at the start of the campaign, in which she argued the suffragists saw both their “handicaps” and “our undoubted advantages.”<sup>557</sup> Cunningham inquired as to who was running the prohibition campaign, hoping the two campaigns could assist each other. Crane replied that Harper Kirby was the chairman of the prohibition campaign and maintaining that, “the two campaigns dove-tail into each other most beautifully.”<sup>558</sup> He then continued to offer unsolicited advice on campaigning to Cunningham, who by this point was a veteran of Texas political campaigns. Crane explained that the newspapers were for the suffrage and prohibition amendments and could be counted on to provide free publicity so that neither campaign needed to waste their resources on direct circulars throughout the very large state. Referring to the 1918 gubernatorial campaign, Crane argued that “tens of thousands of dollars have been absolutely wasted by using it in a manner that is not effective,” by paying to print and mail circulars.<sup>559</sup> Crane’s unwillingness to actually help the campaign while offering uninformed advice and assuming the success of the campaign was assured were all bad signs. Cunningham’s progressive male allies were not lining up for this fight, which they presumed had already been won.

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<sup>556</sup> MFC to Crane, Feb 14, 1919, Box 5, Folder 20, MFC Papers.

<sup>557</sup> Ibid.

<sup>558</sup> Crane to MFC, Feb 22, 1919, Box 5, Folder 20, MFC Papers.

<sup>559</sup> Ibid.

Cunningham's reluctance to go forward with the suffrage amendment referendum must have been common knowledge among clubwomen and suffragists in the state, because Jane McCallum felt the need to issue a statement on the rumors. "Mrs. M'Callum Says Friction Does Not Exist," read the headline. McCallum recounted receiving letters about "a great row among the women leaders at the Capitol." McCallum responded to the rumors:

As always among intelligent people, there have been differences of opinion. In this particular instance the differences concerned chiefly the time our amendment should be submitted. There were a number of straightforward, candid, but perfectly friendly arguments on the subject...The difference as to the year was quickly and definitely settled when, on the same morning, Governor Hobby in his message asked for submission at the earliest possible moment, and the United States Senate failed to pass the Federal Amendment. 'The difference as to the month continues to call for discussion...'The Texas Equal Suffrage Association already is thoroughly organized and merely awaits the setting of the date before launching an active campaign in every county in the State.<sup>560</sup>  
The election date was set for May 24, 1919. Cunningham personally signed each circular letter sent to senatorial district chairmen on February 27, 1919, noting that they had only twelve weeks to carry the campaign to victory.<sup>561</sup>

Some southern suffragists preferred enfranchisement by state amendments to enfranchisement by a federal constitutional amendment. Kate Gordon, in particular, was horrified by the Susan B. Anthony amendment, and believed it to be a violation of states' rights. Ever the strategist, Cunningham was more pragmatic. When arguing about the federal amendment to a Texas politician, she wrote, "This right has been given the

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<sup>560</sup> Newspaper Clipping, "Mrs. M'Callum Says Friction Does Not Exist," Box 8, Folder 6, MFC Papers.

<sup>561</sup> MFC Circular to Senatorial District Chairmen, Feb 27, 1919, Box 21, Folder 1, McCallum Papers.

negro- the alien, the Inidian [*sic*] by The Government and especially at this time and in the great need why avail about the method of righting a wrong and doing what in common justice should have been done long since.”<sup>562</sup> Although Cunningham usually chose to avoid mentioning race in her arguments for fear that woman suffrage would be linked with black voting, when arguing against states’ rights opposition to a federal suffrage amendment, Cunningham routinely mentioned the obstacles to a state amendment, which she identified primarily as black and alien immigrant voters (though she emphasized non-citizen voting more than black voting). Following Catt’s advice, Cunningham made non-citizen voting the focal point of the 1919 suffrage campaign.

Getting down to business, Cunningham organized a State Advisory Committee for the Suffrage Campaign, writing local suffragists to nominate men of standing in their towns. She then sent the nominees an invitation to join the committee, a copy of the campaign outline, and a request for campaign advice.<sup>563</sup> As with the rest of the campaign, Cunningham emphasized the alien amendment: “Our amendment is designed to enfranchise the loyal American women of this state, but to disfranchise the alien enemies in our midst, and the aliens have such an advantage over us in that they can vote on the Amendment while we, the women, cannot.”<sup>564</sup> Cunningham argued that this handicap required her and other women to “lay aside our natural differences in asking

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<sup>562</sup> Unsigned to Mr. Garrett, December 7, 1917, Box 5, Folder 24, MFC Papers.

<sup>563</sup> MFC to Mr. Dexter Hamilton, April 21, 1919, Box 20, Folder 1, McCallum Papers.

<sup>564</sup> Ibid.



and call loudly for help from the American men of this state...”<sup>565</sup> Cunningham used the threat to the state presented by non-citizen voting to counter any moderate or conservative discomfort with women campaigning for their enfranchisement. Prejudice against non-citizen voters could allay prejudice against political women in public.

TESA propaganda emphasized the citizenship clause and appealed to the patriotism of wartime voters. “Are you an American Citizen?” read one TESA flyer. After summarizing the citizenship clause the flyer concluded, “If you believe in America and American citizenship, vote and work for the adoption of Suffrage Amendment on May 24<sup>th</sup>.”<sup>566</sup> Edward Idar, editor of the Laredo newspaper *Evolución*, was critical of the suffrage amendment, although he wrongly concluded that suffragists were against immigrant voting only because of a deal between suffragists and prohibitionists.<sup>567</sup>

One of the circulars Cunningham sent to her county chairman argued that the citizenship clause had “received little attention.”<sup>568</sup> After stating that Texas was one of only a few states that still allowed alien voting, she argued, “This was found during the war to be a serious menace when the alien enemy was exempt from military service but could vote, while Americans went into the Army and were, therefore disfranchised. It is no less serious, these reconstruction days.”<sup>569</sup> While Hobby argued that one reason

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<sup>565</sup> Ibid.

<sup>566</sup> TESA Flyer, “Are you an American Citizen.” Box 8, Folder 11, MFC Papers.

<sup>567</sup> Menchaca, *Naturalizing Mexican Immigrants*, 224-225; See: *Evolución*, March 16, 1919 & March 18, 1919.

<sup>568</sup> MFC to TESA County Chairwomen, February 1919, Box 2, Folder 48, MFC Papers.

<sup>569</sup> Ibid.

women deserved the vote was their war service, Cunningham declared that one reason legal resident aliens deserved to be disfranchised was their lack of war service.

Desperate to canvass the state and take advantage of every opportunity to convince voters, Cunningham inquired about giving a suffrage speech at the Georgetown Mayfest shortly before the election. When she learned the only speech would be a “patriotic address” by Governor Hobby, she wrote Hobby directly, “Will you not say a few words for the Amendment from the standpoint of the American citizenship qualification included in it? We believe that this will be entirely in keeping with an address on true patriotism...”<sup>570</sup>

In Annie Webb Blanton’s April letter to Cunningham, she noted a conversation with suffragist Edna Beveridge. Both women were concerned that the bill preventing voters from receiving undue aid filling out their ballots passed without the votes for an emergency clause, meaning it would not go into effect for 90 days, well after the May 24 election. Blanton believed that illiterate or non-English speaking voters would have their ballots filled out for them: “So foreigners can vote against us on May 24. I fear the result, if this is the case.”<sup>571</sup>

Ever the strategist, Cunningham kept a close eye on the opposition. Noting the anti leaders were former Governor Ferguson, border boss Jim Wells, and Wells’ wife, Pauline who headed TAOWS, Cunningham concluded that “this whole campaign is terribly mixed with the Ferguson issue, and the real tug of war is to see whether he can

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<sup>570</sup> MFC to Hobby, April 30, 1919, Box 5, Folder 45, MFC Papers.

<sup>571</sup> Blanton to MFC, April 24, 1919, Box 21, Folder 3, McCallum Papers.

swing the strength against Suffrage which he was able to swing for himself in last summer's campaign. If he can, we are beaten, because Hobby would never have been elected without the women and the women cannot vote for themselves."<sup>572</sup> However, Cunningham took comfort in the knowledge that the "men in power know that win or lose this campaign we still have Primary Suffrage and know how to use it with deadly effect."<sup>573</sup>

Although Catt and NAWSA had emphasized their limited resources and inability or unwillingness to help state campaigns that were not approved, they began working on finding resources for Texas. In March, NAWSA's Nettie Shuler telegraphed Cunningham that they could offer four organizers and possibly a fifth later. NAWSA offered to cover their travel to and from the state and salary and expenses while in the campaign.<sup>574</sup> Cunningham was also working on getting local men and women to speak at events in support of the amendment.<sup>575</sup> The most impressive speaker they were able to secure was Dr. Anna Howard Shaw. In fact, Shaw wrote Catt insisting that she visit Texas instead of other southern states because of the importance of this campaign.<sup>576</sup>

Cunningham later wrote Catt complimenting the "splendid work" the national organizers were doing in Texas. However, she did have to explain one incident that created enmity between a national organizer and Cunningham. Early in the campaign,

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<sup>572</sup> MFC to CCC, May 5, 1919, Box 20, Folder 1, McCallum Papers.

<sup>573</sup> MFC to CCC, May 5, 1919, Box 20, Folder 1, McCallum Papers.

<sup>574</sup> Shuler to MFC, Telegram, March 8, 1919, Box 21, Folder 7, McCallum Papers.

<sup>575</sup> See Box 21, Folder 7, McCallum Papers.

<sup>576</sup> Shaw to CCC, Feb 21, 1919, Box 21, Folder 7, McCallum Papers.

two judges wrote editorials in newspapers on the problem of soldier voting, and Cunningham and the organizer took opposing sides on the issue. At the original Texas state constitutional convention on July 21, 1845, Mr. Anderson moved to include the words “provided that no soldier, seaman or marine belonging to the army or navy of the United States shall be entitled to vote in any election to be held under this Constitution.”<sup>577</sup> The Debates of the Convention summarizes his position:

He thought no argument was necessary to convince the mind of the necessity of this provision. It was sustained by precedents, being contained in nearly every State Constitution in the United States. Without something of the kind, those who should be introduced here for purposes of defence [*sic*], would be permitted to mingle in elections, without knowing the wants and necessities of the particular county where they might vote, and might frequently elect an individual to represent us in some office of the State, contrary to the express wish of the county.<sup>578</sup>

The amendment was adopted and included in the 1845 Texas constitution.<sup>579</sup> Anderson was only partially correct. Many states had a clause mandating that military service in that state could not be used to qualify for residency and voting privileges. However, Anderson’s phrasing did not just prevent servicemen who were residents in other states from becoming Texas residents through their military service. His phrasing also disfranchised any Texan who enlisted or was drafted into the military. This poorly phrased clause disfranchising all Texans for the length of their military service remained enshrined in Texas law for more than one hundred years.

Additionally, WWI servicemen were effectively disfranchised well after

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<sup>577</sup> *Debates of the Texas Convention, 1845* (Houston: J.W. Cruger, 1846), 159.

<sup>578</sup> *Ibid*

<sup>579</sup> Texas Constitution of 1845, Article III, Sec. 1.

returning home. Texans had to pay the poll tax before February 1 to be eligible to vote in that year's elections. When servicemen returned home after that date, they were disqualified from voting for the rest of the year as they had not paid the poll tax on time. The disfranchisement of servicemen in Texas was a glaring inconsistency in WWI when Texas was home to "half the country's military camps and most of its airfield."<sup>580</sup> One suffragist informed Cunningham that the "women in Bastrop were astounded when told that their sons in uniform cannot vote-yet the first paper aliens may."<sup>581</sup> Although her senator advised Neas to avoid using this argument as it "touched our venerable constitution," Neas insisted that "it fitted our purpose and assisted in crystallizing [*sic*] the matter for women."<sup>582</sup> She was able to convince the senator of the wisdom of focusing on servicemen disfranchisement and alien voting in the suffrage amendment campaign.

While Texans who joined or were drafted into the services automatically lost the right to vote, enlisted New Yorkers training in Texas were able to vote through an early version of absentee ballots during the war. One paper reported that in 1916, a New York soldier stationed in McAllen, Texas had determined the result of a local election of assessor in his hometown in a race that was tied before his vote was counted.<sup>583</sup> The 1917 New York election included a referendum on woman suffrage. In reporting on the

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<sup>580</sup> Handbook of Texas Online, William P. Hobby, Jr., "Hobby, William Pettus," accessed June 16, 2016, <http://www.tshaonline.org/handbook/online/articles/fho04>.

<sup>581</sup> Mrs. A. Hill Neas to MFC, April 13, 1919, Box 2, Folder 43, MFC Papers.

<sup>582</sup> *Ibid.*

<sup>583</sup> "Soldier Ballot May Decide N.Y. Election," *The Daily Herald*, October 27, 1917, accessed June 16, 2016, University of North Texas Libraries, The Portal to Texas History, [texashistory.unt.edu](http://texashistory.unt.edu).

upcoming election, newspaper articles noted that one-tenth of the New York state electorate was active military, which could delay election results as they would vote on absentee ballots. Newspapers also carried stories of legislative efforts in West Virginia to allow servicemen to vote while serving in other states, on ships, or overseas.<sup>584</sup> Yet in Texas, servicemen were absolutely disfranchised for the length of their service, regardless of where they were stationed, even if they were still in their hometowns.

With the war officially over in November of 1918, Texan servicemen were slowly beginning to return home. The issue at hand in 1919 was the effective disfranchisement of returning servicemen who had been disfranchised and out of the state when the poll tax window closed on February 1. As such, even if a WWI veteran returned home to Texas in time for the election, he remained disfranchised. The judges in question wrote their opinion that the law was never meant to disfranchise such loyal and respectable men and suggested that they could legally, or rather extra legally, vote, because no registrar was going to stop them and no judge would dare rule against them, despite what the law said. Multiple supporters joined in writing newspaper editorials claiming that returning soldiers could vote without having paid the poll tax before the window closed in 1919.<sup>585</sup>

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<sup>584</sup> “West Virginia May Allow Soldier Vote: Amendment to Election Law Being Agitated in Behalf of the Soldiers,” *Brownwood Bulletin*, July 31, 1918, accessed June 16, 2016, University of North Texas Libraries, The Portal to Texas History, [texashistory.unt.edu](http://texashistory.unt.edu).

<sup>585</sup> For example see: “Right of Soldiers to Vote Not Forfeited Under Law Says Senator T.H. McGregor,” *Temple Daily Telegram*, May 6, 1919, & “Soldiers Entitled to Vote: Opinion of Austin Lawyer,” *The Bartlett Tribune and News*, April 25, 1919; both

According to Cunningham, the two judges who initially published the idea were known Ferguson supporters. She believed the issue was actually raised “to open the flood gates of the Rio Grande upon the election (by Ferguson and his friends) in the guise of permitting the discharged soldiers to vote without poll tax since they were not here to pay poll taxes in January.”<sup>586</sup> If election officials did not enforce the poll tax in 1919, political bosses in south Texas could increase the controlled machine vote without expending funds on poll taxes. Cunningham did not think this issue was really about returning American servicemen being able to vote without poll tax receipts. She suspected it was an effort to encourage election officials to refrain from requiring poll tax receipts from any soldier, in particular soldiers leaving Venustiano Carranza’s constitutionalist army in Mexico. She reported to Catt that multiple suffragists, including the NAWSA organizer in question, fell for it and were campaigning for a law that would allow returning soldiers the legal right to vote instead of expecting them to be allowed to vote extra-legally.<sup>587</sup>

As Blanton and Beveridge toured Federation of Women’s Clubs district meetings, they encouraged Texan women to support soldier voting. They hoped that once the returning veterans were enfranchised, women would “reap their gratitude” in the form of support of the suffrage amendment.<sup>588</sup> Progressive Democrats believed that young men of service age would support progressive issues like prohibition and woman

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accessed June 16, 2016, University of North Texas Libraries, The Portal to Texas History, [texashistory.unt.edu](http://texashistory.unt.edu).

<sup>586</sup> MFC to CCC, May 5, 1919, Box 20, Folder 1, McCallum Papers.

<sup>587</sup> Ibid.

<sup>588</sup> Ibid.

suffrage; they subsequently believed that WWI servicemen's inability to vote hurt their cause. Blanton wrote Governor Hobby and suggested "if the thing can be done legally, he call a special session of the legislature at once, get the constitution amended so to let the soldiers vote, set a special election for it before May 24, and let them vote on prohibition and woman suffrage."<sup>589</sup>

Blanton wrote Cunningham advising her of this emerging campaign. She wanted circular letters sent to members of the parent-teacher associations, mothers' congresses, federated clubwomen, and the suffrage association members urging a letter-writing campaign to Governor Hobby and Texas legislators in support of soldier-voting. However, Blanton waited for Cunningham's advice before pursuing the letter-writing campaign, and Cunningham immediately replied for her to cease efforts on this front.<sup>590</sup> Cunningham believed suffragists were busy enough campaigning for the woman suffrage amendment with the citizenship clause. She did not want them distracted by the soldier voting issue, which would likely require its own constitutional amendment, but once the issue of returning servicemen voting in Texas had been raised, it would not go away.

In the 36<sup>th</sup> Legislative Session, Walter Elmer "Uncle Elmer" Pope submitted a bill that would have at least enfranchised WWI veterans who returned home to Texas. HB 7 permitted returning soldiers with honorable discharges to vote without a poll tax receipt. Although the bill originally contained an emergency cause allowing it to go into

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<sup>589</sup> Blanton to MFC, April 24, 1919, Box 21, Folder 3, McCallum Papers.

<sup>590</sup> Ibid.



effect immediately instead of after the ninety-day waiting period, the bill did not pass with the two-thirds majority needed to enact the emergency clause. As it stood, the bill would go into effect after the special election on May 24 in which two divisive constitutional amendments would be voted on: statewide woman suffrage and prohibition.

Pope's bill was extremely broad in its definition of "Military Service," which included:

...all officers and enlisted men of the Regular Army, the Regular Army Reserve, the Officers' Reserve Corp, and the Enlisted Reserve Corp; all officers and enlisted men of the National Guard Reserve recognized by the Militia Bureau of the War Department; all forces raised under the Act entitled 'An Act to authorize the President to increase temporarily the Military Establishment of the United States' approved May eighteenth, nineteen hundred and seventeen; all officers and enlisted men of the Navy, the Marine Corps, and the Coast Guard; all officers and enlisted men of the Naval Militia, Naval Reserve Force, Marine Corps Reserve, and National Naval Volunteers recognized by the Navy Department...<sup>591</sup>

However, the bill did not stop at what most would consider military service. It went on to include:

all officers of the Public Health Service detailed by the Secretary of the Treasury for duty either with the Army or the Navy; any of the personnel of the Lighthouse Service and of the Coast and Geodetic Survey transferred by the President to the Service and jurisdiction of the War Department or of the Navy Department; members of the Nurses Corps; Army Field Clerks; Field Clerks; Quartermaster Corps; civilian clerks and employees on duty with the military forces detailed for service abroad in accordance with provisions of existing law;

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<sup>591</sup> Legislative Reference Library of Texas, 36th Regular Session, 1919, House Bill 7, [http://www.lrl.state.tx.us/LASDOCS/36R/HB7/HB7\\_36R.pdf](http://www.lrl.state.tx.us/LASDOCS/36R/HB7/HB7_36R.pdf).

and members of any other body who have heretofore or may hereafter become a part of the military or naval forces of the United States...<sup>592</sup>

Finally as Pope was supportive of woman suffrage, he included a clause in case woman suffrage was achieved applying the exemption to women who were overseas as well: "...provided, however, that if franchise be hereafter given females in this State, this Act shall likewise apply to such females holding certificates of honorable discharge from the military service of the United States as used herein according to the provisions granting franchises to said females."<sup>593</sup>

On March 19, 1919, in a surprising move Governor Hobby vetoed the bill. On March 14, he had asked the attorney general's office for an opinion on the law, and the attorney general responded that, in his view, the law was unconstitutional.<sup>594</sup> Multiple newspapers reported that the attorney general found the law unconstitutional but failed to identify the constitutional issue.<sup>595</sup> This left Hobby open to criticism from his opponents (and opponents of woman suffrage and prohibition) that he was against soldier voting.

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<sup>592</sup> Legislative Reference Library of Texas, 36th Regular Session, 1919, House Bill 7, [http://www.lrl.state.tx.us/LASDOCS/36R/HB7/HB7\\_36R.pdf](http://www.lrl.state.tx.us/LASDOCS/36R/HB7/HB7_36R.pdf).

<sup>593</sup> Legislative Reference Library of Texas, 36th Regular Session, 1919, House Bill 7, [http://www.lrl.state.tx.us/LASDOCS/36R/HB7/HB7\\_36R.pdf](http://www.lrl.state.tx.us/LASDOCS/36R/HB7/HB7_36R.pdf).

<sup>594</sup> Veto of HB 7, Governor Hobby to House of Representatives, Thirty Sixth Legislature, Legislative Reference Library of Texas, March 19, 1919, <http://www.lrl.state.tx.us/scanned/vetoes/36/hb7.pdf>; referring to the state constitution.

<sup>595</sup> For example, Untitled Article by Andrew McBeath, *Temple Daily Telegram*, May 6, 1919; & *The Texas Mesquiter*, May 2, 1919; both accessed June 16, 2016, University of North Texas Libraries, The Portal to Texas History, [texashistory.unt.edu](http://texashistory.unt.edu).

In his official opinion to Governor Hobby, Attorney General C.M. Cureton found the soldier-voting law in violation of four different sections of the state constitution ruling it “unconstitutional and void.”<sup>596</sup> Attorney General Cureton explained that the bill could be read one of two ways. The first view was that it did not exempt returning servicemen from paying the poll tax, but allowed them to vote without paying it as a prerequisite. Cureton held that if this was the case, the bill violated Section 2 of Article 6 of the state constitution, which declares the poll tax a prerequisite to vote (in connection with Section 3, Article 7 that actually levied the poll tax). However, if the bill exempted servicemen from paying the poll tax altogether, then it was in violation of Section 3, Article 1 of the state constitution regarding equal rights: “. . .no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public service.”<sup>597</sup> It was also in violation of Section 1 of Article 8 requiring that “taxation shall be equal and uniform.”<sup>598</sup> Cureton referenced a dozen or so cases supporting his decision including one in which he quoted the decision: “While the exercise of the elective franchise is a privilege rather than a right, yet all regulations upon that subject must be reasonable, uniform and impartial.”<sup>599</sup> Cureton included this note despite the fact that he referred to voting as a right multiple times throughout his

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<sup>596</sup> Opinions No. 52, Feb 1, 1919 to May 13, 1919, C.M. Cureton, Attorney General, page 133, Attorney General Opinions, 1984/67-69, AG Records; cites Article 6, Section 2; Article 7, Section 3; Article 8, Section 1; and Article 1, Section 3.

<sup>597</sup> Ibid.

<sup>598</sup> Ibid.

<sup>599</sup> Cooley’s Const. Lim, p602 as cited in Opinions No. 52, Feb 1, 1919 to May 13, 1919, C.M. Cureton, Attorney General, page 133-147, Attorney General Opinions, 1984/67-69, AG Records.

opinion. He concluded that HB7 if “signed and filed by you with the Secretary of State would be void.”<sup>600</sup> Following Cureton’s legal counsel, Hobby vetoed the bill.

Vetoing a soldier-voting bill at the end of WWI was a public relations nightmare for Governor Hobby. *The Bartlett Tribune and News* ran an article titled: “MEN FROM OVERSEAS REFUSE TO PARADE WITH GOVERNOR.”<sup>601</sup> The wounded soldiers were recovering at the Fort Sam Houston base hospital in San Antonio and had been scheduled to ride in a San Jacinto Day parade with the governor advertising the Liberty Loan when they heard of his veto and refused to participate because of it. The Director of the Red Cross on the base, S. Arthur Shaw, asked the men to reconsider, but “they flatly refused, their spokesman saying they ‘would not ride in the parade with a governor who took the soldier’s vote away.’”<sup>602</sup> Shaw again attempted to persuade the men to participate, but they only agreed after he said: “The issue is broader than any State political quarrel and you should continue to do your duty to your country in spite of any Texas Governor.”<sup>603</sup> The paper reported that the soldiers rode in the parade using the phrase “in spite of any Texas governor” as their slogan.”<sup>604</sup>

Hobby’s political opponents continued the verbal assault in opinion pieces. One such article was titled “GIVE OUR FIGHTERS A CHANCE” and argued that it was

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<sup>600</sup> Opinions No. 52, Feb 1, 1919 to May 13, 1919, C.M. Cureton, Attorney General, page 133-147, Attorney General Opinions, 1984/67-69, AG Records.

<sup>601</sup> “Med From Overseas Refuse to Parade with Governor,” *The Bartlett Tribune and News*, April 25, 1919, accessed June 16, 2016, University of North Texas Libraries, The Portal to Texas History, [texashistory.unt.edu](http://texashistory.unt.edu).

<sup>602</sup> Ibid.

<sup>603</sup> Ibid.

<sup>604</sup> Ibid.

impossible for returning soldiers to have paid their poll tax when they were fighting in France. It described the legislation that Hobby vetoed:

It was thought that their services to the country was worth more than a measley[*sic*] little dollar and six-bits. This bill passed and it would have become law, but something happened to it. Governor Hobby desired that these patriots of ours had not right to vote on their return; they were good fighters, but they might not be good reformers; they had saved the world for Democracy, but that same Democracy was afraid to recognize their freedom by giving them a chance to pass on some proposed fanatical changes in the constitution of Texas....<sup>605</sup>

The article encouraged “the manhood of the state” to vote against the reforms Hobby supported.<sup>606</sup>

While suffragists generally assumed that the young men returning from the war would vote for reforms, there is no evidence that they were correct in this assumption. However, after Hobby’s veto, anti-prohibitionists and anti-suffragists argued that the “manhood” of Texas should vote against these issues to spite the governor who robbed soldiers of the ballot.<sup>607</sup> It is an interesting appeal not to the returning soldiers themselves, but at men who would be angry at the continued disfranchisement of ex-soldiers.

Local and state suffragists offered their support for any law that would enfranchise servicemen, which they believed was right but would also help their own cause. Beveridge asked Cunningham to support a letter writing campaign she began

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<sup>605</sup> “Give our Fighters a Chance,” *Temple Mirror* article printed in *The Bartlett Tribune and News*, April 25, 1919, accessed June 16, 2016, University of North Texas Libraries, The Portal to Texas History, texashistory.unt.edu.

<sup>606</sup> Ibid.

<sup>607</sup> Ibid.

urging Hobby to fix his mistake: “We wanted to strike while the iron was hot and get all the credit we could toward our cause out of it...The legislature will not turn it down, the public is with the soldier...”<sup>608</sup>

Cunningham wisely kept TESA out of the public debate. She believed the men who initially raised the issue did so to further Ferguson’s aims of preventing state-wide woman suffrage and prohibition. She wrote Beveridge: “We deplore the lack of the soldier vote and have deplored it from the house tops. We endorsed the law[,] which the Governor vetoed. BUT since he vetoed it, it seems to me the gravest error in policy for us to complicate our campaign with the question...”<sup>609</sup> Cunningham assumed that since the law was vetoed due to the attorney general deciding it was unconstitutional, then the only way to enfranchise returning servicemen was to amend the constitution. That constitutional amendment would require a referendum; meaning soldiers would not be enfranchised in time to help suffragists in the 1919 election. Suffragists wanted to enfranchise servicemen in the hopes that servicemen would soon repay the favor, not to add unnecessary work to their overcrowded plates. Cunningham, in particular, did not think a large enough group of servicemen would return to Texas by May 24 to make it worth the effort. However, when it became apparent that the issue was hurting Hobby and the reform amendments, Cunningham and other TESA leaders worked behind the scenes to pressure Hobby into encouraging and signing a law similar to the one he had vetoed.

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<sup>608</sup> Beveridge to MFC, April 30, 1919, Box 4, Folder 2, MFC Papers.

<sup>609</sup> MFC to Beveridge, April 26, 1919, Box 4, Folder 2, MFC Papers.

Many lawyers and politicians wrote articles printed in newspapers around the state arguing that returning soldiers could vote as long as election officials agreed with their reasoning. In April, Senator T.H. McGregor, who served as Vice Chair of the Privileges and Elections committee in the House in 1915 and chaired that committee in 1913, was quoted in a newspaper article arguing that soldiers had not forfeited the right to vote: “I therefore believe if the bar concludes, and will so declare itself, that the ex-soldier can vote that he will be permitted to do so.”<sup>610</sup> His reasoning was that no “authority in Texas has held directly nor indirectly that an ex-soldier can not vote without a poll tax receipt.”<sup>611</sup> He maintained that without a decision in an appellate court before the election, the election judges would be left to decide the issue “and the most of the them, if not all of them, will hold that the boys are qualified and will let them vote.”<sup>612</sup>

The author instructed returning soldiers to take their discharge papers with them and go to the polls, contending that as soldiers were not subject to the poll tax when they were overseas and that it was therefore constitutional that they should vote without a poll tax receipt, “There is not a red-blooded civilian in Texas who would not rather have the folded discharge of the humblest private soldier in all that army for one hour than a paid up poll tax for the rest of his life.”<sup>613</sup> He concluded that voting is a right, not a privilege

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<sup>610</sup> “Right of Soldiers to Vote Not Forfeited Under Law Says Senator T.H. McGregor” *Temple Daily Telegram*, May 6, 1919, accessed June 16, 2016, University of North Texas Libraries, The Portal to Texas History, [texashistory.unt.edu](http://texashistory.unt.edu).

<sup>611</sup> *Ibid.*

<sup>612</sup> *Ibid.*

<sup>613</sup> *Ibid.*

or benefit and “the law protects and enforces [voting] as jealously as it does property in chattels or lands.”<sup>614</sup>

In response to the public furor and the pressure from reformers, Hobby called a special session of the legislature in May.<sup>615</sup> Again, the legislature would only address the effective disfranchisement that ensued when soldiers returned to civilian life after the poll tax deadline and not the absolute disfranchisement of servicemen for the length of their service; the later would require amending the state constitution. Suffragist Jane McCallum of Austin noted to a friend: “As I write, Austin is all agog with excitement over the calling of the legislature in special session to provide a way for soldiers to vote in the May elections.”<sup>616</sup> She noted in her diary: “Legislature called together to arrange for soldiers to vote. Mrs. Cunningham, Mrs. Doom and I started them off!”<sup>617</sup> The next day, McCallum’s diary recalls her meeting two men, presumably legislators, who “came to office on my invitation to talk our soldier voting problem.”<sup>618</sup> McCallum hoped for a compromise law that could pass and be considered constitutional by the governor and attorney general.

Confident in the legislature’s ability to write a constitutional soldier-voting bill, McCallum sought publicity for the fact that the suffragists had helped the soldiers’

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<sup>614</sup> Ibid.

<sup>615</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, First and Second Called Sessions, 1919, 2.

<sup>616</sup> Jane McCallum to Sam C. Polk, April 28, 1919, Box 5, Folder 12, McCallum Papers.

<sup>617</sup> Diary of Jane McCallum, May 5, 1919, Box 3K81, Folder 5, Jane and Arthur McCallum Papers.

<sup>618</sup> Diary of Jane McCallum, May 6, 1919, Box 3K81, Folder 5, Jane and Arthur McCallum Papers.



cause: “The way will undoubtedly be found, and suffragists have used their influence to help bring it about.”<sup>619</sup> She then asked for publicity congratulating Texas women for getting soldiers the ballot and listing reasons why soldiers should vote for woman suffrage.

While those opposed to woman suffrage and prohibition railed against Governor Hobby in the press, suffragists like Edna Beverage supported his decision and tried to explain his veto to a skeptical public. A *Temple Daily Telegram* article announced Beverage’s forthcoming speaking engagement for suffrage and noted that Hobby had called the special session for servicemen voting. The article stressed Hobby’s legal reasoning for vetoing the first bill, placing some of the blame on the authors of the bill and on the attorney general. It also reminded readers that, “even if it had become a law would not have permitted the ex-soldiers to vote in the election this month.”<sup>620</sup> However, the article again failed to specify what elements of the original bill were unconstitutional leaving some to doubt Hobby’s motives.

The special session of the legislature met the first week of May 1919. They received a message from the governor directing them to address the enfranchisement of returning soldiers:

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<sup>619</sup> McCallum to Mrs. Florence Floor, May 1, 1919, Box 6, Folder 2, McCallum Papers.

<sup>620</sup> Untitled Article by Central Texas Press, Williams, E. K., *Temple Daily Telegram*, Tuesday, May 6, 1919; [texashistory.unt.edu/ark:/67531/metaph469593/m1/4/?q=suffrage](http://texashistory.unt.edu/ark:/67531/metaph469593/m1/4/?q=suffrage); accessed June 17, 2016), University of North Texas Libraries, The Portal to Texas History; crediting Abilene Library Consortium.

I am informed that there are fully 75,000 Texas soldiers who have been discharged since the adjournment of the Regular Session. Entertaining with you the same view with respect to this subject and believing that it is in accord with the true genius of democratic government not to suffer a needless restriction on the right of suffrage I was favorable to this measure. The bill, however, on being submitted to the Attorney General for his opinion, was declared unconstitutional, and for this reason was vetoed.<sup>621</sup>

Hobby went on to say that while he agreed with the legislature that something must be done to address the problem, the bill he vetoed did not have the two-thirds vote needed to put it into effect before June 16, which was well after the special election. He called on the session to pass a law with the two-thirds votes necessary to ensure the right to vote for returning servicemen in the May election. He also addressed those who believed that returning servicemen already had the right to vote, arguing that without a decision by a higher court, confusion would result “preventing many of the discharged soldiers from voting, even if they have such a right.”<sup>622</sup> He urged the legislature to bring order to the chaotic situation. Finally, Hobby wanted the legislature to address how to prevent people from impersonating recently returned servicemen in order to illegally vote. Hobby concluded:

The friends of good government and honest elections in Texas want the discharged soldiers to vote. The enemies of good government and honest elections in Texas want the gap open so those who pose as soldiers can vote and repeat their vote when the occasion requires or when the orders from headquarters direct. Those who are sincere in their desire to settle the great question to be voted on May 24 according to the will of the people of Texas want an election whose legality cannot be questioned.<sup>623</sup>

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<sup>621</sup> Journal of the House of Representatives the First and Second Called Sessions of the Thirty Sixth Legislature of the State of Texas, 4-5.

<sup>622</sup> Ibid.

<sup>623</sup> Ibid.

In an argument reminiscent of Cunningham's suspicions when the issue was first raised, Hobby argued that anyone who said soldiers already had the right to vote and wanted to leave the issue at that was actually counting on confusion on election day and the ability to challenge election results they did not like thereafter. He asked the legislature to pass a bill: "1. To permit the discharged soldiers to vote without payment of the poll tax. 2. To prevent the slacker or imposter who has not paid a poll tax from representing himself as a soldier and voting. 3. To bring about a uniform system in each and every county in Texas under which discharged soldiers may vote."<sup>624</sup>

It was during this special session that Cunningham spoke for the woman suffrage amendment in the Texas House of Representatives. Judge James A. King supported woman suffrage and believed returning soldiers would as well. He wrote Cunningham, "in your speech this A. M. in House you might fortify, the statement that the soldiers, as a rule, will vote for Equal Suffrage..."<sup>625</sup> He recalled an anecdote in which a Red Cross worker was walking across a military base when a vehicle stopped to offer her a ride, "No woman who are our partners in the war shall walk when we kakhi [sic] boys can give them a ride!" King concluded, "So at the election on May 24<sup>th</sup>, the kakhi [sic] boys will help the women ride [over] the top into the Ballot Box..."<sup>626</sup> King added that

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<sup>624</sup> Ibid, 5.

<sup>625</sup> Judge James A. King to MFC, May 9, 1919, Box 5, Folder 26, MFC Papers.

<sup>626</sup> Ibid.

Cunningham could allude to the fact that the female Red Cross worker would be in the audience, but he asked that she not specify his wife by name.<sup>627</sup>

Multiple versions of the returning veteran voting bill were put forth and multiple amendments were suggested as well. Representative Pope submitted House Bill No. 5. In it he included “widows of deceased soldiers who died in the military service of the United States after January 1, 1915.”<sup>628</sup> Similarly when Senate Bill 1 made its way to the House, Pope offered an amendment that war widows “may vote without the payment of a poll tax so long as she remains single, if otherwise qualified to vote under the law at the time she offers to vote.”<sup>629</sup>

The successful bill was far more limited in scope than the original. It relieved “discharged soldiers, sailors, and marines” from paying poll taxes in 1918 and 1919 in order to vote in 1919 and 1920. Specifically, it declared that since servicemen were prevented,

by reason of [servicemen, sailors and marines’] service and obedience to the laws, rules and regulations of the military service, and by reason of the inadequate provisions of the laws of this State, from paying their poll taxes under the provision of Section 2, Article 6 of the Constitution of this State, and, by reason of the great calamity of war as aforesaid, have been so prevented; and whereas it is declared in Section 9, Article 16 of the Constitution of Texas that absence on business of the United States shall not forfeit a residence once obtained so as to deprive anyone of the right of suffrage, therefore it is declared that sailors, soldiers and marines should and ought not to be compelled to pay

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<sup>627</sup> Ibid.

<sup>628</sup> Journal of the House of Representatives the First and Second Called Sessions of the Thirty Sixth Legislature of the State of Texas, 6.

<sup>629</sup> Journal of the House of Representatives the First and Second Called Sessions of the Thirty Sixth Legislature of the State of Texas, 52.

their poll taxes due or assessed against them for the years A.D. 1918 and A.D. 1919.<sup>630</sup>

Because the bill had the votes to enact the emergency clause, it went into effect on May 9, 1919, less than two weeks before the election in which the state woman suffrage amendment was decided.<sup>631</sup>

McCallum sought publicity thanking suffragists for getting the soldier-voting bill passed, and she listed reasons why soldiers should vote for the suffrage amendment.<sup>632</sup>

Although Cunningham advised suffragists to avoid being publicly drawn into the problem of servicemen disfranchisement, she admitted to working behind the scenes with McCallum and others to urge legislators to address the issue. In a letter to Beveridge she wrote: “The whole thing was under advisement at the time when you and Miss Blanton wrote me and I was wild with anxiety for fear some public section on the part of women would up-set the plans.”<sup>633</sup>

Cunningham privately wrote Catt in May, explaining that after the editorials by judges friendly to Ferguson about soldiers voting, Governor Hobby “conferred with friends of the Pro and Suffrage Amendments and called the Legislature, ostensibly to grant these few returned discharged soldiers the right to vote without poll tax, but in

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<sup>630</sup> Legislative Reference Library of Texas, 36<sup>th</sup> Legislature, First Called Session 1919, Senate Bill No. 1, [http://www.lrl.state.tx.us/LASDOCS/36CS1/SB1/SB1\\_36CS1.pdf#page=30](http://www.lrl.state.tx.us/LASDOCS/36CS1/SB1/SB1_36CS1.pdf#page=30).

<sup>631</sup> General Laws of Texas, Acts 1919, 36<sup>th</sup> 1st Called Session, *Ch. 3*; *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, First and Second Called Sessions, 1919, 73-74.

<sup>632</sup> McCallum to Florence Floor, May 1, 1919, Box 6, Folder 2, McCallum Papers.

<sup>633</sup> MFC to Beveridge, May 1, 1919, Box 4, Folder 2, MFC Papers.

reality to put certain safe barriers up against those soldiers being out of Carranza's army."<sup>634</sup> She further explained that one of the NAWSA organizers was still very upset with Cunningham's handling of the soldier-voting issue: "She was not only hurt, but thinks I am downright stupid politically and that I missed a grand chance to make us a whole new set of voters all our own!"<sup>635</sup> Considering the bad press Governor Hobby received for his veto, and the convoluted legal manipulations required in passing a constitutional soldier voting law, Cunningham was wise to keep TESA out of the public campaign.

In response to propaganda encouraging returning soldiers and their supporters to vote against both a prohibition and woman suffrage amendment, and realizing the benefits of good press to be gained by having recently returned war veterans serve as spokesmen for the cause, Cunningham recruited returning soldiers to campaign for woman suffrage.<sup>636</sup> She successfully enlisted the help of returning Major Richard F. Burgess to speak for the state woman suffrage amendment. He initially replied that he believed the amendment would pass overwhelmingly without his assistance, but agreed to aid the last week of the campaign only if Cunningham believed he was needed.<sup>637</sup>

Cunningham replied that

...a very active propaganda to the effect that the Suffragists and Prohibitionists sought to have these two amendments voted for while the soldiers were out of the

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<sup>634</sup> MFC to CCC, May 5, 1919, Box 20, Folder 1, McCallum Papers.

<sup>635</sup> MFC to CCC, May 5, 1919, Box 20, Folder 1, McCallum Papers.

<sup>636</sup> Letter from MFC to Judge P.O. Beard, Chairman of Harrison County Suffrage Campaign Committee in Marshall, TX, May 16, 1919, Box 3, Folder 7, MFC Papers.

<sup>637</sup> Major Richard F. Burges to MFC, Letter & Telegram, May 12, 1919; May 15, 1919 letter MFC to Burges; all in Box 3, Folder 2, MFC Papers.

electorate has hurt us tremendously. I feel then injustice of this keenly because the Suffragists did everything possible to keep our Amendment from going to the vote before the soldiers were demobilized.<sup>638</sup>

Burges sent an official statement to McCallum at her request for use in the campaign emphasizing women's war service and concluding that "the millions of American women who served their country with equal fidelity at home, should remove the last doubt in the mind of anyone that the extension of the equal right of suffrage is a long-deferred act of simple justice."<sup>639</sup>

Some suffragists were encouraged that returning soldiers could vote, but suffrage leaders soon realized that very few servicemen would return home in time to vote. Instead, they used their support of the war cause and returning servicemen to encourage men at home in Texas to vote for the suffrage amendment. McCallum wrote to newspaper editors urging their support: "

To you especially we appeal to use all the power of your paper to see that the foreign and near-foreign men in Texas, most of whom were exempted from military service, do not, in the absence of our soldier boys, vote themselves into power, and at the same times disfranchise the mothers, wives, sisters and sweethearts who have stood behind these boys unreservedly, unflinchingly and without counting the cost.<sup>640</sup>

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<sup>638</sup> MFC letter to Major Richard F. Burges, May 15, 1919, Box 3, Folder 7, MFC Papers.

<sup>639</sup> Richard Burges to Jane McCallum, April 29, 1919, Box 6, Folder 3, McCallum Papers.

<sup>640</sup> Jane McCallum to Editor, *The Times of Brownsville*; *The Recorder of Greenville*; *The News of Loraine*; *The News of Orange Grove* & *The Messenger of May*; March 13, 1919, Box 5, Folder 20, McCallum Papers.

McCallum advised local suffragists throughout the state to get letters from soldiers favorable to suffrage printed in their local newspapers on Mother's Day, May 12, 1919.<sup>641</sup> Beveridge wrote Cunningham that she had "asked all the soldiers today in Ballinger if they were going to stand by the women with their vote. You bet we are, they said."<sup>642</sup>

TESA fought an uphill battle in 1919. As women could not vote, their propaganda could only encourage them to "let your husband know how you feel about it so that he will help you to get the vote."<sup>643</sup> Both Mexican and German immigrant men wielded the vote although in fewer numbers due to harsher naturalization and voting laws and increased migration out of south Texas in response to the anti-Mexican violence of the 1910s. Edward Idar reported many Mexican immigrants learned that they were ineligible to vote only when they went to the polls on election day. Some even went directly to the courthouse to file new petitions for citizenship, "but a great many were unable to apply, as they were told the new laws required that they speak English."<sup>644</sup>

With their reduced numbers and an increasing Anglo population in south Texas, the state suffrage amendment passed in seven out of the twelve most southeastern counties, although the vote was close in most of them. The political bosses in south

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<sup>641</sup> Jane McCallum to County Chairmen, April 22, 1919 & April 24, 1919, Box 5, Folder 12, McCallum Papers.

<sup>642</sup> Beveridge to MFC, May 8, 1919, Box 4, Folder 2, MFC Papers.

<sup>643</sup> Winegarten and McArthur, ed., *Citizens at Last*, 187.

<sup>644</sup> Menchaca, *Naturalizing Mexican Immigrants*, 234-240; see Also: *Evolución*, June 6, 1919, p4.



Texas were losing control as their voting bloc shrank and Anglos resistant to their dominance moved into the area. Only Duval and Starr counties voted overwhelmingly against the suffrage amendment. The amendment lost by large majorities in counties with significant German immigrant populations.<sup>645</sup> Additionally, if the soldiers really did support woman suffrage at the ballot, there were not enough of them. Prohibitionist men also failed the suffragists when they went to the polls. While the prohibition amendment passed, the would-be full suffrage bill failed by 25,120 votes in 1919.<sup>646</sup> Male legal resident aliens retained full voting rights, while citizen women maintained the right to vote in party conventions and primaries only.

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<sup>645</sup> Evan Anders, *Boss Rule in South Texas*, 274; Menchaca, *Naturalizing Mexican Immigrants*, 230-234; See also: *Evolución*, May 31, 1919, p1.

<sup>646</sup> The official count was 166,893 against and 141,773 for. Winegarten and McArthur, ed., *Citizens at Last*, 183; *Legislative Reference Library of Texas*, "SJR 7, 36<sup>th</sup> Regular Session," Election Details, <http://www.lrl.state.tx.us/legis/billSearch/amendmentdetails.cfm?legSession=36-0&billtypeDetail=SJR&billNumberDetail=7&billSuffixDetail=&amendmentID=85>; Anders, *Boss Rule in South Texas*, 274.

## CHAPTER VI

“WE NEVER HAVE YET HAD...A COMPLETE VICTORY, THERE IS ALWAYS A BITTER DROP IN THE CUP”:

### THE RATIFICATION CAMPAIGN AND SAVING THE POLL TAX

The night before the 1919 state election, Carrie Chapman Catt wrote Cunningham, “For better or worse you have fought a good fight... We never have yet had an easy victory or a complete victory, there is always a bitter drop in the cup... We will hope for victory; we are prepared for any news and will bless you in any event.”<sup>647</sup> Cunningham had only reluctantly entered the 1919 campaign and was well aware of the odds stacked against the state woman suffrage amendment. Defeat did not surprise her, although she briefly investigated charges of electoral misconduct that may have illegally or at least unethically contributed to the loss.<sup>648</sup>

The most egregious allegation concerned the order of the amendments. On the official ballot issued by the Secretary of State’s office, the suffrage amendment was second on the ballot, but mysteriously on election day, twenty-eight counties in the Ferguson stronghold of East Texas used a ballot with the amendments in a different order. Further adding to the confusion, the tally sheets continued to list the suffrage amendment as the second amendment on the ballot, leading to inaccurate counts. TESA

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<sup>647</sup> May 23, 1919, Catt to MFC, Box 1, Folder 9, MFC Papers, UH Special Collections.

<sup>648</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 80-83.

also “received reports of ballot boxes left unguarded and polls that never opened.”<sup>649</sup> Cunningham and TESA made the decision to accept the defeat in the state campaign although they alleged unfair election practices had been used. If they had filed suit and lost, they would have been responsible for their own legal bills as well as their opponents, and they did not have the means to accept taking on that financial risk, nor the time to pursue the case through the court system.

Cunningham had spent the first half of 1919 coordinating two campaigns: the ill-fated campaign for the state suffrage amendment and the campaign to get the Texas legislature to ratify the Susan B. Anthony Amendment once the federal Congress approved it and sent it to the states. Cunningham had committees working on both issues from January into the spring of 1919, and after the state suffrage amendment was defeated on May 24, 1919, she immediately shifted focus to the ratification effort, as she expected the Anthony Amendment to be successfully passed by the U.S. Congress in a matter of weeks.

Five days after the failed election, U.S Senator Sheppard assured the press and Cunningham that the results would not change his vote on the federal amendment. He argued that even if he were an anti-suffragist, “I would still vote for the federal suffrage amendment, because it submits to the states the question of federal suffrage for their decision under the method established by the constitution itself.”<sup>650</sup> He reassured Cunningham that “the noble work you and your associates have done for suffrage in

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<sup>649</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 82.

<sup>650</sup> May 29, 1919, Sheppard to MFC, Box 5, Folder 30, MFC Papers, UH Special Collections.

Texas... is certain to bear splendid fruit in the future.”<sup>651</sup> The United States Congress passed the Susan B. Anthony Amendment and sent it to the states for ratification in June of 1919, a few short weeks after the state amendment was defeated. Cunningham was left to focus on getting the Texas legislature to ratify the Anthony Amendment, a difficult task in a southern state.

According to Cunningham, suffragists began working “the day after we knew we had lost our referendum, whereas the Antis were too busy counting up a great big majority against us so we couldn’t contest the election and expose their cheating.”<sup>652</sup> Suffragists had to counter the prevailing antisuffrage argument that the referendum proved Texas did not want votes for women. Specifically suffragists had to justify why they lost the state woman suffrage amendment referendum and argue that Texas should ratify the federal amendment in spite of that loss. The Texas Association Opposed to Woman Suffrage (TAOWS) argued that the May referendum proved Texans did not want woman suffrage. TAOWS president, Pauline Wells, and anti-suffragists Charlotte Rowe testified against ratification before the state legislature.<sup>653</sup> Political bosses Jim Wells, Archie Parr, and more than a hundred conservative politicians petitioned the

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<sup>651</sup> May 29, 1919, Sheppard to MFC, Box 5, Folder 30, MFC Papers, UH Special Collections.

<sup>652</sup> Winegarten and McArthur, ed., *Citizens at Last*, 193.

<sup>653</sup> Handbook of Texas Online, Debbie Mauldin Cottrell, "Texas Association Opposed To Woman Suffrage," accessed June 10, 2016, <http://www.tshaonline.org/handbook/online/articles/vbtvw>.

legislature to vote against ratification out of respect for the May 1919 election results. They further argued that the amendment was a violation of states' rights.<sup>654</sup>

Additionally Cunningham was "advised that a strong effort will be made to repeal that part of the Primary Election Law which permits women to participate in the primaries..."<sup>655</sup> Historian Walter Buenger argues that reform Democrats in the legislature made a political calculation to support ratification, because they knew that women primary voters could oust those politicians who voted against it.<sup>656</sup> Perhaps to try to remove this incentive for politicians to support ratification, but also to deal a blow to suffrage, anti-suffragists worked to have the primary woman suffrage law repealed. Cunningham wrote politicians supportive of woman suffrage, asking them to counter any action taken against the primary woman suffrage law by anti-suffragists.

For anti-suffrage politicians to alter this portion of the election law, they needed Governor Hobby to submit the election laws of the state to a special session of the legislature. Hobby had promised Representative R.D. Thompson of Greenville that he would do just that as Greenville wanted to amend an unrelated portion of the law. Cunningham asked her supporters in the legislature to convince Greenville "to release the Governor from his pledge since it greatly jeopardizes our interests."<sup>657</sup> Cunningham argued that suffrage supporters could defeat a legislative challenge to the primary

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<sup>654</sup> Anders, *Boss Rule in South Texas*, 274.

<sup>655</sup> MFC to Ed Westbrook, June 4, 1919, Box 5, Folder 34, MFC Papers, UH Special Collections

<sup>656</sup> Buenger, *Path to a Modern South*, 255.

<sup>657</sup> MFC to Ed Westbrook, June 4, 1919, Box 5, Folder 34, MFC Papers, UH Special Collections

woman suffrage law, but concluded “there is really no reason why we should go through the fight if we can prevent it...”<sup>658</sup>

On June 6, 1919, Cunningham wrote Senator Westbrook to inform him that she was “securing from the Secretary of State’s office in Washington the proper form for the Ratification of a Federal Amendment...”<sup>659</sup> She apologized if her actions appeared forward, but argued that “a burned child avoids the fire!” She argued that the 1919 state suffrage amendment “was destined to defeat from it’s [*sic*] very wording,” and that if TESA had authored a “properly worded amendment” the results may have been different.<sup>660</sup> She explained that some of the campaigning came down to the wording of the bill, and that the phrase “‘Qualifications for male and female voters’ was interpreted by the Ferguson campaigners to the tenant farmers as meaning to limit voting to men and women who owned land...”<sup>661</sup> She did not want similar phrasing issues to come up during the ratification fight.

University of Texas Professor Alexander Caswell Ellis was particularly useful in TESA’s ratification campaign. He had edited *The Texas Democrat* during the 1919 state suffrage amendment campaign, using this platform to champion woman suffrage and

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<sup>658</sup> MFC to Ed Westbrook, June 4, 1919, Box 5, Folder 34, MFC Papers, UH Special Collections

<sup>659</sup> June 6, 1919, MFC to Westbrook, Box 5, Folder 34, MFC Papers, UH Special Collections.

<sup>660</sup> June 6, 1919, MFC to Westbrook, Box 5, Folder 34, MFC Papers, UH Special Collections.

<sup>661</sup> June 6, 1919, MFC to Westbrook, Box 5, Folder 34, MFC Papers, UH Special Collections.

prohibition.<sup>662</sup> His assessment of the 1919 state election helped suffragists frame their loss in terms of non-citizen voting and the prohibition issue. The suffrage amendment had performed surprisingly well in South Texas counties. Anders argues that, “the establishment of woman suffrage and the partial enforcement of the restrictions on Hispanic voting contributed to the formation of the new Anglo majority within the local electorate” in south Texas.<sup>663</sup>

Anders also notes the “massive exoduses of [Mexican immigrants and Mexican Americans] in 1915 and 1917 and the campaign of the Texas Rangers to deter illegal voting in 1918,” contributed to the new Anglo hold on political power in South Texas. He maintains that while Mexican immigration into south Texas increased again after WWI, these new arrivals had no loyalty to the political machines. The recently arrived Anglo farmers who hired these immigrants generally opposed the machines as well. Anders argues that by 1920, “Anglo voters outnumbered the ring-controlled Hispanic voters by a majority of almost two to one.”<sup>664</sup> While boss rule would not die out in all of south Texas, its hold was drastically weakened after WWI by both demographic trends and the state’s changing elections laws.

Ellis compared the 1919 state election returns across counties to argue the defeat was primarily due to German immigrant and German American voters in central Texas,

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<sup>662</sup> Winegarten and McArthur, Ed. *Citizens at Last*, 2<sup>nd</sup> edition (2015), 149.

<sup>663</sup> Anders, *Boss Rule*, 274.

<sup>664</sup> Anders, *Boss Rule*, 276.

who were in some places aided by Mexican and black voters.<sup>665</sup> When the strategy to link woman suffrage with the citizen-voting clause failed, TESA blamed non-citizen or recently naturalized voters for defeating the amendment. Cunningham wrote one legislator that he should not have been surprised that the amendment failed as it was, “handicapped with an alien exclusion rider and by some oversight of our friends and machinations of our enemies, rushed to the vote while approximately 200,000 American men were out of the electorate in the United States Army. There are in this state nearly 150,000 men of voting age (United States Census 1910) foreign born.”<sup>666</sup> Cunningham emphasized the German explanation for the amendment’s defeat although historians Judith McArthur and Harold L. Smith argue, “she knew reality to be more complex.”<sup>667</sup>

This argument was reiterated by suffrage supporters who also wrote legislators, at the request of TESA suffragists: “Also I do not regard the recent election as a true and fair expression of the majority of the Democratic voters of our state, and think it is particularly to be regretted that the woman suffrage amendment and the alien amendment were combined so that each could not be determined on its own merits.”<sup>668</sup> TESA issued flyers explaining away their loss and arguing that, “Democratic legislators do not violate their platform and personal pledges at [the] behest of a majority made by

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<sup>665</sup> Anders, *Boss Rule*, 274-277; McArthur and Smith, *Minnie Fisher Cunningham*, 81-83.

<sup>666</sup> MFC to Captain Henry Sackett, June 20, 1919, Box 2, Folder 28, MFC Papers.

<sup>667</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 83.

<sup>668</sup> Judge Odell to Senator Alderdice, June 23, 1919, Box 3, Folder, 10, MFC Papers.



Negro and Republican votes.”<sup>669</sup> Citing numbers gathered by Ellis, the flyer argued, “twenty German counties gave 41,836 anti-suffrage, pro-alien votes,” and “twenty Negro counties gave 27, 195 anti-suffrage, pro-alien votes.” The flyer concluded that wherever substantial numbers of black, German or Mexican populations were present, the amendment lost. However, it explained the success of the amendment in south Texas by arguing, “the illiteracy of the Mexicans prevented their voting at all under our new law, with the result that every one of these counties gave Suffrage a majority.”<sup>670</sup>

TESA issued ratification campaign propoganda blaming the failure of the state suffrage amendment on multiple factors including: overconfident supporters who thought their votes were unnecessary, two hundred thousand Texan men still enlisted and unable to vote, and the short time allotted for a campaign before the hastily scheduled election, which competed with a Liberty Loan drive. The last two reasons suffragists cited as responsible for the amendment’s defeat were “the illegal changes in the official ballots used in 28 counties” and “the fact that woman suffrage was bound up with the exclusion of the large alien vote in the state, and could not be voted for on its merit...”<sup>671</sup> Cunningham made the case that for all of the reasons cited above, the 1919 state referendum could not be considered a true expression of the political will of Texans regarding woman suffrage.

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<sup>669</sup> Flyer, “Many Factors Contributed To The Apparent Defeat of Suffrage,” Box 8, Folder 11, MFC Papers.

<sup>670</sup> Ibid.

<sup>671</sup> Winegarten and McArthur, ed., *Citizens at Last*, 2<sup>nd</sup> edition, 200.

In July of 1919, Ellis responded to “an open letter to a prominent politician” written by anti-suffragists demanding that the politician in question name those who he referred to as “the forces of evil” organized against woman suffrage. Ellis responded by naming the impeached Governor James E. Ferguson, who “directed the campaign against suffrage.”<sup>672</sup> Ellis recounted the paid advertisements “which must have cost much money [and] appeared over his [Ferguson’s] signature in leading Texas papers.”<sup>673</sup> He reiterated that the ads included “scurrilous personal attacks” on nationally prominent suffragists like NAWSA President Catt and Dr. Anna Howard Shaw.<sup>674</sup> Ellis then recounted numerous instances across the nation in which anti-suffrage forces worked against woman suffrage legislation. Ellis was not exaggerating some of the personal attacks made by Ferguson and his supporters against suffragists. Cunningham had even sought legal advice regarding whether or not Ferguson’s actions constituted libel.<sup>675</sup>

On June 10, 1919 Cunningham wrote Catt informing her that Governor Hobby had called the Texas legislature for a special session scheduled for June 23<sup>rd</sup>. Cunningham wrote she “hoped to ratify the first day possible after organization of the Legislature, and we are lining up our forces accordingly.”<sup>676</sup> On June 16, 1919 Catt

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<sup>672</sup> July 31, 1919, A Caswell Ellis, “WHO ARE AGAINST SUFFRAGE?” Box 1, Folder 7, MFC Papers, UH Special Collections.

<sup>673</sup> July 31, 1919, A Caswell Ellis, “WHO ARE AGAINST SUFFRAGE?” Box 1, Folder 7, MFC Papers, UH Special Collections.

<sup>674</sup> July 31, 1919, A Caswell Ellis, “WHO ARE AGAINST SUFFRAGE?” Box 1, Folder 7, MFC Papers, UH Special Collections.

<sup>675</sup> July 9, 1919, MFC to Catt, Box 1, Folder 9, MFC Papers, UH Special Collections.

<sup>676</sup> June 10, 1919, MFC to Catt, Box 1, Folder 9, MFC Papers, UH Special Collections.

wrote to the Texas Legislature that the Susan B. Anthony Amendment had “at last passed House and Senate and is now in the hands of your Governor.”<sup>677</sup> After listing the first three states to ratify and those she felt certain would ratify within the week, Catt concluded, “we feel certain that the State of Texas, whose history has been so progressive, will gladly take its place among the early ratifications.”<sup>678</sup> That same day Cunningham wrote Sheppard “things look very hopeful.”<sup>679</sup> Cunningham enthusiastically concluded that she was “practically certain of a majority for ratification in both House and Senate. The fight narrows down to one of tactics, and I’m praying that they will not out general us and split our forces on some technicality or side issues.”<sup>680</sup> She argued that they were not safe until the amendment was ratified, “because there are so many devious tactics which can be employed to side track us and give such of the men as may be lukewarm a chance to slip out of making a record.”<sup>681</sup>

Catt was disappointed that Pennsylvania and Massachusetts were slow to ratify, and she wrote a worried letter to Cunningham, “I do not know what I can say which will assist you in this time of anxiety. I should say you had the most ticklish job and the most crucial problem of any of the states at this moment.”<sup>682</sup> Catt suggested that Cunningham

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<sup>677</sup> June 16, 1919, Catt to The Texas Legislature, Box 1, Folder 9, MFC Papers.

<sup>678</sup> Ibid.

<sup>679</sup> June 16, 1919, MFC to Sheppard, Box 5, Folder 30, MFC Papers, UH Special Collections.

<sup>680</sup> June 16, 1919, MFC to Sheppard, Box 5, Folder 30, MFC Papers, UH Special Collections.

<sup>681</sup> June 18, 1919, MFC to Metcalfe, Box 5, Folder 48, MFC Papers, UH Special Collections.

<sup>682</sup> June 23, 1919, Catt to MFC, Box 1, Folder 9, MFC Papers, UH Special Collections.

argue that Texas needed to ratify as a Democratic state as the first states to ratify had all been Republican-led. She also suggested making “a sufficient story about the unfair play in the [1919] campaign,” and emphasizing the League of Women Voters’ commitment to passing fair election legislation.<sup>683</sup>

Anti-suffragists descended on Austin in an effort to prevent the ratification of the Anthony Amendment by leveraging the recent defeated referendum. Cunningham was prepared for them. She maintained her argument that the 1919 election was not a true expression of public sentiment, but also reiterated that the state Democratic platform bound Texas Democrats to support ratification.<sup>684</sup> The ratification battle lasted six eventful days. The Texas House of Representatives passed the resolution quickly, but the fight in the Senate was more difficult. Cunningham did not have a vote to spare, and antisuffragists put forth a bill requiring another referendum before Texas could ratify the Anthony amendment. Luckily for Cunningham, the antisuffragists’ bill was thrown out on a technicality. Having played all their cards, antisuffragists tried in vain to break quorum in the Senate by convincing ten senators to leave.<sup>685</sup> In the end, Cunningham and TESA were successful in lobbying Hobby and the reform Democrats to ratify the 19<sup>th</sup> Amendment on June 28, 1919 over the opposition of anti-prohibition Democrats who described it as an example of federal intrusion on a states’ rights issue.

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<sup>683</sup> June 23, 1919, Catt to MFC, Box 1, Folder 9, MFC Papers, UH Special Collections.

<sup>684</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 83.

<sup>685</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 84.

Texas historian Walter Buenger argues that “Because women could already vote in the Democratic primary, the threat of retaliation more than chivalrous courtesy moved the legislature to ratify the suffrage amendment.”<sup>686</sup> Cunningham’s brilliant marshalling of the primary suffrage bill, and TESA’s campaign to get women to vote in the 1918 election had directly resulted in the willingness of the legislature to ratify the Anthony Amendment. A similar series of events played out in Arkansas, the only other state to pass primary woman suffrage and one of only four southern states to ratify the Anthony Amendment. After surviving a filibuster in the Texas Senate, the amendment went to Governor Hobby for his signature.<sup>687</sup>

However, Cunningham did not feel that woman suffrage was safe enough to leave Austin with the legislature still in special session. She responded to a request from Catt for her to help in Alabama’s ratification campaign, that she could not leave Austin until after July 15, as anti-suffragists were still targeting the primary woman suffrage law. She emphasized, “. . .our elections are next July and the Federal Amendment will not be in force in time for us to vote then if we lose this.”<sup>688</sup> Cunningham had anticipated a challenge to the primary suffrage law after the failure of the state suffrage amendment. She followed Metcalfe’s advice to “assure our-selves the Governor would not submit repeal of the Primary Suffrage law.”<sup>689</sup> On June 13, 1919, she reported to Metcalfe that

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<sup>686</sup> Buenger, *Path to a Modern South*, 255.

<sup>687</sup> Anders, *Boss Rule in South Texas*, 274.

<sup>688</sup> July 3, 1919, MFC to Catt, Box 1, Folder 9, MFC Papers, UH Special Collections.

<sup>689</sup> June 13, 1919, MFC to Metcalfe, Box 5, Folder 28, MFC Papers, UH Special Collections.

she had “Governor Hobby’s personal assurance that he would not submit anything which can be interpreted as an opening for a bill to repeal the Primary Suffrage law,” though she noted Hobby’s demand that this be kept confidential.<sup>690</sup> Nevertheless, she remained in Austin to ensure the primary woman suffrage law was safe.

On August 28, 1919, Mrs. C.H. Brooks, a national chairman of the League of Women Voters, wrote Cunningham congratulating her on the Texas ratification and asking her to initiate the process by which the TESA would become the Texas League of Women Voters (TLWV). Brooks hoped for “the State Chairman...[to be] appointed at once, and your County Organizations urged to merge themselves into County Leagues of Women Voters...”<sup>691</sup> Brooks also asked Cunningham to appoint a woman to head each of eight committees devoted to lobbying on particular issues. For example, Cunningham asked Mrs. E.H. Yale to head the Americanization Committee for Texas.<sup>692</sup> The Americanization Committee, also known as the Committee on American Citizenship, worked for compulsory education (including for adults), English to be made the national language, increased requirements for citizenship, “more sympathetic and impressive naturalization ceremonies,” an oath of allegiance to the United States as a requirement for all voters, direct citizenship for women, and “compulsory publication in foreign

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<sup>690</sup> June 13, 1919, MFC to Metcalfe, Box 5, Folder 28; see also June 16, 1919, MFC to Sheppard, Box 5, Folder 30, both in MFC Papers, UH Special Collections.

<sup>691</sup> August 28, 1919, Mrs. C.H. Brooks to MFC, Box 7, Folder 29, MFC Papers, UH Special Collections.

<sup>692</sup> August 25, 1919, MFC to Mrs. E.H. Yale, Box 7, Folder 29, MFC Papers, UH Special Collections.

language newspapers of lessons in citizenship.”<sup>693</sup> Yale accepted and was sent information on the League-backed Smith-Bankhead Bill, which would provide funds to educate “native and alien-born illiterates in speaking and writing the language of America.”<sup>694</sup> Specifically the bill would set aside \$5 million the first year and \$12.5 million each following year until 1926 to fund “evening and factory schools, neighborhood and settlement courses in English, civil government and American history and ideals.”<sup>695</sup>

With the TLWV organizing, the attempt at eliminating the primary woman suffrage law thwarted, and the Anthony Amendment ratified by the State of Texas, Cunningham turned to repaying favors to suffrage supporters. On September 13, 1919 she sent Senator Richard Edwin “Ed” Westbrook “the letter I promised to write as an official and permanent record of our grateful appreciation to you for your splendid help.” The promised letter thanked Westbrook for his “valuable assistance in securing the passage of the Ratification Resolution thru the Senate.”<sup>696</sup> She backdated it to June to make it more useful. While she gave Westbrook permission to use it as he saw fit, she suggested that he “have the benefit of our experience last summer, and that was that such

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<sup>693</sup> “The Official Program of the Committee on American Citizenship of the League of Women Voters,” Mrs. Frederick P. Bagley, Box 7, Folder 29, MFC Papers, UH Special Collections.

<sup>694</sup> August 30, 1919, Yale to MFC; “News Sheet: American Citizenship Committee, The League of Women Voters,” both in Box 7, Folder 29, MFC Papers, UH Special Collections.

<sup>695</sup> “News Sheet: American Citizenship Committee, The League of Women Voters,” Box 7, Folder 29, MFC Papers, UH Special Collections.

<sup>696</sup> June 20, 1919 [backdated, actually written September 13, 1919], MFC to Westbrook, Box 5, Folder 34, MFC Papers, UH Special Collections.

a letter was very much more valuable in the hands of the women leaders of every county in which you campaign than it was when used as a circular or newspaper advertisement,” which could open Westbrook up to accusations of seeking outside help to influence a local election.<sup>697</sup>

Westbrook replied to Cunningham thanking her for the letter, but it is clear from his response that he was already gearing up for the campaigns of 1920. He hoped that predictions that “women will not pay their poll taxes” proved false, though he acknowledged, “the opposition... is doing everything possible to discourage them.”<sup>698</sup> The primary woman suffrage law exempted women from the poll tax in 1918, but required it of women primary voters after January 1, 1919.<sup>699</sup>

The Texas League of Women Voters (TLWV) launched a poll tax campaign to encourage women to pay the poll tax, the only form of voter registration Texas had. The plan was approved by the last meeting of TESA and carried over when TESA became the TLWV.<sup>700</sup> The TLWV mailed postcards to 250 women throughout the state asking them how many women voted in the 1918 primaries in their counties, how many voting precincts existed in their counties, what was the greatest obstacle to registering women, and what could be done to remedy it. Ames reported that the most common answer to

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<sup>697</sup> MFC to Westbrook, September 13, 1919, Box 5, Folder 34, MFC Papers, UH Special Collections.

<sup>698</sup> September, 16, 1919, Westbrook to MFC, Box 5, Folder 34, MFC Papers, UH Special Collections.

<sup>699</sup> *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 34, 61-64.

<sup>700</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.



the “first two questions was ‘I do not know,’ – the answer to third was ‘indifferences’ and the fourth ‘Send someone to stir us up.’”<sup>701</sup>

Mary H. Ellis, the League’s treasurer and the wife of Professor A. Caswell Ellis, oversaw the printing and distribution of 200,000 flyers titled “Why Pay Poll Tax,” 10,000 posters called “The Eyes of Texas Are Upon You,” 6,000 window cards and 2500 other posters, which were sent to the League’s county chairmen.<sup>702</sup> President Ames also embarked on a speaking tour to encourage women to pay the poll tax, visiting the State Federation of Women’s Clubs Convention, the Congress of Mothers, the San Antonio League of Women Voters, as well as Dallas and the “Rio Grande Valley where she spent two weeks speaking two and three times a day including Sunday.”<sup>703</sup> The TLWV also employed speaker Lavinia Engle, the suffragist from Washington DC who had toured the state for woman suffrage in previous TESA campaigns. Engle campaigned encouraging women to pay their poll taxes throughout January 1920.

Senator Westbrook also wondered if the Anthony Amendment would be ratified by the 36 necessary states to make it law.<sup>704</sup> Cunningham replied that she and TESA, which was in the process of becoming the TLWV, were also gearing up for the campaign. She wrote, “we are laying out plans for a big state wide campaign on this

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<sup>701</sup> Poll Tax Campaign, 1919-1920, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>702</sup> Poll Tax Campaign, 1919-1920, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives; See also: Handbook of Texas Online, Debbie Mauldin Cottrell, "Ellis, Mary Heard," accessed March 09, 2017, <http://www.tshaonline.org/handbook/online/articles/fel35>.

<sup>703</sup> Poll Tax Campaign, 1919-1920, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>704</sup> September 19, 1919, MFC to Westbrook, Box 5, Folder 34, MFC Papers.

subject,” but they did not want to begin that campaign until the injunction suit filed in Waco had been settled.<sup>705</sup> Cunningham told Westbrook that not only did she think the Anthony Amendment would be added to the Constitution, she thought it would happen in time for women to vote in the 1920 presidential election. As of her writing in September, sixteen states had already ratified, and multiple states were set to hold special sessions in December to vote on the issue. She believed the last two votes would be secured in January, but asked Westbrook to keep this confidential.<sup>706</sup>

A politician named Tom Hamilton had filed an injunction against the primary suffrage law in Waco, Texas (and McLennan County). Hamilton argued that the woman primary suffrage law was unconstitutional and that women should not be allowed to vote in the primary until such time as they were legally able to vote in general elections.<sup>707</sup> Hamilton sued to prevent tax collectors from accepting the poll taxes of women, and Cunningham considered the legal challenge to be a test case.

On September 27, 1919 Cunningham wrote Catt that Hamilton’s injunction had not been granted. The judge ruled that he personally believed the primary woman suffrage law to be unconstitutional, as it enfranchised a group of voters in the primary who were not legally able to vote according to the Texas Constitution in the general election. However, the judge also ruled that Hamilton did not have a case, as the election was too far out to tell if Hamilton would actually be a candidate, much less if women voters would affect his candidacy. Hamilton appealed the decision and Cunningham

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<sup>705</sup> Ibid.

<sup>706</sup> Ibid.

<sup>707</sup> September 27, 1919, MFC to Catt, Box 1, Folder 9, MFC Papers.

wrote Catt, “it is possible that we will still have to try the case out on the constitutionality of the law before the Supreme Court.”<sup>708</sup> Ames maintained that the injunction suit against hurt the TLWV poll tax campaign, even though 90,000 Texas women either paid the poll tax or obtained the required exemption enabling them to vote in 1920.<sup>709</sup>

While Texas had ratified the Anthony Amendment, the amendment was still not guaranteed to garner the required thirty-six state ratifications needed to make it a part of the Constitution. After approving the bill themselves, the Texas Senate and House both passed resolutions strongly encouraging the legislature of Louisiana to follow suit. In the third called session the House adopted the following resolution:

Be it resolved by the House of Representative, the Senate Concurring, That we send greetings of respect and esteem to the Legislature of the State of Louisiana, and express the hope that the Louisiana Legislature may ratify the amendment to the Federal Constitution providing for equal suffrage for women –First, because it is right and just. Second, because we are anxious to have a Southern State claim the honor of making this amendment effective, thereby making it possible for the women of all the States to take part in the coming national elections.<sup>710</sup>

While some suffrage historians have argued that Texas’ limited woman suffrage successes as evidence that the state was not southern, the state legislature appealed to

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<sup>708</sup> Ibid.

<sup>709</sup> Poll Tax Campaign, 1919-1920, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>710</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 3<sup>rd</sup> called sess., 1920, 37; *State of Texas*, 36<sup>th</sup> Legislature, Journal of the Senate, 3<sup>rd</sup> called sess., 1920, 654.

Louisiana on the grounds that both states were southern states.<sup>711</sup> While parts of Texas were certainly more southern than others, dry reform Texas Democrats viewed themselves and Texas as southern. They reached out to a fellow southern state with this understanding, and asked the Louisiana legislature to pass the Nineteen Amendment, which they deemed in keeping with their southern traditions of reform.<sup>712</sup> Catt also viewed Texas as southern and when discussing which southern states to send Cunningham to aid in ratification campaigns argued, “You are the one to deal with the South and I hope you will be free to go.”<sup>713</sup>

Southern progressives did not consider suffrage a right of all Americans, but of those white, educated and, as they saw it, qualified to use it correctly.<sup>714</sup> White women were held in high esteem and strengthened the dry southern, middle-class vote.

Louisiana did not ratify the Anthony Amendment. In fact, the governor of Louisiana

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<sup>711</sup> Eleanor Flexner, *Century of Struggle*, 310-311; Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote, 1850-1920* (Bloomington and Indianapolis: Indiana University Press, 1998), 146-148.

<sup>712</sup> Louisiana was also one of the ten states grouped as the highest priority for petition work by the Leslie Woman Suffrage Commission, Inc. in New York. Their executive board helped finance the 1918 primary campaign for Hobby. Perhaps the Louisiana resolution was the result of suffragists working under the direction of the Leslie Woman Suffrage Commission, Inc. and its president, Carrie Chapman Catt. See: Document 13: Minutes of Special Meeting of Executive Board of the Leslie Woman Suffrage Commission, Inc., 20 June 1918, Mrs. Percy V. Pennybacker Papers, Box 2M91, Center for American History, University of Texas at Austin. 3 pp. in *How Did Texas Women Win Partial Suffrage in a One-Party Southern State in 1918?*, Documents Selected and Interpreted by Judith N. McArthur.

<sup>713</sup> July 10, 1919, CCC to MFC, Box 1, Folder 9, MFC Papers, UH Special Collections.

<sup>714</sup> See Marjorie Spruill Wheeler, *New Women of the New South: The Leaders of the Woman Suffrage Movement in the Southern States* (New York & Oxford: Oxford University Press, 1993), 100; Cottrell, 49.

called on the 13 southern states to stand solidly against the Anthony Amendment.<sup>715</sup> If all thirteen southern states had voted against the Anthony Amendment, it would have failed as thirty-six of the forty-eight states were needed to ratify to make it law.<sup>716</sup>

Only four southern states, including Texas, ratified and all of them were southern border states, or states that bordered the south and a non-southern region of the United States.<sup>717</sup> Suffrage historian Elna Green contends that Texas and the southern border states not being “completely ‘southern’ . . . is an insufficient answer” to explain the limited but crucial successes woman suffrage achieved in these states, and suggests that perhaps more open political situations in these particular southern states better explained the limited suffrage victories.<sup>718</sup> Buenger concurs arguing “in part, women achieved greater political success and changed their roles more quickly because the planters and industrialists never controlled Texas or Northeast Texas with the same death grip as in North Carolina, Virginia, and other southern states.”<sup>719</sup> He maintains that “less severe” restrictions on white suffrage in Texas may have aided the cause of reform candidates as well.<sup>720</sup> While some southern suffragists lamented the fact that they had achieved the vote through primarily non-southern men, they expressed pride that the southern state of Tennessee was the final state to ratify.<sup>721</sup> On August 26, 1920, the Anthony Amendment

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<sup>715</sup> Armantine M Smith, “The History of the Woman’s Suffrage Movement in Louisiana,” *Louisiana Law Review* 62, no. 2 (winter 2002): 558.

<sup>716</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 83.

<sup>717</sup> Flexner, 311; Greene, 179-182.

<sup>718</sup> Green, 179.

<sup>719</sup> Buenger, *Path to a Modern South*, 255.

<sup>720</sup> Buenger, *Path to a Modern South*, 256.

<sup>721</sup> Wheeler, 172.

became part of the U.S. Constitution. Governor Hobby declared September 4, 1920 a holiday on which people should “honor the indomitable spirit of American womanhood.”<sup>722</sup>

Cunningham and the newly enfranchised Texas women began preparing for the 1920 election. Conservative former Senator Joseph Weldon Bailey announced his candidacy for governor. He was one of the old enemies of woman suffrage and prohibition, who Cunningham had faced many times with varying results. Bailey accused the Wilson administration of violating states’ rights and being too soft on racial issues. Cunningham and her supporters derisively discussed Bailey’s platform. Senator Westbrook wrote Cunningham that Bailey “recently made a speech in Sherman in which he attacked Pres. Wilson, the League of Nations, Prohibition and Equal Suffrage, and in the same breath, took occasion to compliment this party.”<sup>723</sup> Westbrook questioned if the Democratic Party endorsed any of Senator Bailey’s positions. It was a pertinent question. Bailey represented the conservative wing of the party that was more dominant during Governor Ferguson’s administration. The reform wing had racked up successive victories under Governor Hobby, albeit with some setbacks like the failure of the 1919 state woman suffrage amendment. Both wings believed their values to be the true values of the state’s Democratic Party. The 1920 gubernatorial election would largely be a fight between these factions.

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<sup>722</sup> Winegarten and McArthur, eds., *Citizens at Last*, 196.

<sup>723</sup> September 16, 1919, Westbrook to MFC, Box 5, Folder 34, MFC Papers, UH Special Collections.

Bailey supported an anti-Wilson delegation to the Democratic National Convention, but was countered by progressive Democrats under the leadership of Governor Hobby, Thomas B. Love and Thomas Watt Gregory. The three progressive Democrats won the selection of pro-Wilson delegates in May 1920, but Bailey remained in the gubernatorial race.<sup>724</sup> Cunningham wrote to a fellow suffragist that the gubernatorial campaign against Bailey would be more difficult than the convention campaign against him, “for the reason that with a secret ballot such as used in our Primaries many persons will vote for Mr. Bailey who did not care publicly to espouse his cause.”<sup>725</sup>

Ferguson and Bailey controlled much of the Texas Democratic Party before Ferguson’s fall from grace, but historian Walter Buenger calls theirs “an uneasy alliance,” based mostly on shared opposition to progressive causes.<sup>726</sup> Bailey added to his traditional conservative policies a call for “open shops” in his 1920 gubernatorial campaign. The labor movement was working for a closed shop law, which would allow unions to demand that all employees at a particular company become union members. Additionally, Galveston longshoreman had gone on strike in March of 1920 demanding a closed shop. Governor Hobby responded by placing the city under martial law for a

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<sup>724</sup> Handbook of Texas Online, Lewis L. Gould, "Progressive Era," accessed June 10, 2016, <http://www.tshaonline.org/handbook/online/articles/npp01>.

<sup>725</sup> May 29, 1920, MFC to Mrs. W.E. Davis, Box 7, Folder 17, MFC Papers, UH Special Collections.

<sup>726</sup> Walter Buenger, *The Path to a Modern South*, 198.

brief time and leaving Texas Rangers in place to help local authorities combat union activism.<sup>727</sup>

Bailey's opposition to a closed shop law was quite popular. Cunningham wrote Westbrook that "In the matter of position of the gentleman from Fannin [Bailey]... we know, of course his record on prohibition which is 'on both sides of the creek' I believe, and on equal suffrage which has been in effect absolute opposition in spite of his statements which I thank you for sending me."<sup>728</sup> She suspected that Bailey would support the League of Nations if Wilson won that fight, but that "it would be entirely characteristic if he avoids making a record on these matters which will be available for our information..."<sup>729</sup>

Bailey's competition included two seasoned politicians with strong records of reform. At age 31, Pat Neff became the youngest Speaker in Texas history in 1903, and he presided over the House as the Terrell Election law was passed. In his gubernatorial campaign, Neff reiterated his support for prohibition and woman suffrage, while going on the record in support of segregation and the poll tax. He remained neutral on the labor issue hoping to appeal to conservatives leery of the more controversial Bailey.<sup>730</sup> Neff was a moderate reformer, a candidate of the political middle between Bailey's conservatism and the third candidate, R.E. Thomason's more progressive reform

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<sup>727</sup> Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>.

<sup>728</sup> September 19, 1919, MFC to Westbrook, Box 5, Folder 34, MFC Papers, UH Special Collections.

<sup>729</sup> September 19, 1919, MFC to Westbrook, Box 5, Folder 34, MFC Papers, UH Special Collections.

<sup>730</sup> Buenger, *The Path to a Modern South*, 198-199.



platform. Neff's campaign was unusual in that he did not employ a campaign manager or maintain political headquarters. However, Neff campaigned by automobile over 6,000 miles of Texas, personally visiting thirty-seven counties that no gubernatorial candidate in Texas history had toured.<sup>731</sup>

Candidate R.E. Thomason had also served as Speaker of the Texas House. He was a representative from El Paso during the Ferguson impeachment and the woman suffrage campaigns. He reiterated his longstanding support for prohibition and woman suffrage. However, Thomason added to his reform platform the repealing of the state poll tax system in an effort to encourage more white Texans to vote. He argued that the poll tax affected more poor white voters than blacks and that the Democratic white primary was sufficient to restrain black voting without the poll tax.<sup>732</sup>

Thomason may have been correct, particularly after white women were added to the electorate. Historian Sarah Wilkerson-Freeman argues that the Arkansas poll tax led to a significant disfranchisement of white women.<sup>733</sup> She criticizes the renowned political scientist V.O. Key for his assumption that southern women were "slower to develop a political consciousness than elsewhere."<sup>734</sup> Wilkerson-Freeman argues that

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<sup>731</sup> Buenger, *The Path to a Modern South*, 200; Handbook of Texas Online, Thomas E. Turner, "Neff, Pat Morris," accessed January 30, 2017, <http://www.tshaonline.org/handbook/online/articles/fne05>.

<sup>732</sup> Buenger, *The Path to a Modern South*, 199.

<sup>733</sup> Sara Wilkerson-Freeman, "The second battle for woman suffrage: Alabama white women, the poll tax, and V.O. Key's master narrative of southern politics," *Journal of Southern History*; May 2002, Vol. 68 Issue 2, p333-374.

<sup>734</sup> V.O. Key Jr., "Sex Differentials in Voting: Politics is a Man's Business," unpublished draft, Southern Politics Collection, Heard Library, Vanderbilt University;

although the poll tax predated the enfranchisement of American women, it weighed on women more heavily than men because of economic inequality between the sexes.<sup>735</sup>

Wilkerson-Freeman concludes that historians must “recognize that the Nineteenth Amendment failed to enfranchise large numbers of southern women, white and black, [and] begin to reject the fallacy that the woman suffrage movement ended in 1920.” She maintains that the movement continued in the form of anti-poll tax campaigns.<sup>736</sup>

In an argument familiar to all white woman suffragists, Neff accused Thomason’s plan of likely increasing black voter participation. While both Neff and Thomason supported woman suffrage during their respective tenures as Speaker, their opponent, the conservative Joseph Weldon Bailey, was as staunchly against woman suffrage as he was for states’ rights.<sup>737</sup>

Cunningham was out of the state working for the ratification of the Anthony Amendment when the gubernatorial race began. She was understandably loyal to the Speaker of the Texas House who had presided over ratification of the Nineteenth Amendment, and had supported woman suffrage and prohibition since he was first elected in 1916. Thomason was a member of the House committee that investigated

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As cited in Sara Wilkerson-Freeman, “The second battle for woman suffrage,” *Journal of Southern History* May 2002, 333-334.

<sup>735</sup> Wilkerson-Freeman, “The second battle for woman suffrage,” *Journal of Southern History*, 333-335; see also Minnie Louise Steckel, *The Alabama Business Woman as Citizen* (Montevallo: Alabama College, 1937).

<sup>736</sup> Wilkerson-Freeman, “The second battle for woman suffrage,” *Journal of Southern History*, 370-374.

<sup>737</sup> Buenger, *The Path to a Modern South*, 198-199.

Ferguson, leading to his impeachment and conviction.<sup>738</sup> Cunningham had invited him to be a guest speaker at the 1917 TESA annual convention, although he declined the honor citing a need to return to El Paso on business.<sup>739</sup> Thomason wrote Cunningham a note of congratulation in January 1918 when the United States House of Representatives passed the Anthony Amendment.<sup>740</sup> Cunningham replied asking Thomason to “consider taking the leadership of our [primary woman suffrage] bill in the [Texas] House?”<sup>741</sup> Cunningham noted that Thomason had put forth a citizenship bill the year before, and appealed to his nativist sentiment to secure his support of the 1918 primary woman suffrage bill arguing that “we American women, the wives, sisters and mothers of those [soldier] boys are thinking very hard that we ought to be allowed to vote in the primaries to offset that enemy vote.”<sup>742</sup>

Satisfied with Thomason’s help in securing the primary woman suffrage law, Cunningham participated in the successful “R.E. Thomason for Speaker Campaign” in August 1918.<sup>743</sup> The campaign manager assured Cunningham that Thomason was only committed to “statutory Prohibition, Women’s Suffrage, and pure elections, with their

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<sup>738</sup> Handbook of Texas Online, Joseph M. Ray, "Thomason, Robert Ewing," accessed January 30, 2017, <http://www.tshaonline.org/handbook/online/articles/fth47>.

<sup>739</sup> May 3, 1917, MFC to Thomason & May 8, 1917, Thomason to MFC, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>740</sup> January 15, 1918, Thomason to MFC, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>741</sup> January 20, 1918, MFC to Thomason, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>742</sup> January 20, 1918, MFC to Thomason, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>743</sup> August 15, 1918, MFC to R.M. Dudley, Box 7, Folder 15, MFC Papers, UH Special Collections.

kindred subjects,” and concluded, “he is the progressive, up-to-date, wide awake, able, fearless, experienced Speaker we need...”<sup>744</sup> Thomason was one of the few politicians who campaigned for the state woman suffrage amendment in 1919, even asking Cunningham to send him “a good speech and some speech making literature on suffrage,” to help him draft more persuasive speeches.<sup>745</sup> Cunningham sent the requested information but assured Thomason that “the best [speech] I ever listened to was the one you made for us when you closed the debate for our side in the House in 1917.”<sup>746</sup> Thomason had loyally backed suffrage for four years, and Cunningham chose to back him in the gubernatorial campaign. She also agreed with his platform, which included his stance on “Americanization- I want America and Texas run by American citizens – either native or naturalized...None but American citizens should have a voice in our governmental affairs or a vote in our elections.”<sup>747</sup>

Thomason wrote that hearing Cunningham was returning to Texas in spring 1919 for the campaign, “pleases me beyond measure.”<sup>748</sup> He told her “the fight is on and we just as well begin digging the front line trenches.”<sup>749</sup> Thomason was primarily concerned

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<sup>744</sup> August 20, 1918, R.M. Dudley to MFC, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>745</sup> April 13, 1919, Thomason to MFC, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>746</sup> April 21, 1919, MFC to Thomason, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>747</sup> “Platform in Brief,” Thomason for Governor Campaign, Box 7, Folder 19, MFC Papers, UH Special Collections.

<sup>748</sup> February 23, 1920, Thomason to MFC, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>749</sup> February 23, 1920, Thomason to MFC, Box 7, Folder 15, MFC Papers, UH Special Collections.

with the opposition from Senator Bailey's campaign, arguing that whoever that campaign focused upon would actually win. Thomason thought candidate Ben F. Looney, who served as the state attorney general from 1913 through 1919, and oversaw legal advice on the primary woman suffrage law and its literacy test, had some strengths but could not win. Thomason believed Neff had "no particular strength" besides the "Baptist church people and some of his lodge friends."<sup>750</sup> Thomason relayed a list of political enemies Neff had made by taking certain positions, which Thomason believed weakened his campaign as well. In particular, Neff's refusal to "take a stand on suffrage" one way or the other when it was being fought over in Texas was common knowledge among women voters.<sup>751</sup>

Upon returning to Texas, Cunningham reached out to friends asking them to join a "Thomason for Governor Committee." Many wrote back that they would be glad to do so but had already committed to supporting Neff's candidacy.<sup>752</sup> Cunningham persisted in organizing the Thomason Campaign Women's Committee, telling Thomason that she was "receiving [a] perfectly magnificent response."<sup>753</sup> Cunningham lined up a solid women's committee, but even some of Thomason's supporters feared that they were organizing too late in the campaign to be effective. Lily T. Joseph agreed to be on the

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<sup>750</sup> February 23, 1920, Thomason to MFC, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>751</sup> February 23, 1920, Thomason to MFC, Box 7, Folder 15, MFC Papers, UH Special Collections.

<sup>752</sup> May 16, 1920, Lone Pequer Brandette to MFC; May 13, 1920, Myrtle Middleton Powell to MFC; May 12, 1920, Poindexter to MFC; Box 7, Folder 13, MFC Papers, UH Special Collections.

<sup>753</sup> May 14, 1920, MFC to Thomason, Box 7, Folder 15, MFC Papers, UH Special Collections.

committee, but questioned “why the League is delaying so dangerously long a time before announcing to Texas women that if we expect to join, we must line up and concentrate upon Mr. Thomason’s candidacy! Delays are dangerous.”<sup>754</sup>

Cunningham sent her advice to Thomason’s campaign manager, A.M. Frazier. She suggested that in addition to literature committees that would distribute campaign material, the campaign should organize telephone committees. These committees of women would “partition the County Poll Tax list among themselves and systematically check upon the vote by phoning them, making a list of the Thomason voters and call them all to remind them to go to the polls either the day before election day or on the day itself.”<sup>755</sup> The Thomason campaign relied on Cunningham for advice on how to best spend their finite literature budget and how to incorporate women into the Thomason clubs.<sup>756</sup>

While many progressive-leaning Texans saw Neff as the most viable candidate, Cunningham remained unconvinced. When Neff’s platform was printed in the newspaper, Cunningham wrote critical notes all over it, “Entire speech is a scintillating compendium of brilliant words and...phrases; shows no study of conditions underlying causes and offers no solution of any problem; appears to be put together loosely joining

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<sup>754</sup> April 16, 1920, Lily T. Joseph to MFC, Box 7, Folder 16, MFC Papers, UH Special Collections.

<sup>755</sup> May 28, [1920], Unsigned [MFC] to A.M. Frazier, Box 7, Folder 18, MFC Papers, UH Special Collections.

<sup>756</sup> Undated [June 1920] MFC to Frazier; June 10, 1920 MFC to Frazier; June 11, 1920, R.C. Lowry to MFC; June 17, 1920 Frazier to MFC; all in Box 7, Folder 18, MFC Papers, UH Special Collections.

other people's research and work with glittering clauses all his own."<sup>757</sup> In another section she wrote "Sentimental Bosh and Rubbish! Not even planks for a platform but merely a spring board from which he hopes to jump into office."<sup>758</sup> Cunningham's primary critique of Neff's platform was that he did not suggest how he would accomplish specific goals. Frazier agreed with her. When the TLWV issued fliers listing the positions of the three major candidates, Frazier mistook one for a Thomason flier.<sup>759</sup> In one of his first speeches actually attacking his competitor's record or stance, Thomason criticized Neff for "the policy of conducting a campaign without a definite platform, evidently alluding to Mr. Neff's repeated assertions that he would not be bound by platform promises, preferring to handle issues as they arise, if elected governor."<sup>760</sup>

The TLWV, with Jessie Daniel Ames as its president, organized and distributed non-partisan educational information in the 1920 gubernatorial election. They sent their members Bailey's voting record in May, Thomason and Neff's in June, and B.F. Looney's a few weeks later. Ames advised her members to "be guided in your choice by each man's standing in his local community and his record in general on all moral

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<sup>757</sup> Newspaper Clipping, "Opening Speech of Patt M. Neff of Waco as a Candidate for Governor of Texas," Box 7, Folder 14, MFC Papers, UH Special Collections.

<sup>758</sup> Newspaper Clipping, "Opening Speech of Patt M. Neff of Waco as a Candidate for Governor of Texas," Box 7, Folder 14, MFC Papers, UH Special Collections.

<sup>759</sup> June 17, 1920, Frazier to MFC & June 18, 1920, MFC to Frazier, Box 7, Folder 18, MFC Papers, UH Special Collections.

<sup>760</sup> Newspaper Clipping, "Thomason and Neff," Box 7, Folder 19, MFC Papers, UH Special Collections.

questions.”<sup>761</sup> She did not believe they should imitate the standard in 1919 when each candidate was questioned on his stances on prohibition and woman suffrage, as she considered these issues to be “settled.”<sup>762</sup> She concluded that each woman should “determine the man who most nearly measures up to the needs of the office for which he offers himself and then back him with your entire strength.”<sup>763</sup>

However, Ames did not stop at just issuing non-partisan literature as president of the TLWV. She and Cunningham attended a mass meeting of Democrats opposed to Bailey’s candidacy in February of 1920. Both women and four men served on the Resolutions Committee of the group, which Bailey later referred to as “six sissies and two sisters.”<sup>764</sup> While Ames was hospitalized after a medical procedure that March, Cunningham organized the Committee against Bailey, headquartered in Dallas. The organization consisted of men and women, but “the work of organizing the women was placed entirely in the hands of Mrs. Ames.”<sup>765</sup> She admitted that the “during this campaign the entire machinery of the League, built up in the poll tax campaign, and the funds of the League of Women voters were diverted to this work.”<sup>766</sup> The TLWV’s

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<sup>761</sup> June 12, 1920, Ames to “Co-Worker” Circular, Box 7, Folder 18, MFC Papers, UH Special Collections.

<sup>762</sup> June 12, 1920, Ames to “Co-Worker” Circular, Box 7, Folder 18, MFC Papers, UH Special Collections.

<sup>763</sup> June 12, 1920, Ames to “Co-Worker” Circular, Box 7, Folder 18, MFC Papers, UH Special Collections.

<sup>764</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>765</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>766</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.



Executive Council even condemned Bailey's candidacy that April. The League printed thousands of copies of Bailey's political record and distributed them throughout the state using the local leagues.<sup>767</sup> While the copies of Bailey's record could be considered non-partisan, the intentions of Ames, Cunningham and other members of the Committee Opposed to the Candidacy of Senator Bailey were certainly partisan in nature.

Cunningham had to leave the state for a brief time in the midst of the 1920 gubernatorial campaign to attend the Democratic National Convention (DNC) in San Francisco that June. Ames maintained that "as a result of the League's activities, four of its active members were elected delegates-at-large..." including Ames, Cunningham, Mrs. Spell and Miss Margie Neal.<sup>768</sup> These women were part of the pro-Wilson delegation sent to the DNC despite Bailey's efforts in May to seat a conservative delegation. Former suffragists made a strong showing in the delegation, much to the chagrin of Senator Bailey.<sup>769</sup> The National League of Women Voters (LWV) lobbied all delegates at the DNC. The LWV sent circular fliers to delegates of both major political conventions and urged "all presidents of the state branches of the National League of Women Voters...to send deputations to the delegates and alternates of both parties in

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<sup>767</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>768</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>769</sup> Democratic National Convention Program, 1920, "Delegates and Alternates to the Democratic National Convention, San Francisco, June 28, 1920," in Box 7, Folder 22; See also: Antoinette Fink to MFC, May 29 1920; MFC to Decca Lamar West, June 20, 1920 both in Box 7, Folder 20; All in MFC Papers, UH Special Collections.

support of the planks” supported by the LWV.<sup>770</sup> These planks included the Sheppard-Towner Bill for maternal and infant care, and the Rogers Bill, which would provide independent citizenship for women.<sup>771</sup>

The LWV emphasized that the “present law may deprive many American-born women of their professional opportunities in districts where legislation forbids the taking on of aliens as teachers in public schools, in civil and federal positions, and in the practice of law.”<sup>772</sup> They further argued that citizen women who married non-citizens also stood to lose land they owned or public benefits such as mother’s pensions. The LWV also believed that “To admit to the electorate people wholly ignorant of our government whose residence has given them no knowledge of national, state, or local problems may prove an injury to the nation.”<sup>773</sup> The LWV’s fight for this and other reform legislation would continue in the early 1920s.

On September 21, 1920 the thirty-sixth Texas legislature convened a fourth called session at the request of Governor Hobby. Hobby sent his assistant secretary Annie Houghton to both the House and the Senate where she explained that the governor had called on the legislature “to take immediate action because of the situation which

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<sup>770</sup> June 7, 1920, National League of Women Voters, Maud Wood Park to all, circular, Box 7, Folder 20, MFC Papers, UH Special Collections.

<sup>771</sup> June 7, 1920, National League of Women Voters, Maud Wood Park to all, circular, Box 7, Folder 20, MFC Papers, UH Special Collections.

<sup>772</sup> “Planks presented by the National League of Women Voters to the Platform Committees of the Political Parties,” Box 7, Folder 20, MFC Papers, UH Special Collections.

<sup>773</sup> “Planks presented by the National League of Women Voters to the Platform Committees of the Political Parties,” Box 7, Folder 20, MFC Papers, UH Special Collections.

has arisen since the adoption of the Nineteenth Amendment.” After the Anthony Amendment became law, Hobby sent two inquiries to the Texas Attorney General’s office: “1. Will all women in this State be qualified voters at the next general election. 2. If all women, including, of course, those who have not paid poll taxes, are qualified to vote at the next general election, are all men who have not paid poll taxes likewise qualified to vote at said election?” Much to the Governor’s dismay, Assistant Attorney General E. F. Smith responded in the affirmative to both questions. Acting Attorney General W.A. Keeling concurred.<sup>774</sup>

Smith explained that while the poll tax remained constitutional, and requiring those subject to the tax to pay it before being allowed to vote remained constitutional, requiring it only of men and not of women was unconstitutional under the Nineteenth Amendment. Legally it was a discriminatory practice against male voters, which held them to prerequisites not required of female voters. The Nineteenth Amendment did not just protect women; it protected any citizen from being discriminated against on the basis of their sex while exercising their right to vote. The primary woman suffrage law only required women to pay poll taxes in order to participate in primary elections and nominating conventions. It did not require women to pay poll taxes to participate in

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<sup>774</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 4<sup>th</sup> called sess., 1920, 4-14; *State of Texas*, Journal of the Senate, 4<sup>th</sup> called sess., 1920, 4-14; Calvin Cureton was the Texas Attorney General from January 1919 through December 1921.

general elections as it was written two years before the Susan B. Anthony Amendment became law and its authors did not foresee this problem.<sup>775</sup>

Hobby warned the legislature that “In the opinion of the Attorney General all male persons who have not paid poll taxes may likewise vote in the general election in November, as a result of the adoption of the Nineteenth Amendment.”<sup>776</sup> By ratifying the Anthony Amendment, the legislature had inadvertently invalidated the poll tax for 1920. Woman suffrage, intended in Texas primarily to enfranchise white women, had inadvertently eliminated the poll tax, one of only two Jim Crow voting laws limiting black voting in the state. Governor Hobby informed the legislature of the problem regarding the enforcement of the poll tax on September 21, 1920, just six weeks before the presidential election and gubernatorial elections.

Hobby’s notice to the legislature referred to the crisis that would result from “an attempt to hold a wide open election.”<sup>777</sup> He maintained, “The election in November is the most important of all elections... As a safeguard the election of all these officers [President, Vice President, Governor, and State officers] should be by a vote of record, not by a wide open election.”<sup>778</sup> As progressives and southerners, the dry Democrats feared a “wide open election.” They desired an educated, middle-class, white voting

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<sup>775</sup> *General Laws of Texas*, Acts 1918, 35<sup>th</sup> Legislature, Fourth Called Session, Ch 34, 61-64.

<sup>776</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 4<sup>th</sup> called sess., 1920, 5.

<sup>777</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 4<sup>th</sup> called sess., 1920, 5.

<sup>778</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 4<sup>th</sup> called sess., 1920, 5-6.

body, and greatly feared the results of any further widening of the electorate beyond educated, middle-class white women, as the de facto literacy test and the all-white primary demonstrated. In the words of Governor Hobby: “To throw the election in November wide open to every person in Texas over twenty-one years of age without limitation, without an official record of the name of each person voting or the payment of the customary tax, whether it be a poll tax or a suffrage tax by another name, is too dangerous to think of.”<sup>779</sup>

Ironically, Hobby cited concerns of “a discrimination unjust to those who have paid poll taxes” if the election was allowed to proceed without the state having the legal power to enforce the poll tax.<sup>780</sup> Of course, the poll tax affected impoverished Texans and disproportionately hurt black, Mexican American and Mexican immigrant voters, as it was intended to do. The poll tax or inversely holding a “wide open election” mattered precisely because of racial discrimination in Texas.

Antisuffragists regularly used the specter of black suffrage against white suffragists. The suffragists’ tactic in the twentieth century remained the same: to downplay race as much as possible and at all costs.<sup>781</sup> Cunningham and her band of suffragists understood that they would lose on suffrage if race dominated the debate.<sup>782</sup>

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<sup>779</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 4<sup>th</sup> called sess., 1920, 5.

<sup>780</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 4<sup>th</sup> called sess., 1920, 5.

<sup>781</sup> McArthur, *Creating the New Woman*, 115.

<sup>782</sup> Marjorie Spruill Wheeler makes a convincing argument that the race issue was a causative factor of southern woman suffrage movement in the 1890s, but that movement was unsuccessful. For the 20<sup>th</sup> century movement to succeed, its leaders

Hine argues, “women’s suffrage and the white primary were two sides of the same coin.”<sup>783</sup> Both expanded the power of the dry progressive Democrats. However, giving women the vote had unintended legal consequences. As the Texas legislature learned, it was impossible to either extend or restrict the voting rights of one group without affecting the rights of others. The suffragists’ argument that all measures in place to prevent black men from voting before ratification would be sufficient to keep black men and women from voting afterwards proved false.<sup>784</sup> If woman suffrage was to reinforce white supremacy at the polls, the poll tax and the all white primary would need further bolstering from the legislature. The legislature acted to restrict minority-voting rights both in this legislative session and the next.

Hobby further explained to the legislature some of the discrepancies that could arise from the legislature not passing a suitable fix in time. He expressed concern that some election officers would not abide by the ruling of the Attorney General and allow the election to be thrown “wide open.” This would create discrepancies and inconsistencies between districts, call into question the validity of the election, and possibly even lead to the state’s electoral votes for president being declared invalid. Hobby argued, “For this reason, the necessity of a plan to bring about equality and uniformity is obvious. This can only be accomplished by a Statewide law or by a court

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understood the necessity of not being drawn into the race issue. See: Marjorie Spruill Wheeler, *New Women of the New South*, 101-102; Green, *Southern Strategies*, 96.

<sup>783</sup> Hine, 88.

<sup>784</sup> McArthur, 112.

decision. It is too late to obtain the latter.”<sup>785</sup> Ames summarized the purpose of the session: “to enact laws regarding the payment of poll taxes by women as a protection to the state against a possible influx of all kinds of voters” as a result of the 19<sup>th</sup> Amendment.<sup>786</sup>

Hobby explained that while women had not been subject to the poll tax, “such may be required, however, by legislative act, according to the opinion of the Attorney General, and will result in placing all men and women alike on an equal basis as voters.”<sup>787</sup> However, the poll tax issue proved to be more difficult to solve than Hobby anticipated. The legislation passed to fix the issue was seven pages long and contained fifteen sections. It concluded with a declaration of an emergency allowing the bill to become law immediately, because the election was far less than ninety days away.<sup>788</sup>

The new poll tax law applied to men and women between twenty-one and sixty years of age who were residents in the state and not exempt for age or disability. The tax had to be paid between October 1 and February 1 to qualify for voting privileges. It also required certificates of exemption to be issued in applicable situations.<sup>789</sup> It required that

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<sup>785</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 4<sup>th</sup> called sess., 1920, 5.

<sup>786</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>787</sup> *State of Texas*, 36<sup>th</sup> Legislature, Journal of the House of Representatives, 4<sup>th</sup> called sess., 1920, 5.

<sup>788</sup> *State of Texas*, 36<sup>th</sup> Legislature, General Laws, 4<sup>th</sup> Called Session, 1920, 15 (accessed via *Legislative Reference Library of Texas* <http://www.lrl.state.tx.us/legis/billSearch/BillDetails.cfm?billFileID=211312&from=advancedsearch&startrow=1&number=50&IDlist=&unclickList=>)

<sup>789</sup> Exemptions were allowed for “every person who is more than sixty years old or who is blind or deaf or dumb, or is permanently disabled, or has lost one hand or one foot...”

voters pay the tax and show the poll tax receipt or an exemption certificate if required when voting.<sup>790</sup> This seemed simple enough but it would not fix the problem for the November 1920 election as the poll tax window had closed nine months prior.

The law ensured access to the ballot for men and women who had already paid their poll tax before February 1, 1920, although this was before women were required to pay the poll tax in order to vote in general elections. The law also created an additional poll tax window, similar to the registration window for female primary voters in 1918:

All persons, male and female, who possess the qualifications of a voter with this State under the Constitution and laws of the United States, but who have not heretofore paid a poll tax within the time prescribed by the laws...are hereby granted until the twenty-second day of October, A.D. 1920, in which to pay the poll tax of the same amount heretofore collected from male persons only as a prerequisite to voting in elections held in this State prior to February 1, A.D. 1921, which tax when so paid shall entitle the persons paying the same to a poll tax receipt and shall entitle the holder thereof to vote in the general, special, municipal and primary, held within this State prior to the first day of February, A.D. 1921, subject, however to all other rules and restrictions now provided by the laws governing elections.<sup>791</sup>

The legislature kept the verbiage gender neutral, because they were aware that under the Anthony Amendment all voting requirements had to be equal between the sexes. After the bill passed, women had approximately twenty days, until October 22, 1920, to pay the required poll tax in order to legally vote. Women were also able to

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See: *State of Texas*, 36<sup>th</sup> Legislature, General Laws, 4<sup>th</sup> Called Session, 1920, 15 (accessed via *Legislative Reference Library of Texas* <http://www.lrl.state.tx.us/legis/billSearch/BillDetails.cfm?billFileID=211312&from=advancedsearch&startrow=1&number=50&IDlist=&unclickList=>)

<sup>790</sup> *State of Texas*, 36<sup>th</sup> Legislature, General Laws, 4<sup>th</sup> Called Session, 1920, 11-13; Section 4 also contained requirements for absentee voting.

<sup>791</sup> *State of Texas*, 36<sup>th</sup> Legislature, General Laws, 4<sup>th</sup> Called Session, 1920, 14.



obtain exemption certificates if applicable to their circumstances during this window.<sup>792</sup> Obtaining either the poll tax receipt or an exemption certificate allowed those who were qualified to vote in the November 1920 presidential election. The legislature had to bear in mind any inadvertent consequences of the new law and try to maintain control of the electorate by reasserting the validity of all other election laws and requirements. Section fourteen stated “This Act shall be construed as being cumulative to the election laws of the State now in force, except that in case of conflict this Act shall control.”<sup>793</sup> Lastly section fifteen declared an emergency in order to have the bill pass and go into effect as soon as legally possible.<sup>794</sup> After debating changes, the reconciled bill passed the Senate 21:3 and the House 96:13, exactly one month before the 1920 election. The crisis of a “wide open election” was averted by four short weeks.

With the election approaching, B.F. Looney joined the already crowded field of candidates for the 1920 Democratic gubernatorial nomination. He was the most outspoken supporter of prohibition in the race. While he was not a major draw for voters, his candidacy ensured that no one candidate received a majority of the votes, and he siphoned votes away from Neff, allowing Bailey to come in first.<sup>795</sup> Under the rules devised to ensure Ferguson would not be awarded the governorship with a plurality of the votes in 1918, the two candidates with the most votes, Neff and Bailey, entered a run-off primary for the gubernatorial nomination of the Texas Democratic Party. If the

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<sup>792</sup> *State of Texas*, 36<sup>th</sup> Legislature, General Laws, 4<sup>th</sup> Called Session, 1920, 14.

<sup>793</sup> *State of Texas*, 36<sup>th</sup> Legislature, General Laws, 4<sup>th</sup> Called Session, 1920, 15.

<sup>794</sup> *State of Texas*, 36<sup>th</sup> Legislature, General Laws, 4<sup>th</sup> Called Session, 1920, 15.

<sup>795</sup> Buenger, *The Path to a Modern South*, 199.

legislature had not changed the law to require majority nominations in response to the threat posed by Ferguson's candidacy in 1918, Bailey would have won the governorship.<sup>796</sup>

Historian Walter Buenger argues that "women altered the dynamics" of the 1920 election and future elections in the state. His study of Northeast Texas shows that "while fewer women voted in 1920 than in years to come, those that voted typically lived in towns and favored Neff, Looney, or Thomason."<sup>797</sup> Ames estimated that the primary and run-off campaigns "cost the League of Women Voters over a thousand dollars and postponed the League's work on its own program."<sup>798</sup> It was successful in encouraging women to pay the poll tax or obtain an exemption and vote, and most Texas women voted against Bailey. In the August primary runoff, Neff was able to pick up most of Thomason and Looney's supporters. Bailey's inability to win over Thomason and Looney supporters cost him the Democratic nomination, and Neff was elected governor in November 1920. Ames claimed "it was the work of the League of Women Voters in this [campaign] that was most responsible for the defeat of Senator Bailey, both praise and blame was bestowed on the women in this campaign."<sup>799</sup>

Aided by organizing his campaign early, which limited the effect of Cunningham's organizing for Thomason, Neff became governor in 1920. Bailey re-

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<sup>796</sup> Buenger, *The Path to a Modern South*, 200; Anders, 277-278.

<sup>797</sup> Buenger, *The Path to a Modern South*, 200.

<sup>798</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>799</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

entered private life and started a law practice in Dallas.<sup>800</sup> Thomason similarly returned to private life and a law practice in El Paso, until he was elected mayor of that city in 1927. He won election to the U.S. Congress in 1930, where he served fourteen terms before being appointed as a federal district judge by President Harry S. Truman.<sup>801</sup>

The suffragists' old nemesis, James Ferguson, also suffered electoral defeat in 1920. Trying to keep his name in the public consciousness while he awaited a planned run for Senate in 1922, Ferguson ran for president in 1920. Running on the American ticket, he won 47,968 votes in the state, compared to 288,767 for the Democratic candidate, James M. Cox.<sup>802</sup>

The events of 1920 proved that changes to voting laws affected more than just the group(s) intended by the politicians, lobbyists and legislatures that wrote, pressed for, and passed those laws. The voting rights of one group could not be altered without altering, at least initially, the voting rights of other groups as well. The events of 1920 also proved that women had irrevocably altered the electorate and would sway future elections in the state. This would be particularly important as the League of Women Voters continued to advocate for legal reforms on behalf of women voters. The year also assured Cunningham and the newly-enfranchised suffragists that their old enemy, Jim

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<sup>800</sup> Handbook of Texas Online, Bob C. Holcomb, "Bailey, Joseph Weldon," accessed March 28, 2017, <http://www.tshaonline.org/handbook/online/articles/fba10>.

<sup>801</sup> Handbook of Texas Online, Joseph M. Ray, "Thomason, Robert Ewing," accessed March 28, 2017, <http://www.tshaonline.org/handbook/online/articles/fth47>.

<sup>802</sup> Texas Almanac, "Presidential Elections and Primaries in Texas, 1848-2012," *Texas State Historical Association*, <http://texasalmanac.com/topics/elections/presidential-elections-and-primaries-texas-1848-2012>.

Ferguson, would not go quietly into retirement after losing yet another round with reform Democrats.

## CHAPTER VII

“WE WERE DISAPPOINTED, BUT... WE FORGAVE HER”:

### THE SECOND RISE OF THE KLAN AND THE FERGUSONS

In October 1920, a few short weeks before the national election, the Annual Reunion of the United Confederate Veterans was held in Houston, Texas. Leaders of the newly revived Ku Klux Klan including its founder Col. William J. Simmons, used the event to recruit new members to the Klan.<sup>803</sup> Simmons and Nathan Bedford Forrest III, grandson of the leader of the original Klan formed during Reconstruction, persuaded participating Texans that the threat presented by the Houston Riot of 1917 at Camp Logan, which they remembered as a race riot, had not passed. Simmons and Forrest stoked fears of black veterans returning from World War I and demanding rights denied them by the Jim Crow system and the State of Texas. Sam Houston Klan No. 1, the first chapter established in Texas, held its initiation ceremony, including a cross burning on October 8, 1920 near Bellaire, a suburb of Houston, Texas.<sup>804</sup> Historian Walter Buenger concludes that within one year, the new Klan had over one hundred chapters in the state,

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<sup>803</sup> The first Ku Klux Klan organized and was active during the Reconstruction period. The Klan referred to here is the second Klan, which was most active in the 1920s before it died out as well. A third Klan, more loosely organized than the first two, was active during the Civil Rights Movement. For more information see: Charles C. Alexander, *The Ku Klux Klan in the Southwest* (University of Kentucky Press, 1965), v-vi; & Thomas R. Pegram, *One Hundred Percent American: The Rebirth and Decline of the Ku Klux Klan in the 1920s* (Chicago: Ivan R. Dee, 2011), 6-8.

<sup>804</sup> Charles C. Alexander, *The Ku Klux Klan in the Southwest* (University of Kentucky Press, 1965), 36-37; Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>.

and by 1922, the Klan counted between 75,000 and 90,000 members in Texas.<sup>805</sup> From 1922 to 1924, the Klan replaced prohibition as the most important and divisive issue in Texas politics.<sup>806</sup>

The Mexican Revolution, the stationing of black troops in segregated Texas cities, the Camp Logan Riot of 1917 in Houston, and the nativist rhetoric of WWI and the ongoing campaign to end non-citizen voting had all contributed to heightened racial tensions by the end of the 1910s. The Longview Race Riot was the second of twenty-five major racial conflicts that occurred in the United States between May and October of 1919, known as the Red Summer of 1919.<sup>807</sup> Buenger adds that at the end of WWI, Texans experienced a “fear of socialism, outrage at profiteering, anger over strikes, and alarm over the depopulation of the countryside.”<sup>808</sup> One result of the Red Scare was that “tolerance for diverse political opinions diminished.”<sup>809</sup> The resurrection of the Ku Klux Klan only added to racial tensions in the state. Historian Darlene Clark Hine concludes, “By 1921, the political climate in Texas had changed considerably.”<sup>810</sup> White women voters contributed to the white political majority in the state. They took sides in these

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<sup>805</sup> Walter Buenger, *The Path to a Modern South: Northeast Texas Between Reconstruction and the Great Depression* (Austin: University of Texas Press, 2001), 203.

<sup>806</sup> Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed March 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>; Pegram, *One Hundred Percent American*, 26.

<sup>807</sup> Handbook of Texas Online, Ken Durham, "Longview Race Riot of 1919," accessed February 08, 2017, <http://www.tshaonline.org/handbook/online/articles/jcl02>.

<sup>808</sup> Bunger, *The Path to a Modern South*, 196.

<sup>809</sup> Buenger, *The Path to a Modern South*, 197.

<sup>810</sup> Darlene Clark Hine, *Black Victory: The Rise and Fall of the White Primary in Texas* (University of Missouri, 2003), 89-91, & 95.

issues and their votes helped pass legislation that further disfranchised black and brown voters.

Historian Charles Alexander maintains that the second Klan was a nationwide organization, present in every state, with as many as five million total members. He argues that the 1920s Klan was not only white supremacist, but “was an enemy ...of Catholics, Jews, radicals, immigrants, bootleggers, moral offenders, habitual criminals, modernist theologians, and assorted other types.”<sup>811</sup> Alexander contends that the 1920s Klan in Texas, Louisiana, Oklahoma and Arkansas was distinctive due its “motivation, which lay not so much in racism and nativism as in moral authoritarianism.”<sup>812</sup> That is not to say that the Klan abandoned racism or nativism; on the contrary, it simply added other groups to the list of those it hated and sought to control through violence and vigilantism.

As the poll tax and the white primary were the only legal strategies in place in Texas to prevent minority voting and restrict the voting of poor whites, the legislature fought very hard to retain and strengthen both throughout the early twentieth century.<sup>813</sup> The effort to limit Mexican and German immigrant voting rights did not stop with the poll tax in 1920. The 37<sup>th</sup> Legislature convened the regular session in January 1921, and an amendment similar to the alien amendment put forth in 1919 was again approved. The amendment restricted voting rights to citizens only, disfranchising legal resident

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<sup>811</sup> Charles C. Alexander, *The Ku Klux Klan in the Southwest* (University of Kentucky Press, 1965), vi.

<sup>812</sup> Alexander, *The Ku Klux Klan in the Southwest*, vii.

<sup>813</sup> Hine, *Black Victory*, 86.

aliens, and it went on the ballot for a statewide referendum. Like its 1919 counterpart, it also affected white women's access to the ballot box.

The bill included a clause allowing a person to pay the poll tax of their spouse and to collect the receipt for said payment. The law used gender-neutral language, but was intended to relieve middle-class married white women from having to pay the poll tax themselves. The legislature had learned that under the Nineteenth Amendment to create voting laws for one sex and not the other was unconstitutional and could jeopardize their tight control of elections.<sup>814</sup> Earlier election laws had targeted political bosses who paid their constituents' poll taxes. The Terrell laws initially made it illegal for tax collectors to deliver poll tax receipts or exemptions needed for voting to anyone other than the person whose name appeared on the certificate.<sup>815</sup> Later in 1905, Representative Terrell added an amendment to the law specifically making it a misdemeanor to pay the poll tax of a black person.<sup>816</sup> While these laws were intended to limit black, Mexican and German immigrant voting, the legislature felt it necessary to add an exemption for spouses so that middle-class married white women would not have to pay their poll tax and collect the receipt in person.

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<sup>814</sup> "SJR 1, 37<sup>th</sup> Regular Session," Election Details, accessed November 25, 2013 via <http://www.lrl.state.tx.us/legis/BillSearch/BillDetails.cfm?legSession=37-0&billTypeDetail=SJR&billnumberDetail=1&submitbutton=Search+by+bill>

<sup>815</sup> Hine, *Black Victory*, 84.

<sup>816</sup> Hine, *Black Victory*, 85; Handbook of Texas Online, Irby C. Nichols, Jr., "Terrell, Alexander Watkins," accessed February 08, 2017, <http://www.tshaonline.org/handbook/online/articles/fte16>; Handbook of Texas Online, O. Douglas Weeks, "Election Laws," accessed February 08, 2017, <http://www.tshaonline.org/handbook/online/articles/wde01>.



The Thomason Laws and other election reforms targeted black voters and boss rule. Anders argues that political boss James Wells' opposition to prohibition resulted in a "constant clamor in the state legislature for election reforms to eliminate the manipulation of the Hispanic electorate."<sup>817</sup> These reforms had an unintended effect on women's political participation. Earlier reform efforts had cleaned up Election Day and made it much easier for women to participate by removing alcohol and encouraging men and women to participate in the festivities. Historian Judith McArthur argues: "Liquor free election days...in conjunction with the poll tax and the white primary, helped make this public space potentially 'safe' for white women."<sup>818</sup> She maintains "neither the prohibitionists nor the disfranchisers had such a goal in mind, of course, but wherever the electorate was mostly white and entirely sober, the antisuffragist argument that women risked insult or moral injury by voting lost conviction."<sup>819</sup>

Segregation had made it safer socially for white women to vote. The 1921 amendment further freed women to participate in elections by removing one of the more public tasks, which traditional or reserved women might feel uncomfortable performing. If the bill passed, legal resident aliens would lose the right to vote while white married women's access to the polls would be increased. Women who shied away from paying a

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<sup>817</sup> Anders, *Boss Rule in South Texas*, 280.

<sup>818</sup> Judith McArthur, *Creating the New Woman: The Rise of Southern Women's Progressive Culture in Texas, 1893-1918* (Urbana & Chicago: University of Illinois Press, 1998), 118-119; see also Michael Phillips, "Why is Big Tex still a White Cowboy," in *Beyond Texas Through time: Breaking Away from Past Interpretations*, eds. Walter L. Buenger and Arnolde De Leon (College Station: Texas A&M University Press, 2011), 156.

<sup>819</sup> McArthur, *Creating the New Woman*, 118-119.

poll tax and receiving the receipt in public could have their husbands do it for them. The bill had overwhelming support from the legislature; it passed the House 116:3 and the Senate 24:0.<sup>820</sup>

The amendment also gave the state legislature the power to “authorize absentee voting.”<sup>821</sup> While it did not lay out the specifics of such a system, if passed, the amendment gave the legislature power to design a system in which qualified voters would be able to participate in elections regardless of whether or not they happened to be in the state and in their respective counties and precincts on election day. Enacting this section of the law would make access to the ballot easier for those qualified voters, while the first section of the law placed further restrictions on who would be considered a qualified voter.

The bill enjoyed support of the growing Texas Klan as well. Anders notes that the Klan’s “anti-Catholic, nativist bigotry appealed to the Mexican-hating Anglos along the border.”<sup>822</sup> Historian Thomas R. Pegram similarly notes the Klan’s “hostility to seasonal Mexican workers and immigrants” in both South Texas and in Colorado.<sup>823</sup> Klan leaders supported disfranchising immigrant aliens, who were largely Catholic Mexican or German immigrants, and usually voted against prohibition. Dallas and

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<sup>820</sup> “SJR 1, 37<sup>th</sup> Regular Session,” Election Details, accessed November 25, 2013 via <http://www.lrl.state.tx.us/legis/BillSearch/BillDetails.cfm?legSession=37-0&billTypeDetail=SJR&billnumberDetail=1&submitbutton=Search+by+bill>

<sup>821</sup> “SJR 1, 37<sup>th</sup> Regular Session,” Election Details, accessed November 25, 2013 via <http://www.lrl.state.tx.us/legis/BillSearch/BillDetails.cfm?legSession=37-0&billTypeDetail=SJR&billnumberDetail=1&submitbutton=Search+by+bill>

<sup>822</sup> Anders, *Boss Rule in South Texas*, 278.

<sup>823</sup> Pegram, *One Hundred Percent American*, 58.

national Klan leader Hiram Evans identified “Mexican migrants as dangerous carriers of both Catholicism and communism, who were ‘waiting a chance to cross the Rio Grande’ and infect America.”<sup>824</sup> While Klansmen tended to support disfranchisement and the control of minority populations, the presence of a large Mexican population did not necessarily lead Anglos to join the Klan. In El Paso, Historian Shawn Lay argues that a substantial Catholic and Mexican population discouraged the local growth of the Klan.<sup>825</sup>

As an amendment to the state constitution, the 1921 bill had to be voted on in a special election. This time white women had been fully enfranchised and were able to vote on the effort to remove suffrage from legal resident aliens. The amendment had the support of the national League of Women Voters (LWV). The national LWV had officially organized in March of 1919 at the fiftieth annual convention of the National American Woman Suffrage Association (NAWSA). NAWSA, under Carrie Chapman Catt’s direction, had made ending non-citizen voting the center point of the Texas and North Dakota state suffrage amendment campaigns. The official program of the LWV’s Committee on American Citizenship listed as its purpose: “A country in which all voters speak English, read their own ballot and honor the flag.”<sup>826</sup> The adopted program consisted of ten major points including more stringent qualification for citizenship,

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<sup>824</sup> Pegram, *One Hundred Percent American*, 58.

<sup>825</sup> Shawn Lay, *War Revolution and the Ku Klux Klan: A Study of Intolerance in a Border City* (Texas Western Press, 1985), 159 as cited in Pegram, *One Hundred Percent American*, 58.

<sup>826</sup> “The Official Program of the Committee on American Citizenship of the League of Women Voters,” by Mrs. Frederick P. Bagley, Chairman, in Box 7, Folder 29, Cunningham Papers, UH Special Collections.

“more sympathetic and impressive ceremonials for naturalization,” “direct citizenship for women, not citizenship through marriage, as a qualification for the vote,” “naturalization for married women to be made possible,” and “An oath of allegiance to the United States for every citizen, native and foreign born to be one qualification for the vote.”<sup>827</sup>

The 1921 Amendment was one step closer to the voting prerequisites advocated by the LWV. It was also the culmination of the progressive election laws and nativist sentiment of the post-WWI era. On July 23, 1921, barely one year after full woman suffrage was achieved in Texas and in the United States, the measure to restrict voting in Texas to only native born or naturalized citizens was successful. It passed by 3,712 votes; a far cry from the 25,000-vote margin, which defeated the measure in 1919.<sup>828</sup> White women made up a substantial portion of the 28,000-vote difference. In their first state election as voters, white women helped to disfranchise a sizeable Mexican immigrant population.

The effort to limit the rights of immigrants while gaining or solidifying rights for white women continued on the national level as well. The national LWV pursued independent citizenship for women as part of its agenda. According to Candice Lewis Bredbenner, “the common law doctrine of coverture had begun its slow demise in the states decades earlier, but the laws forbidding a married woman to maintain an

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<sup>827</sup> “The Official Program of the Committee on American Citizenship of the League of Women Voters,” by Mrs. Frederick P. Bagley, Chairman, in Box 7, Folder 29, Cunningham Papers, UH Special Collections.

<sup>828</sup> “SJR 1, 37<sup>th</sup> Regular Session,” Election Details,

independent nationality appeared to be a statutory reassertion of the single-identity theory of marriage.”<sup>829</sup> Under coverture, women suffered civil death upon marriage. They ceased to have their own legal identity, and instead were subsumed by their husband’s identity. A *feme covert* (or a woman covered by the legal identity of her husband) was not able to “sue or be sued, sign contracts or wills, or possess property (including her wages and children).”<sup>830</sup> When the law did allow women to own land, they could not manage it, receive profits from it, or bequeath it. Coverture was understood to affect women’s civil rights, but not their political rights. Of course, this distinction was made when women had few political rights to speak of.<sup>831</sup>

Parts of the United States that were carved out of the old Spanish and French empires were more likely to allow married women to own property. Historian Woody Holton notes that “Texas wives had already enjoyed limited property rights as subjects of Spain and citizens of Mexico and the Republic of Texas,” so it was not unusual that the original state constitution in 1845 ensured them the same rights.<sup>832</sup> Holton argues that Texas “adopted a hybrid legal system that gave wives less control over property than in Spain and Mexico but more than in regions governed by common law.”<sup>833</sup>

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<sup>829</sup> Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Berkeley, Los Angeles, London: University of California Press, 1998), 5.

<sup>830</sup> Bredbenner, *A Nationality of Her Own*, 19.

<sup>831</sup> Bredbenner, *A Nationality of Her Own*, 19.

<sup>832</sup> Holton, 328.

<sup>833</sup> Holton, 328; See also Jean A. Stuntz, *Hers, His, and Theirs: Community Property Law in Spain and Early Texas* (Texas Tech University Press, 2010).

During the Jacksonian era of reform, many states passed laws protecting married women's property rights, and surprisingly, Mississippi was the first to do so in 1839. Mississippi State Senator Thomas B. J. Hadley introduced the bill, which he intended to be a truly egalitarian piece of legislation. Over one hundred women attended the legislative session in which the bill was debated. Hadley's colleagues altered the bill however, until it protected only a single type of property, slaves. Many other states in the Deep South followed suit and allowed slave owners to protect their slaves from being seized by creditors by putting them in the name of their wives.<sup>834</sup> Wives then owned slaves in much the same way the common law allowed them to own land; they maintained ownership but could not manage slaves or receive the income they generated. The Republic of Texas passed a similar act in 1840. Holton notes, "true reform came only with the adoption of a second round of married women's property acts."<sup>835</sup> Houston Equal Suffrage Association suffragist and lawyer Hortense Ward lobbied for the 1913 Married Women's Property Act in Texas commonly known as the Hortense Ward Law. This law allowed married women to manage their separate property within marriage, although their husbands had to be included in any sales or transfers. Ward later campaigned for the Texas woman suffrage and prohibition amendments.<sup>836</sup>

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<sup>834</sup> Woody Holton, "Equality as Unintended Consequence: The Contracts Clause and the Married Women's Property Acts," in *The Journal of Southern History* May 2015, 313-314, 324, 333.

<sup>835</sup> Holton, 337.

<sup>836</sup> *Encyclopædia Britannica*, s.v. "Hortense Sparks Malsch Ward American Lawyer and Reformer," accessed February 8, 2017, <https://www.britannica.com/biography/Hortense-Sparks-Malsch-Ward>. See also: Handbook of Texas Online, Janelle D. Scott, "Ward, Hortense Sparks," accessed March

Although nineteenth century married women's property acts were not particularly egalitarian, they did contribute to the slow erosion of coverture. However, in 1855 the U.S. Congress passed a naturalization act giving women partially dependent citizenship. The act required that an alien immigrant woman marrying an American citizen be automatically naturalized by marriage, regardless of her desire to do so. The act gave "foreign wives of Americans the ambiguous distinction of being the first and only group of adults to receive United States citizenship derivatively."<sup>837</sup>

Few women's rights advocates or politicians noted the law or its impact on women's nationality rights until 1907 when, amidst a wave of anti-immigrant sentiment, Congress passed an act that "revoked a citizen woman's ability to remain citizens after marriage to an alien."<sup>838</sup> Women's rights advocates were enraged. Derivative citizenship challenged the most basic argument for woman suffrage. If women were not independent citizens, what right did they have to the vote and how could they be trusted with it? Scholar Yoosun Park argues that "If indeed 'citizenship is generally understood to connote 'full membership' in a state...' a woman's membership in the United States was a partial one, an insecure status subject to change according to her marital standing."<sup>839</sup>

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08, 2017, <http://www.tshaonline.org/handbook/online/articles/fwa83>; & Handbook of Texas Online, Joseph W. McKnight, "Separate Property Law," accessed March 28, 2017, <http://www.tshaonline.org/handbook/online/articles/mls01>.

<sup>837</sup> Bredbenner, *A Nationality of Her Own*, 15.

<sup>838</sup> Bredbenner, *A Nationality of Her Own*, 16.

<sup>839</sup> Yoosun Park, "A Curious Inconsistency: The Discourse of Social Work on the 1922 Married Women's Independent Nationality Act and the Intersecting Dynamics of Race and Gender in the Laws of Immigration and Citizenship," in *Affilia: Journal of Women & Social Work*, Vol 30(4), Nov 2015, p

Ensuring women's independent citizenship by law was one of the original goals of the national League of Women Voters (LWV). The LWV's first major success was ushering the Sheppard-Towner Maternity and Infancy Act through Congress in 1921, and convincing forty-two of forty-eight states, including every southern state except Louisiana, to accept the legislation and authorize matching appropriations. The funds were used to improve infant and maternal health by establishing maternal and pediatric clinics, training midwives, and investigating the causes of maternal and infant mortality.<sup>840</sup> Cunningham served as the legislative secretary for the LWV's Maud Wood Park from December 1920 through April 1921. She worked alongside Dorothy Kirchwey Brown, who chaired the LWV's Child Welfare Committee, to get the Sheppard-Towner Act through Congress.<sup>841</sup>

The LWV then turned to the next pressing matter, independent citizenship for women.<sup>842</sup> The Married Women's Independent Citizenship Act was introduced in early 1922 by Representative John L. Cable of Ohio, and it became known as the Cable Act. Cable and the LWV intended the act to stop alien women from gaining citizenship upon marriage to citizens and to stop citizen women from losing their citizenship upon

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<sup>840</sup> Handbook of Texas Online, Cheryl Ellis Vaiani, "Women and Health," accessed March 28, 2017, <http://www.tshaonline.org/handbook/online/articles/smwbn>; Handbook of Texas Online, Megan Seaholm, "Midwifery," accessed March 28, 2017, <http://www.tshaonline.org/handbook/online/articles/sim02>; Handbook of Texas Online, Richard Bailey, "Sheppard, John Morris," accessed March 28, 2017, <http://www.tshaonline.org/handbook/online/articles/fsh24>.

<sup>841</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 96-97. Dorothy Kirchwey Brown was the sister of *The Nation's* Frieda Kirchwey. See: Sara Alpern, *Freda Kirchwey: A Woman of the Nation* (Cambridge: Harvard University Press, 1987).

<sup>842</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 98-99.



marriage to aliens, which led some natural born American women, who married German immigrants, to be deemed enemy aliens in their own nation during WWI. The LWV secured pledges from both political parties to support married women's independent citizenship in 1920. Minnie Fisher Cunningham, serving as the national LWV's executive secretary, helped usher the Cable Act through the Senate in 1922.<sup>843</sup>

The successful law did not guarantee completely independent citizenship to American women. The racist and nativist immigration policy of the United States also limited the effect of the law. Yoosun Park argues that the "interwoven laws of immigration and citizenship in the early part of the twentieth century constituted a complex web of hierarchical reckoning."<sup>844</sup> The Cable Act followed and contributed to this discrimination, and in "doing so, produced starkly different outcomes for women of different races."<sup>845</sup> Park argues that the law "was designed specifically to apply only to some women and to some marriages."<sup>846</sup>

Citizen women who married alien immigrants ineligible for citizenship, like Chinese immigrants, still lost their citizenship. The law allowed women expatriated through marriage under the old laws to apply for naturalization, but women deemed ineligible for naturalization due to race remained unable to do so. Expatriated women

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<sup>843</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 100-101.

<sup>844</sup> Yoosun Park, "A Curious Inconsistency": The Discourse of Social Work on the 1922 Married Women's Independent Nationality Act and the Intersecting Dynamics of Race and Gender in the Laws of Immigration and Citizenship," *Affilia: Journal of Women and Social Work*, Vol 30(4), Nov 2015, 560; see also *Ozawa v. United States* 260 U.S. 178 (1922) & *United States v. Bhagat Singh Thind* 261 U.S. 204, 213 (1923).

<sup>845</sup> Yoosun Park, "A Curious Inconsistency," 560-561.

<sup>846</sup> Yoosun Park, "A Curious Inconsistency," 561.

whose race made them eligible were designated as naturalized citizens, and naturalized citizenship contained more restrictions and was easier to lose than natural born citizenship.<sup>847</sup>

In effect, “while the Cable Act separated marriage from citizenship, it reinscribed the significance of race to both.”<sup>848</sup> As intended, the law prevented immigrant alien women from automatically becoming citizens upon marriage to a citizen. Historians Judith McArthur and Harold L. Smith note this section of the law was particularly popular with “congressmen concerned about the immigrant vote.”<sup>849</sup> These nativist congressmen favored making citizenship more difficult for immigrants to obtain, while also limiting immigrants’ political rights.

The issue of women’s independent citizenship points to the multitude of problems women faced fitting into a classic liberal framework of citizenship based in individual rights. When the founders limited voting rights to propertied white men, they argued that only independent citizens, white men with property, should possess the privilege of voting. They also based universal rights in natural law. As historian Estelle Freedman points out, “however, the principle of natural law drew biological distinctions

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<sup>847</sup> For example, natural born citizens could live overseas permanently and remain citizens. Naturalized citizens forfeited their citizenship after living abroad for five or more years. For more on the differences between naturalized and natural born citizenship see Yoosun Park, “A Curious Inconsistency,” 566-567.

<sup>848</sup> Gardner, as quoted in Yoosun Park, “A Curious Inconsistency,” 561-562; Park argues, “even birthright, or *jus soli* (right of the soil), citizenship was a contested status not established in law until 1898, via the *United States v. Wong Kim Ark* (169 US 649).” Yoosun Park, “A Curious Inconsistency,” 573.

<sup>849</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 101; Yoosun Park, “A Curious Inconsistency,” 562.

between the sexes and among the races. The flip side of natural rights was natural sex and natural race.”<sup>850</sup>

Historian Rosemary Zagarri argues that even the definitions of natural rights were gendered. Male citizenship rights equated with the Lockean definition and were “open-ended and expansive, they were capable of reinterpretation and renegotiation.”<sup>851</sup> Meanwhile women’s citizenship rights were equated with the Scottish Enlightenment theories, which “emphasized the close, even intimate relationship between individual rights and individual duties.”<sup>852</sup> In this theory, “mutual obligations and the preservation of social harmony took precedence over individual prerogatives and freedom of choice. Hence in doing their duties, people [women] exercised their rights.”<sup>853</sup>

Zagarri argues that Americans “consistently began to make a distinction,” applying “the more open-ended concept of rights, associated with Locke, to men and the more duty-bound theory, associated with the Scots, to women,” leading to a “gendered division of rights.”<sup>854</sup> Zagarri further argues that racial distinctions based on natural law contributed to a hierarchy in which white women, though lacking political rights, enjoyed “many civil rights and liberties that black people, free or slave, did not have.”<sup>855</sup>

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<sup>850</sup> Estelle B. Freedman, *No Turning Back: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge & London: Harvard University Press, 2013), 64; See also Rosemary Zagarri, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007), 26-28.

<sup>851</sup> Zagarri, *Revolutionary Backlash*, 174.

<sup>852</sup> Zagarri, *Revolutionary Backlash*, 174.

<sup>853</sup> Zagarri, *Revolutionary Backlash*, 174.

<sup>854</sup> Zagarri, *Revolutionary Backlash*, 176.

<sup>855</sup> Zagarri, *Revolutionary Backlash*, 177.

She concludes, “scientific racism and gender essentialism forged racial and gender hierarchies that reinforced and complemented one another.”<sup>856</sup>

When universal male suffrage became the norm in the Jacksonian Era, women’s lack of rights was made more apparent by contrast. While men without substantial money or property could argue that they were still independent citizens, women were more likely to be considered either the property or dependents of their husbands, with similar rights as children. Women’s societal obligations to the home and family were often used to limit their political rights. Freedman argues that “historically, homemaking has been set in contrast to full citizenship,” noting that under coverture, “wives legally owed domestic and reproductive service to their husbands.”<sup>857</sup> She continues, “the expectation that family responsibilities come first has justified women’s exclusion or exemption from military service and jury duty.”<sup>858</sup>

Even after the ratification of the Susan B. Anthony Amendment, ideas of “women’s political non-entity,” in the words of Jane Addams, limited the success of female demands for equality in representation and in politics.<sup>859</sup> Historian Rebecca Edwards questions how “gendered campaign arguments shape[d] access to political institutions.”<sup>860</sup> Edwards maintains that everything political was gendered as it was

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<sup>856</sup> Zagari, *Revolutionary Backlash*, 179-180.

<sup>857</sup> Estelle B. Freedman, *No Turning Back: The History of Feminism and the Future of Women* (New York: Ballantine Books, 2002), 130.

<sup>858</sup> Freedman, *No Turning Back*, 130.

<sup>859</sup> Jane Addams as quoted in Yoosun Park, “A Curious Inconsistency,” 561.

<sup>860</sup> Rebecca Edwards, *Angels in the Machinery: Gender in American Party Politics from the Civil War to the Progressive Era* (New York & Oxford: Oxford University Press, 1997), 9.

related to the proper gender (and race) relations within the home. This included legislation that affected race and gender relations directly, like relaxed divorce laws or married women's property rights, and larger issues of federal government power in relation to the state, which were seen by late nineteenth century Democrats as a usurpation of each white, male patriarch's power within his home. In the conservative climate of the early twentieth century, "women found that appeals grounded in their social identities as mothers were effective levers on the men in power."<sup>861</sup>

While the national LWV fought for married women's independent citizenship, Texas women continued to be active in local and state politics as they had been in the decades prior to 1920. With the vote in hand, they now wielded more power to directly affect legislation. In 1922, former Dallas Equal Suffrage Association organizer and suffragist Edith Wilmans, was the first woman elected to the Texas House of Representatives. Wilmans had studied law and been admitted to the bar in 1918. During her tenure in the legislature, she endorsed child support and childcare legislation and fought for the establishment of the Dallas County District Court of Domestic Relations.<sup>862</sup>

The first annual meeting of the Texas League of Women Voters (TLWV) was considered a failure due to poor attendance, likely as a result of holding the conference

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<sup>861</sup> Edwards, *Angels in the Machinery*, 161.

<sup>862</sup> Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>; Handbook of Texas Online, Edith Eunice Wilmans Malone, "Wilmans, Edith Eunice Therrel," accessed February 08, 2017, <http://www.tshaonline.org/handbook/online/articles/fwi48>.

in the western part of the state, far removed from the larger cities of the east. However, the convention passed several resolutions including support for a Joint Legislative Council comprised of the League of Women Voters, the Parent Teacher Association, and the Federated Women's Clubs.<sup>863</sup> The group was similar to the Women's Joint Congressional Committee (WJCC) formed by ten national women's rights organizations including the General Federation of Women's Clubs and the Woman's Christian Temperance Union, at the invitation of the national LWV in late 1920.<sup>864</sup>

Like the WJCC, the Texas women's organizations joined together to lobby for the Sheppard-Towner Bill. After the Texas group was successful, "the Joint Legislative Council was formally organized after this venture of cooperation."<sup>865</sup> The Council became commonly known as the "Petticoat Lobby," and included the TLWV, Federation of Women's Clubs, and the Mother's Congress, which later became the Parent-Teacher Association.<sup>866</sup> The Lobby eventually consisted of six women's groups who combined their strength in order to achieve increased funding for education, prison reform, stricter prohibition enforcement, maternal and child healthcare, and the end of child labor, among other reforms. Former suffragists assumed positions of leadership in the Petticoat

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<sup>863</sup> Texas League of Women Voters, October 10, 1919-Dec 1923 Report, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>864</sup> McArthur and Smith, *Minnie Fisher Cunningham, A Suffragist's Life in Politics* (Oxford & New York: Oxford University Press, 2003), 96.

<sup>865</sup> Report on the Texas League of Women Voters, 1923, Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>866</sup> Other members of the organization eventually included the Committee on Prisons and Prison Reform, the Texas WCTUA, and the Graduate Nurses Association. See: Handbook of Texas Online, Sherilyn Brandenstein, "Joint Legislative Council," accessed March 28, 2017, <http://www.tshaonline.org/handbook/online/articles/wejfg>.

Lobby. In 1923, Jane McCallum became the Lobby's executive secretary and Helen Moore served as her first vice president.<sup>867</sup> McCallum had served as the publicity chairman for the Education of Better Schools Amendment, as the publicity chair for the TLWV and one term as its vice president.<sup>868</sup>

While suffragists continued to press for social reforms, the Klan showed its strength in Texas in 1923, when it arranged for Klan Day at the Texas State Fair. Approximately 150,000 fair goers participated in "Klan-themed rodeo events and Klan speeches in addition to the fair's usual rides and displays," as the Klan tried to present itself as a charitable and reputable organization.<sup>869</sup> Dallas Klan No. 66, led by Zeke Marvin, worked with the Dallas Welfare Council to raise funds for Hope Cottage, a foundling home, which had fallen into disrepair. Klan No. 66 raised \$85,000 to restore the home and presented their accomplishment to the city of Dallas on Klan Day at the Texas State Fair. Historian Thomas Pegram argues that the "Dallas Klan's effort to place infants in established families conformed with the secret order's interest in moral regulation and stable patriarchy."<sup>870</sup> The move also improved the public image of the Dallas Klan.

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<sup>867</sup> Texas League of Women Voters Letterhead sample, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>868</sup> Handbook of Texas Online, Roberta S. Duncan, "McCallum, Jane Legette Yelvington," accessed February 08, 2017, <http://www.tshaonline.org/handbook/online/articles/fmc07>.

<sup>869</sup> Pegram, *One Hundred Percent American*, 31.

<sup>870</sup> Pegram, *One Hundred Percent American*, 41. The Klan was unable to maintain the home, and after a few years turned Hope Cottage over to the city. It remains in operation today.

The charitable efforts to repair Hope Cottage stood in stark juxtaposition with Imperial Wizard Hiram Evans' speech at the State Fair, which was one of his "most notable public articulations of bigotry against African Americans, Jews, Catholics, and immigrants."<sup>871</sup> The former leader of the Dallas Klan, Evans had been appointed the Klan's national secretary and later led their foray into politics.<sup>872</sup> He ranted to the Texas State Fair crowd that "blacks [were] racially incapable of civilization at the 'Anglo-Saxon level'" and that citizenship involved a "racial understanding of Americanism."<sup>873</sup> Pegram summarizes, "the Klan's racial doctrine taught that universal suffrage was a weapon mistakenly placed in the hands of strangers who held no reverence for American institutions and who were likely to inflict fatal injury to the republic."<sup>874</sup>

The Klan remained under the radar for the first few months of its existence in Texas. Then, in February 1921 the violence began with the whipping, tarring and feathering of a Houston lawyer named B.I. Hobbs for defending black clients and repeat offenders.<sup>875</sup> The Houston Klan also kidnapped and castrated J. Lafayette Cockrell, a black dentist who had been convicted and fined for being sexually involved with a white woman.<sup>876</sup> The Beaumont Klan publicly whipped a doctor they suspected of having

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<sup>871</sup> Pegram, *One Hundred Percent American*, 32.

<sup>872</sup> Alexander, *The Ku Klux Klan of the Southwest*, 79.

<sup>873</sup> Pegram, *One Hundred Percent American*, 50-51.

<sup>874</sup> Pegram, *One Hundred Percent American*, 51.

<sup>875</sup> Pegram, *One Hundred Percent American*, 67-68.

<sup>876</sup> Pegram, *One Hundred Percent American*, 67.



performed abortions and a man who allegedly would refer female clients to him.<sup>877</sup> Violent Klan actions continued for the next two and half years throughout the state.<sup>878</sup> Pegram argues, “the controversy over Klan violence, in combination with the Invisible Empire’s internal disorder, clearly influenced the decline of the hooded order.”<sup>879</sup> He maintains, “vigilante action that escalated to mutilation offended mainstream Southern white sensibilities...[and] Houston’s dominant institutions rebuked the Klan, [with] some prominent voices even calling for its dismantling.”<sup>880</sup> However, Pegram notes the crucial distinction that the white majority in the state did not disagree with the Klan’s assertion of white supremacy, but in its violent and illegal enforcement. It was this reaction against Klan vigilantism that in part persuaded Hiram Evans to attempt to contain Klan violence and instead pursue political power.

While the most brutal Klan attacks were directed at African Americans, the Klan’s emphasis on enforcing its own brand of morality and attacking whites who violated their code of ethics, led to its reputation as a prohibition enforcement ring. Texas Klans attacked a German picnic, which served beer leading to a gunfight and the death of four people.<sup>881</sup> One journalist reported that even “black community leaders”

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<sup>877</sup> Pegram, *One Hundred Percent American*, 164; Merline Pitre, *In Struggle against Jim Crow: Lulu B. White and the NAACP, 1900-1957* (College Station, Texas A&M University Press, 1999, 2010), 17-19.

<sup>878</sup> Alexander, *The Ku Klux Klan of the Southwest*, 41; and Thomas R. Pegram, *One Hundred Percent American*, 65.

<sup>879</sup> Pegram, *One Hundred Percent American*, 19.

<sup>880</sup> Pegram, *One Hundred Percent American*, 66.

<sup>881</sup> Pegram, *One Hundred Percent American*, 131; See also Walter D. Kamphoefner, “The Handwriting on the Wall: The Klan, Language Issues and

considered the Klan to be primarily concerned with the enforcement of prohibition.<sup>882</sup> Pegram notes that of the fifty-two vigilante attacks recorded in Texas between February and August of 1921, approximately fifty were assaults on white people.<sup>883</sup> While assaults on blacks may have been underreported, the numerous assaults on whites that violated Klan morality added to its reputation as an enforcer of prohibition and white Protestant morality.

While the Petticoat Lobby and progressives worked toward many goals of social reform that the Klan also advocated, like stricter enforcement of prohibition laws, these reformers came to resent the violent and illegal tactics of the Klan. They instead preferred to pursue their goals of social reform through legislation and law enforcement. Charles Alexander argues that while many Texans “might offer no objection to the Klan’s nativism and racism, ...[they] could not accept the order’s arrogation to itself of the function of moral arbiter.”<sup>884</sup> In response to the violence associated with the Klan and its brand of vigilantism, reformers organized in opposition. Reeling from the Klan’s campaign of terror against blacks, immigrants, “bootleggers, moral offenders, gamblers and wife beaters,” Texas Representative Wright C. Patman “introduced a resolution attacking the Klan, which...[was] tabled indefinitely by a vote of 69 to 54.”<sup>885</sup> District

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Prohibition in the German Settlements of Eastern Texas,” *Southwestern Historical Quarterly* 112 (July 2008), 60, 62-63.

<sup>882</sup> Pegram, *One Hundred Percent American*, 67.

<sup>883</sup> Pegram, *One Hundred Percent American*, 67.

<sup>884</sup> Alexander, *The Ku Klux Klan of the Southwest*, 56.

<sup>885</sup> Alexander, *The Ku Klux Klan of the Southwest*, 46.

judges in multiple Texas cities instructed grand juries to investigate the Klan's wave of violent attacks as early as 1921, although no jury returned an indictment until 1923.

In Waco, Texas, home of the infamous lynching of sixteen-year-old Jesse Washington, the sheriff attempted to stop a 1921 Klan parade. A gunfight broke out and Klan members shot the sheriff, stabbed one of the men standing with him, and injured several bystanders. Klansmen, who called themselves knights, showed no remorse and in fact blamed the sheriff for the violence.<sup>886</sup> The Mayor of Houston, briefly a member of the Klan, left the organization after discovering the Klan had infiltrated the Houston Police Department and promptly hired officers from West Texas to handle Klan violence.<sup>887</sup>

Multiple Klan attacks on “vulnerable-appearing women” in 1922 and 1923 further cost the Klan public support. Twelve to fifteen Texas knights in Goose Creek, Texas, “burst into the household of an ailing woman in which small children played...dragged [a] half-dressed woman out of her sickbed and at gunpoint forced her and the man who was visiting her into an automobile.”<sup>888</sup> Both she and her visitor were whipped, and the knights cut the woman's hair off, likely as punishment for having a male visitor when her husband was away. However, the woman's husband defended her and repudiated her attackers calling them “murdering cowards.”<sup>889</sup> Twenty-five knights were fined although they maintained it was a small price to pay in order to clean up their

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<sup>886</sup> Pegram, *One Hundred Percent American*, 172.

<sup>887</sup> Alexander, *The Ku Klux Klan of the Southwest*, 46.

<sup>888</sup> Pegram, *One Hundred Percent American*, 170.

<sup>889</sup> Pegram, *One Hundred Percent American*, 170.

town. The incident ended eighteen months of Klan vigilantism in Goose Creek. Attacks against women who were humiliated and sometimes stripped by their Klan attackers, “left it unclear, especially to prim moralists, which party had committed the greater moral infraction.”<sup>890</sup>

The Texas Chamber of Commerce publicly criticized the Klan. Progressive Democrats like former State Attorney General and member of TESA’s Legal Defense Committee, Martin M. Crane, and Senator Charles Culberson “attacked the divisive character of the order.”<sup>891</sup> Fed up with the Klan’s secrecy, violence and terrorism, and particularly upset with police officers and politicians who were complicit or participated in Klan violence, the Dallas County Citizens’ League formed on April 4, 1922 to oppose the Klan. It’s founding 5,000 members chose Crane as their chairman.<sup>892</sup> As part of the Klan’s effort to improve its public image, to gain political power, and in response to the growing backlash against it, Hiram Evans oversaw an attempt to distance the group from its more violent elements. The national Klan publicly denounced chapters caught engaging in violence and forbid the use of robes and hoods for any reason other than official functions.<sup>893</sup>

While white progressives organized against the Klan, the National Association for the Advancement of Colored People (NAACP), which had been all but run out of

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<sup>890</sup> Pegram, *One Hundred Percent American*, 171.

<sup>891</sup> Alexander, *The Ku Klux Klan of the Southwest*, 46.

<sup>892</sup> Pegram, *One Hundred Percent American*, 175; Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>.

<sup>893</sup> Alexander, *The Ku Klux Klan of the Southwest*, 80.

Texas under Governor Hobby, worked to end the pervasive myth of black on white rape as a justification for the lynching of black men. The claim that lynching was requisite to control black men and their alleged attraction to white women had been accepted as fact by most of American society since historian Phillip A. Bruce first published his thesis, *The Plantation Negro as a Freeman*, in 1889.

Bruce argued that emancipation had removed blacks from the civilizing influence of white society, and that they had reverted to a more primitive state than their enslaved ancestors. According to Bruce, black men also “found something strangely alluring and seductive in the appearance of White women,” and middle class blacks were even more of a threat to white women than poor blacks in Bruce’s opinion.<sup>894</sup> *Harper’s Weekly* agreed arguing that middle class African Americans were “most likely to aim at social equality and to lose the awe with which in slavery times, Black men had learned to respect the women of the superior race.”<sup>895</sup> *Harper’s Weekly* named this lack of respect and alleged propensity for interracial rape “The New Negro Crime.”<sup>896</sup> It was often used as an excuse whenever a black man was lynched regardless of if he was even accused of sexual assault. According to historian Estelle Freedman, “by the 1920s the NAACP waged a multipronged campaign to redefine rape and undermine lynching.”<sup>897</sup> Freedman maintains, “changing the definition and prosecution of rape has challenged the very

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<sup>894</sup> Philip A Bruce, *The Plantation Negro as a Freeman*, 1889 as quoted in Paula Giddings, *When and Where I Enter: The Impact of Black Women on Race and Sex in America* (New York: Harper Collins, 1984, 1996, & 2001), 26-27.

<sup>895</sup> “Some Negro Views of the Negro Question,” *Harper’s Weekly* (June 18, 1904), 928 as quoted in Paula Giddings, *When and Where I Enter*, 27.

<sup>896</sup> Paula Giddings, *When and Where I Enter*, 27.

<sup>897</sup> Estelle Freedman, *Redefining Rape*, 247.

meaning of citizenship in American history.” This is due to the fact that “on a rhetorical level, the constructions of black women as always consenting, white women as duplicitous, and black men as constant sexual threats all justified the very limitations on citizenship that reinforced white men’s sexual privileges.”<sup>898</sup>

Black women continued to interrogate this myth as they organized against lynching. In 1922, they formed the Anti-Lynching Crusaders within the NAACP. *The Woman Citizen*, formerly the official organ of the NAWSA and now associated with the LWV, praised the NAACP for “making terrible facts known” regarding lynching and the accusations of rape used to justify it.<sup>899</sup> That same year Texas suffragist Jessie Daniel Ames joined the liberal white Texas Commission on Interracial Cooperation (CIC) to encourage Texans to improve educational and economic opportunities for black Texans.<sup>900</sup> Ames served as the commission’s vice-chairman alongside University of Texas President Dr. Robert.E. Vinson and longtime suffrage supporter and former president of the Texas Federation of Women’s Clubs, Anna J. Pennybacker.<sup>901</sup> Ames served as the Director of Woman’s Work for the CIC. Her job involved leading the women’s work of the general commission and coordinating with other “organizations of women, religious and civic.”<sup>902</sup>

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<sup>898</sup> Freedman, *Redefining Rape*, 2.

<sup>899</sup> Freedman, 248-249.

<sup>900</sup> Freedman, 250.

<sup>901</sup> Texas Commission on Inter-Racial Co-Operation Letterhead sample; “From Julia Collier Harris’ column, ‘From my Balcony’”; both in Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>902</sup> July 13 [undated], “Press Service,” Commission on Interracial Cooperation, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

As more and more Texans organized against the Klan and its violent tactics, Governor Neff faced criticism for his reluctance to take decisive action against the growing organization.<sup>903</sup> He faced several opponents for the Democratic gubernatorial nomination in 1922, but he managed to overcome his competition, winning both the Democratic primary and the governorship.<sup>904</sup> That same year, James Ferguson reentered political life, and ran a legally questionable campaign (due to his impeachment and conviction) for U.S. Senate as an anti-Klan candidate and reformer. Looking to unseat the aging Senator Charles Culberson, the Klan ran Railroad Commissioner Earle B. Mayfield for Senate.

The Texas Klan ran “elimination primaries” to select Klan-backed candidates ahead of the Democratic primary assuring the concentration of Klan voters would back a single Klan candidate.<sup>905</sup> In Dallas, Klan No. 66 maintained a campaign headquarters throughout the Democratic primary campaign and charged members one dollar for election expenses.<sup>906</sup> The National Anti-Saloon League was familiar with Ferguson’s previous life in Texas politics, and endorsed his prohibitionist, Klan-backed rival instead.<sup>907</sup> Pegram maintains that sometimes, “hooded strategists allowed several reputed Klansmen to populate a ticket so as to misdirect anti-Klan activists from the authentic

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<sup>903</sup> Pegram, *One Hundred Percent American*, 198.

<sup>904</sup> Handbook of Texas Online, Thomas E. Turner, "Neff, Pat Morris," accessed January 30, 2017, <http://www.tshaonline.org/handbook/online/articles/fne05>.

<sup>905</sup> Pegram, *One Hundred Percent American*, 190.

<sup>906</sup> Pegram, *One Hundred Percent American*, 191.

<sup>907</sup> Pegram, *One Hundred Percent American*, 152.

hooded candidate.”<sup>908</sup> In the 1922 Texas Senate race, Hiram Evans allowed one candidate to publicly announce his Klan affiliation to draw the opposition away from Mayfield, who did not officially acknowledge his allegiance to the Klan.<sup>909</sup> With the opposition confused, the Klan then distributed bulletins listing the officially approved Klan candidates to members immediately before the election.<sup>910</sup>

Mayfield won a plurality of the votes ahead of James Ferguson, with Culberson placing third. Under the law intended to prevent Ferguson from winning the 1918 gubernatorial campaign with a plurality of the vote, Mayfield and Ferguson were forced into a runoff campaign, which Mayfield won, making him the first Klan-backed U.S. Senator. Democrats tried running a moderate Democrat, George E.B. Peddy, on the Republican ticket as a “fusion” candidate, but failed to unseat Mayfield. Machine boss James Wells, a devout Catholic, even set aside party loyalty to support Peddy as opposed to the anti-Catholic, Klan-backed Mayfield. However, the emerging Anglo majority in Well’s Cameron County supported Mayfield, as did most of the state.<sup>911</sup> In a last ditch effort, Peddy alleged election irregularities and sought to overturn the outcome of the election. Despite producing more than thirty witnesses, he was unable to convince the Senate Committee on Privileges and Elections to alter the outcome.<sup>912</sup>

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<sup>908</sup> Pegram, *One Hundred Percent American*, 190.

<sup>909</sup> Pegram, *One Hundred Percent American*, 190.

<sup>910</sup> Pegram, *One Hundred Percent American*, 190.

<sup>911</sup> Anders, *Boss Rule in South Texas*, 279.

<sup>912</sup> Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>.



While reformers actively worked against the Klan due to their illegal, violent tactics, many of those same reformers pursued legislation with similar goals as the Klan. Both groups sought to “purify” elections by reducing corruption, which many of them considered to include non-Anglo voting. While most African Americans in Texas were disfranchised through “violence, intimidation, economic sanctions, and county white men’s associations,” the all white primary and the poll tax were the only Jim Crow election laws specifically legislated by the state.<sup>913</sup> The poll tax had excluded the poorest voters since it was passed in 1902. In 1905, the state required political parties to hold direct primaries if they drew a certain amount of support in the preceding election year. While the parties were allowed to decide membership requirements themselves, the Democratic party barred black Texans from participating in its all white primary.<sup>914</sup> However, this was seen as too lenient and ineffective as membership requirements were not universally enforced at the local level.

In 1921, the City of Houston, dubbed the Star Klan City, prohibited black Houstonians from voting in non-partisan municipal elections that February. The executive committee of the Houston Democratic party passed an all white primary resolution, further eliminating the participation of black Houstonians in the city’s municipal elections. Not only were blacks barred from participating in the city’s

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<sup>913</sup> Bruce Glasrud, “Time of Transition: Black Women in Early Twentieth Century Texas, 1900-1930,” in *Black Women in Texas History*, eds. Bruce Glasrud & Merline Pitre (College Station: Texas A&M University Press, 2008), 110.

<sup>914</sup> Glasrud, “Time of Transition: Black Women in Early Twentieth Century Texas, 1900-1930,” in *Black Women in Texas History*, 110.

Democratic primary, but election officials were instructed by law to enforce the Democratic party's ban.<sup>915</sup>

In 1923, under Governor Pat Neff, the Texas legislature passed a similar law: “in no event shall a negro be eligible to participate in a Democratic Party primary election held in the State of Texas...”<sup>916</sup> The law also instructed officials, “should a negro vote in a Democratic primary election, such ballot shall be void and election officials are herein directed to throw out such ballot and not count the same.”<sup>917</sup> Effectively, the state legislated the Democratic all-white primary. Hine argues, “For black Texans, the 1923 statute ended their already limited involvement and influence in state and local politics.”<sup>918</sup>

R. A. Baldwin was the only representative to vote “present” instead of “yes” on the proposed white primary bill. He did so because he doubted the constitutionality of the act and saw it as an opening for “serious legal complications and many contests of primary elections.”<sup>919</sup> History proved him right. In passing the 1923 white primary law, the Texas legislature forgot the lesson of Reconstruction, when Black Codes were overturned under the Equal Protection Clause of the 14<sup>th</sup> Amendment for singling out citizens on the basis of their race. However, the white primary law may have had a further unintended effect on minority voters. Hine concludes, “The most important factor

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<sup>915</sup> Pitre, *In Struggle against Jim Crow*, 18.

<sup>916</sup> *General Laws of the State of Texas*, Acts 1923, 38<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session, Ch. 32, 74-75. Hine, *Black Victory*, 94.

<sup>917</sup> *General Laws of the State of Texas*, Acts 1923, 38<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session, Ch. 32, 74-75.

<sup>918</sup> Hine, *Black Victory*, 69.

<sup>919</sup> Hine, *Black Victory*, 93.

responsible for maintaining high levels of political interest and activity among rank-and-file blacks...became the fight against the Democratic white primary.”<sup>920</sup> Historian Merline Pitre concurs arguing, “This assault on the ballot not only resulted in the mobilization of blacks, but also created black solidarity and fueled the modern civil rights movement in Texas.”<sup>921</sup> With the backing of the NAACP, black Texans challenged the statute; fighting the state all the way to the Supreme Court multiple times until eventually the Supreme Court ruled the all-white primary unconstitutional in 1944.<sup>922</sup>

As the legislature worked on the all white primary law, Klan violence briefly surged again in the spring and summer of 1923. Lieutenant Governor T.W. Davidson responded by ordering the Texas Rangers to secure the areas where increasingly unpopular Klan violence erupted. He gave the Rangers orders to investigate, identify and apprehend the masked floggers harassing Texans. With the help of a handful of determined prosecutors, the Rangers were able to secure convictions against a few Klansmen.<sup>923</sup> A Klansman in Williamson County was convicted for assaulting a traveling salesman. In Amarillo, a Klansman was convicted of “whitecapping” or “threatening a person while disguised” and received a two-year sentence, although this

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<sup>920</sup> Hine, *Black Victory*, 96; See also Donald R. Matthews and James W. Prothro, *Negroes in the New Southern Politics* (New York: Harcourt, Brace and World, 1966).

<sup>921</sup> Pitre, *In Struggle against Jim Crow*, 19.

<sup>922</sup> See *Love v. Griffin*, 1927; *Nixon v. Herndon*, 1927; *Nixon v. Condon*, 1932; and *Smith v. Allwright*, 1944; see also Handbook of Texas Online, Sanford N. Greenberg, "White Primary," accessed March 15, 2017, <http://www.tshaonline.org/handbook/online/articles/wdw01>.

<sup>923</sup> Alexander, *The Ku Klux Klan of the Southwest*, 80-81; Pegram, *One Hundred Percent American*, 175.

was later overturned on appeal.<sup>924</sup> In response to law enforcement's crackdown on the Klan in Texas and a public scandal about Klan murders in Mer Rouge, Louisiana, the national Klan worked harder to limit violent actions in favor of political action. Pegram notes one newspaper reporting on the "suspiciously sudden cessation of floggings," after the Klan instituted a short-lived effort to curtail vigilantism.<sup>925</sup>

In states like Indiana, Ohio, and Pennsylvania, the Women of the Klan had become almost equal in strength to the men's organizations in the early 1920s. However, the Women of the Ku Klux Klan never enjoyed the same strength in Texas or the other southwestern states.<sup>926</sup> To try to increase its reach, the Women of the Ku Klux Klan tried getting other Protestant women's organizations to join their ranks. They petitioned the League of Protestant Women to affiliate with them in the summer of 1923. The League of Protestant Women's national officers refused the offer, and their decision was unanimously upheld by the League's membership in a vote, which took place in a Ku Klux Klan hall in Texas. One of the League's officers, former suffragist Mrs. G.A. Young explained, "Our loyalty is to a principle, rather than to any man or organization, and the delegates did not think they could consistently take the oath of the Women of the Ku Klux Klan. This does not mean, however, that we oppose the principles of the Klan."<sup>927</sup>

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<sup>924</sup> Alexander, *The Ku Klux Klan in the Southwest*, 81.

<sup>925</sup> Pegram, *One Hundred Percent American*, 175.

<sup>926</sup> Alexander, *The Ku Klux Klan of the Southwest*, 104.

<sup>927</sup> "Women's League Votes Against Joining Ku Klux: Protestant Organization Endorses Attitude of Executives," in *The Houston Post*, July 29, 1923; Accessed June 10, 2016 on <https://www.newspapers.com/image/95208193>.

In 1924, the Klan ran Judge Felix D. Robertson for Governor. Robertson's closest competition was none other than Miriam A. Ferguson, wife of the impeached former Governor. When the courts declared Jim Ferguson permanently ineligible to hold an office of trust in the State of Texas, the Fergusons decided that Miriam should run for governor in James's stead. She was largely considered his proxy. Due to her initials and the fact that she had spent most of her life devoted to her husband and children, her supporters called her "Ma Ferguson."<sup>928</sup>

When no candidate won a majority of votes in the primary, the two candidates with the most votes, Robertson and Miriam Ferguson, were forced into a run-off election. Ferguson embraced her husband's past with slogans like "Two governors for the price of one," and capitalized on anti-Klan resentment: "A bonnet and not a hood." The Robertson campaign replied with its slogan: "Not Ma for me. Too much Pa."<sup>929</sup> The Texas Anti-Saloon League (ASL) superintendent Atticus Webb supported the dry, Klan-backed Robertson over the historically wet Fergusons. Adding intrigue to the campaign, ASL national executive committeeman W.J. Milburn publicly charged Webb of being under the influence of Texas Klan leader Zeke Marvin, a former ASL member. Milburn declared: "There is no place in Texas for Lenins and Trozkys and emperors and grand dragons and titans."<sup>930</sup>

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<sup>928</sup> Handbook of Texas Online, John D. Huddleston, "Ferguson, Miriam Amanda Wallace [Ma]," accessed March 08, 2017, <http://www.tshaonline.org/handbook/online/articles/ffe06>.

<sup>929</sup> Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>.

<sup>930</sup> As quoted in Pegram, *One Hundred Percent American*, 153.

The 1924 gubernatorial campaign put former suffragists in an odd predicament. They had to choose to support the wife of James Ferguson, whom they hated, or to support Robertson, the candidate backed by the Klan, which they hated even more. Miriam Ferguson denounced the Klan and went on record opposing the passage of any new liquor legislation. As prohibition was already in place, this made her candidacy easier for prohibitionists to support.<sup>931</sup>

Former Houston Equal Suffrage Association President Hortense Ward publicly supported Ferguson, arguing that she supported prohibition and opposed the Klan. Ward served as a representative of Miriam Ferguson in Maine where she campaigned against another Klan candidate for governor in that state.<sup>932</sup> Former TESA Treasurer and suffragist Jessie Daniel Ames later recalled that Ferguson was opposed to the Klan and prohibition, but she “figured the Ku Klux Klan was worse than drink.”<sup>933</sup> She publicly supported Ferguson’s candidacy as well. When her fellow Methodist women publicly wrote her a letter asking how she could bring herself to support the Fergusons and liquor suppliers, she responded in a letter to the editor of the *Dallas News* that “the issue is not prohibition.”<sup>934</sup> She maintained that both the Fergusons and Felix Robertson had been

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<sup>931</sup> Handbook of Texas Online, John D. Huddleston, "Ferguson, Miriam Amanda Wallace [Ma]," accessed March 08, 2017, <http://www.tshaonline.org/handbook/online/articles/ffe06>.

<sup>932</sup> Handbook of Texas Online, Janelle D. Scott, "Ward, Hortense Sparks," accessed March 08, 2017, <http://www.tshaonline.org/handbook/online/articles/fwa83>.

<sup>933</sup> Newspaper clipping, “Suffragette Recalls her 1918 Vote Fight,” *The Austin American*, May 24, 1965, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>934</sup> August 14, 1924, Jessie Daniel Ames, “Letters from Readers,” *Dallas News*; See also: Newspaper clipping, “Suffragette Recalls her 1918 Vote Fight,” *The Austin*

active anti-prohibitionists before the federal amendment passed, but under the current laws neither candidate was a threat to prohibition. She reiterated: “The Ku Klux Klan is alone the issue.”<sup>935</sup>

Ames’ letter to the editor was an effort to persuade those who were reluctant to vote for Mrs. Ferguson:

Women of Texas have two political traditions, one of which is the ‘anti-Ferguson’ tradition. The question which [confronts] many of us is whether or not we can ever be justified in voting against this tradition. We have taught ourselves to look askance at anyone who has ever voted for Ferguson and now that we are torn between [convictions] and tradition, we are weekly considering a compromise by not voting at all. We would disfranchise ourselves at a time when our State and Nation need most of all its liberty-loving citizens. We would assume by this course greater responsibility for the domination of the Ku Klux Klan than those who actively espouse it. There is no middle-ground that we can occupy. Those who choose to think so will find after the election is over that they are without standing among their own people.<sup>936</sup>

In August 1924, Perley Orman Ray, a professor of political science at Northwestern University wrote Ames asking for her views on the gubernatorial race. He had initially opposed Ferguson’s candidacy but the editor of the *Tulsa Tribune* asked him to reconsider his position. The editor, Mr. Jones, claimed that “Mrs. Ferguson is a woman of great force and strength of character, and that she would not be dominated by

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*American*, May 24, 1965; Both in Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives

<sup>935</sup> August 14, 1924, Jessie Daniel Ames, “Letters from Readers,” *Dallas News*, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>936</sup> August 14, 1924, Jessie Daniel Ames, “Letters from Readers,” *Dallas News*, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

her husband; in fact, that the state will be the gainer by her success in the primary.”<sup>937</sup> Ray asked for Ames’ view of “this most interesting political situation... Of course, I understand that much of Mrs. Ferguson’s support comes from the fact that she is anti-Klan, while her opponent is the Klan candidate.”<sup>938</sup> Ames replied that she supported Ferguson although she was “not at all sure that the University might not be damaged.”<sup>939</sup> She went on to link the two leaders of the Texas Klan to the anti-prohibition movement as well and explained how Robertson could present an equal threat to the University as the Fergusons:

The Klan had taken over the Democratic Party in Texas, which means of course the state of Texas. The appointive power of the Governor is immense. In four years he would have appointed six of the nine Regents of the University and the same number of all [o]ther state institutions. Following the tactics of the Klan in the past, no one but Klansmen would be appointed and no one but Klansmen would be permitted on the faculty.<sup>940</sup>

Ames went on to say that the Fergusons had announced they would only seek one term and would not make any fight on the schools of Texas. Ames concluded, “She is seeking vindication, not vengeance... “Mrs. Ferguson will be our next Governor, or rather Jim will through her. We cannot avoid that. But if the best people will get behind them and help and advise until it is no longer possible to do so, then I believe it will

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<sup>937</sup> August 20, 1924, Perley Orman Ray to Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>938</sup> August 20, 1924, Perley Orman Ray to Jessie Daniel Ames, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>939</sup> August 30, 1924, Jessie Daniel Ames to Perley Orman Ray, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>940</sup> August 30, 1924, Jessie Daniel Ames to Perley Orman Ray, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.



come to be the people's government."<sup>941</sup> Ames reached this conclusion although she believed the cuts proposed by Mrs. Ferguson would end state funding of the Sheppard-Towner law, which Ames considered vital to women and infant health. However, Ames was convinced, that it "is and was a question in my mind, as to the greater evil –the Klan or Ferguson."<sup>942</sup> For Ames, the Klan was by far the greater evil. Texas LWV president and former TESA officer Helen Moore agreed with Ames and publicly supported Miriam Ferguson as well.<sup>943</sup>

Ferguson benefitted from a majority of voters who, while they were lukewarm about her candidacy, came to fiercely oppose the violence associated with the Klan and its candidates. She beat Robertson by almost 100,000 votes in the Democratic run-off primary election. However, the state's Democratic party was divided about supporting Ferguson, and some members broke away to form the Good Government Democratic League of Texas, which campaigned for and supported Republican George C. Butte for Governor. In response to the threat to his wife's candidacy, James Ferguson launched his typical demagogic campaigning and accused all of his wife's detractors of being Klansmen or their supporters. Likely in response to James Ferguson's vitriolic speeches, Cunningham, who had only begrudgingly supported the Fergusons' campaign, changed her mind and came out in support of the Republican Butte as well.<sup>944</sup>

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<sup>941</sup> August 30, 1924, Jessie Daniel Ames to Perley Orman Ray, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>942</sup> August 30, 1924, Jessie Daniel Ames to Perley Orman Ray, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

<sup>943</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 118.

<sup>944</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 118-119.

Miriam Ferguson went on to beat her Republican challenger in the general election by more than 127,000 votes, but Butte polled four times the votes as the 1922 Republican gubernatorial candidate.<sup>945</sup> Texas had elected its first female governor in order to defeat the Klan only four short years after Texas women received full voting rights and while many non-white Texas women remained disfranchised. As Governor, Miriam Ferguson appointed Emma Meharg, the first woman Secretary of State in Texas.<sup>946</sup> The state Democratic convention that September passed an anti-Klan plank condemning the organization as an “un-democratic, un-Christian and un-American organization.”<sup>947</sup>

Robertson’s defeat signaled the downfall of the Klan in Texas. In 1925, at Miriam Ferguson’s insistence, the Texas legislature made it illegal for members of a secret society to wear masks or disguises in public. James Ferguson is largely considered to have shared power with his wife during her governorship and in February 1925, the legislature voted to restore his political rights. Miriam Ferguson signed the bill granting her husband amnesty that March, although the law was reversed in 1927, one year after Daniel J. Moody Jr. unseated Miriam Ferguson. Moody ran a campaign against

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<sup>945</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 119.

<sup>946</sup> Handbook of Texas Online, Elora B. Alderman, "Meharg, Emma Grigsby," accessed April 02, 2017, <http://www.tshaonline.org/handbook/online/articles/fme07>.

<sup>947</sup> Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>.

“Fergusonism,” with the help of the Texas Woman Citizen’s Committee chaired by Jane McCallum.<sup>948</sup>

Women in Texas continued to advocate for reform and for women’s rights even as they contended with the old guard intent on keeping women reformers from gaining power. Jane McCallum, Jessie Daniel Ames and Minnie Fisher Cunningham, all former TESA officers, served on the Texas Committee on Prisons and Prison Labor (CPPL) advocating prison reform.<sup>949</sup> In a 1965 newspaper article, Ames recalled a meeting scheduled to discuss prison reform, a home for African American delinquent girls and an African American orphanage with Governor Miriam Ferguson, “but when we arrived, there was Jim Ferguson sitting in the governor’s chair.” She continued, “We were disappointed, but it seems Mrs. Ferguson was in the mansion, making strawberry jam. We forgave her. It was strawberry season, and perhaps jam was Jim’s favorite dish...”<sup>950</sup>

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<sup>948</sup> Handbook of Texas Online, Norman D. Brown, "Texas In the 1920s," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/npt01>; Pegram, *One Hundred Percent American*, 201-207; Handbook of Texas Online, Judith N. McArthur, "Women and Politics," accessed February 06, 2017, <http://www.tshaonline.org/handbook/online/articles/pwwzj>.

<sup>949</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 120-121.

<sup>950</sup> Newspaper clipping, “Suffragette recalls her 1918 vote fight,” *Austin Statesman*, May 24, 1965, Box 2-23/1142 Ames (Jessie Daniel) Papers, Texas State Archives.

## CHAPTER VIII

### CONCLUSIONS: “A GUARDED GOOD”:

#### WOMEN REFORMERS’ CONTINUED FIGHT FOR FULL CITIZENSHIP

Connections existed between the voting rights of different groups, even when the state legislature failed to realize it. Changes to one group’s rights impacted other groups even when this was not the intention of the legislature. The Texas legislature was able to pass seemingly race-neutral voting laws that affected people of color in other ways than they affected white women, because the same law affected people differently based on specific aspects of their identity, like race or citizenship status. Although the primary suffrage law avoided mentioning race, it ensured white women’s access to the polls but not black women’s because of the all white primary. It was passed alongside a primary alien suffrage law to ensure that legal resident alien women were not enfranchised alongside white, citizen women.

The legislature had to deal with the unintended consequences of altering election laws, which often required them to work harder to ensure that only the intended populations were enfranchised. The unforeseen effects of altering election laws sometimes extended suffrage in unanticipated ways. The Susan B. Anthony Amendment was an unforeseen threat to the poll tax, because that particular disfranchising tool had never specifically applied to women. To limit the possibilities of the Anthony Amendment enfranchising groups other than white women, the legislature applied the poll tax, meant to disfranchise poor Texans, to women as well as men.

The two Jim Crow voting restrictions of the all white primary and the poll tax always allowed some voter participation by men the legislature would have liked to bar from voting. After the success of woman suffrage, the few women of color able to bypass the disfranchising laws led the state legislature to further restrict suffrage and reinforce those disfranchising laws in new ways. Newspaper coverage of black women suing poll tax collectors for not allowing black women to register to vote, even though they would not have been allowed to participate in the all white primary, still caused concern about maintaining white control of politics. Black women who participated in municipal elections or the general election in 1920 caused a backlash in cities like Houston, where the impetus to legislate the white primary emerged.<sup>951</sup>

While woman suffrage eventually enabled reformers to ratify the Anthony Amendment and eventually to end alien suffrage, first it resulted in an expansion of suffrage to Mexican American women in Texas. These were the women San Antonio suffragist Rena Maverick Green encouraged to participate in the election of 1918, and these were the women who participated in voting education classes covered by Spanish-language newspapers in 1920.<sup>952</sup> Woman suffrage initially caused unforeseen expansions of voting rights to black and brown Texan women, which the legislature responded to by further consolidating white control of politics by ending alien suffrage, legislating the all

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<sup>951</sup> Merline Pitre, *In Struggle against Jim Crow: Lulu B. White and the NAACP, 1900-1957* (College Station, Texas A&M University Press, 1999, 2010), 18.

<sup>952</sup> Ruth Winegarten, & Judith N. McArthur, eds., *Citizens at Last: The Woman Suffrage Movement in Texas* (Austin: Ellen C. Temple Press, 1987), 169-171; “Día de intensa lucha será éste en que por primera vez las mujeres van a ejercitar el derecho del sufragio” in *La Prensa: Diario Popular Independiente*, Saturday July 27, 1918; accessed through America’s Historical Newspapers Database.

white primary, and maintaining the poll tax for all voters.<sup>953</sup> In this manner, the initial expansion of voting rights to (white) women led to a retraction of voting rights and opportunities for people of color both in Texas and in the United States.

The fight for woman suffrage, and black and brown suffrage, in Texas also shows the difficulty of fitting women and racial minorities into the classical liberal framework of citizenship based on individual rights. The history of derivative citizenship in particular shows the ways in which certain groups, like women, were denied the protections of full citizenship, even when they were natural born citizens of the United States. Legal scholar Karen Knop defines citizenship as “full membership within a state.”<sup>954</sup> Yoosun Park argues that even in the twenty-first century, “the idea that full membership to the nation should be a guarded good available only to the select few-remains intact.”<sup>955</sup> The provisions that women who married immigrant aliens ineligible for citizenship forfeited their own citizenship and that women married to those ineligible for American citizenship could not become naturalized were both rescinded when the Cable Act was amended in 1930 and 1931. The final law actually provided married women with independent citizenship, although American women continued the fight for equal rights.<sup>956</sup>

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<sup>953</sup> *State of Texas*, 36<sup>th</sup> Legislature, General Laws, 4<sup>th</sup> Called Session, 1920, 14

<sup>954</sup> Karen Knop, “Relational Nationality: On Gender and Nationality in International Law,” in *Citizenship Today, Global Perspective and Practices* (Washington, D.C.: Carnegie Endowment for International Peace, 2001), 97.

<sup>955</sup> Yoosun Park, “A Curious Inconsistency,” 574.

<sup>956</sup> McArthur and Smith, *Minnie Fisher Cunningham*, 101;

This study reveals the multitude of ways that the meaning of citizenship was altered during and by the First World War. Most significantly, citizenship defined by obligation, especially where it concerned women and racial minorities, increasingly gave way to citizenship defined by rights.<sup>957</sup> Voting, long considered a privilege of some, but not all, citizens, came to be argued as a right. Judith Shklar, a renowned political scientist and scholar, argues “There is no notion more central in politics than citizenship, and none more variable in history, or contested in theory. In America, it has in principle always been democratic, but only in principle.”<sup>958</sup> Shklar concludes that the right to vote and the right to work define citizenship in the United States.<sup>959</sup> From the start of World War I through the early 1920s, full citizenship was increasingly defined by the ability to vote. Texas suffragists were well aware of the solidifying link between citizenship and voting. Describing the eagerness with which suffragists embarked on reform as full voting members of society in 1920, Jane McCallum wrote, “With what high hopes and enthusiasms women stepped forth into a world in which they were citizens at last!”<sup>960</sup>

The many changes to election laws when it benefited the governor or the governor’s supporters in the legislature, and the stubborn resistance to enfranchising

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<sup>957</sup> See Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (Oxford & New York: Oxford University Press, 2008).

<sup>958</sup> Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge & London: Harvard University Press, 1991) as cited in Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Berkeley, Los Angeles, London: University of California Press, 1998), 1.

<sup>959</sup> Judith Sklar, *American Citizenship: The Quest for Inclusion* (Cambridge & London: Harvard University Press, 1991).

<sup>960</sup> Jane McCallum, “Activities of Women in Texas Politics, II,” published in Winegarten & McArthur, *Citizens at Last*, 221.

groups like servicemen, show that governments pass enfranchising legislation when it in some way benefits those already in power. President Wilson failed to support suffrage until it was necessary for his foreign policy mission. Governor Hobby did not support even primary woman suffrage until it benefitted his 1918 re-election campaign. Progressive Texas Democrats passed the 1919 state woman suffrage amendment against the will of suffragists who would have rather waited to ratify the federal amendment, because it benefitted those politicians' own campaigns and the legislation they supported. The Texas legislature failed to fully enfranchise servicemen, many of whom were overseas without a system of absentee balloting, which could not have been developed in time to directly benefit the current legislature. While social movements like the woman suffrage movement or the civil rights movement can create the impetus, politicians and governments do not enfranchise voters unless it profits the political leadership in some way.

The wartime experience and the rise of the second Ku Klux Klan also changed how the rights of citizenship were protected or defended. To avoid negative press, ensure economic prosperity, and to live up to their own ideals, Texans worked to end vigilante violence and lynching. Historian William Carrigan argues that “after the nationally condemned lynching of [Jesse] Washington in 1916, local leaders reconsidered their support and tolerance of mob action.”<sup>961</sup> Carrigan continues, “Washington’s brutal murder embarrassed the civic-minded leaders of the region...[and] over the next several

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<sup>961</sup> William D. Carrigan, *The Making of a Lynching Culture: Violence and Vigilantism in Central Texas, 1836-1916* (Urbana & Chicago: University of Illinois Press, 2004), 14.



decades, white central Texans not only abandoned public lynching spectacles but also made a conscious effort to strike lynching from the region's historical memory."<sup>962</sup> The same could be said of lynching, both of black and brown Texans, throughout the state of Texas. While the dominant political culture distanced itself from such acts of violence, it also worked to erase the memory of these acts.

Most Texans moved away from enforcing white supremacy primarily through violence. They instead turned to the laws and the courts to do so, but activists increasingly turned to the legal system to address the denial of rights as well. As the Texas and the United States expanded suffrage to include women, the Texas legislature passed additional laws to limit that expansion solely to white women. These measures included legislating the all white primary and ending alien suffrage. In seeking measures to further restrict the citizenship and voting rights of racial minorities after 1920, the state created rallying points for the civil rights movements of the mid-twentieth century. Much like universal white male suffrage and efforts to remove women from politics led to the first wave of suffrage activism in the nineteenth century, woman suffrage and efforts to completely remove racial minorities from politics led to the early civil rights movement in the twentieth century.

Darlene Clark Hine and Merline Pitre have said as much of the all white primary. The unintended effect of legislating the white primary was that it inspired everyday black Texans to focus on its removal and to support the activists and groups working

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<sup>962</sup> Carrigan, *The Making of a Lynching Culture*, 14. See also: William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence Against Mexicans in the U.S., 1848-1928* (Oxford & New York: Oxford University Press, 2013).

relentlessly to that end.<sup>963</sup> With the support of black Texans, the National Association for the Advancement of Colored Peoples (NAACP) fought the measure all the way to the Supreme Court multiple times until the Court ruled in *Smith v Allwright* in 1944 that the white primary in any form was unconstitutional.<sup>964</sup>

With the end of non-citizen voting in Texas in 1921 and across the country when Arkansas ended the practice in 1926, the rights traditionally ascribed to the liminal category of legal resident alien were diminished.<sup>965</sup> Further efforts to prevent Mexican immigrants from obtaining citizenship and to limit migration compounded their legal discrimination.<sup>966</sup> Historian Natalia Molina argues that in the 1920s, the Supreme Court, immigration officials, judges, and others made numerous attempts to broaden the

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<sup>963</sup> Hine, *Black Victory*, 96; See also Donald R. Matthews and James W. Prothro, *Negroes in the New Southern Politics* (New York: Harcourt, Brace and World, 1966); Pitre, *In Struggle against Jim Crow*, 19; Charles L. Zeldon, *The Battle for the Black Ballot: Smith v. Allwright and the Defeat of the Texas All White Primary* (Lawrence: University Press of Kansas, 2004).

<sup>964</sup> See *Love v. Griffin*, 1927; *Nixon v. Herndon*, 1927; *Nixon v. Condon*, 1932; and *Smith v. Allwright*, 1944; see also Handbook of Texas Online, Sanford N. Greenberg, "White Primary," accessed March 15, 2017, <http://www.tshaonline.org/handbook/online/articles/wdw01>.

<sup>965</sup> Leon E. Aylsworth, "The Passing of Alien Suffrage," *The American Political Science Review*, Vol. 25, No. 1 (Feb 1931), 114-116. The Arkansas referendum was held in 1920 and the non-citizen voting amendment passed 87,237 to 49,757. However, the original constitution required amendments to pass by "a majority of the electors voting at such election," and not just a majority who chose to vote on the amendment. The speaker declared the amendment lost and the Arkansas Supreme Court upheld that ruling in 1920. In 1925, the state Supreme Court reversed an earlier decision, and held that an initiative and referendum amendment passed in 1910 altered the constitution so that only a majority of votes on a particular amendment were needed for its passage. On April 12, 1926, the court completely reversed its original opinion on the non-citizen voting amendment. The Secretary of State then consulted the attorney general who confirmed that he considered the amendment "legally adopted and is now in full force and effect."

<sup>966</sup> Molina, "In a Race All Their Own," 180.

category of “non-white” peoples, as only blacks and whites were legally entitled to naturalize. She maintains, “once firmly categorized as non-white, Mexicans would not only be excluded from applying for citizenship—they would be excluded from immigrating as well, since section 13 of the Immigration Act [of 1924] restricted immigration to persons eligible for citizenship.”<sup>967</sup> The changes in immigration law combined with efforts to end derivative citizenship for women change our perspective of Mexican women’s naturalization experiences in the 1920s as well.

Molina argues that the 1930s saw two major turning points for Mexican and Mexican Americans in the U.S.: the great depression and the “rise of second generation Mexican Americans as a politicized group.”<sup>968</sup> This second generation “increasingly turned to U.S. institutions, joining unions, demanding their rights as U.S. citizens, and using organizations like the Congress of Spanish Speaking Peoples to channel their voices and give them greater political weight.”<sup>969</sup> Once legal resident alien voting ended and the eligibility of Mexicans to naturalize was under attack, the League of United Latin American Citizens (LULAC) formed in 1929 and responded to the legal discrimination and assault on Mexican voting rights with a strategy that emphasized American citizenship and all the rights that they argued should accompany it.<sup>970</sup>

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<sup>967</sup> Natalia Molina, “‘In a Race All Their Own’: The Quest to Make Mexicans Ineligible for U.S. Citizenship,” *Pacific Historical Review*, Vol. 79, No. 2 (May 2010), 180.

<sup>968</sup> Molina, “‘In a Race All Their Own,’” 190-191.

<sup>969</sup> Molina, “‘In a Race All Their Own,’” 191.

<sup>970</sup> Molina, “‘In a Race All Their Own,’” 191-192; See also: Cynthia Orozco, *No Mexicans, Women, or Dogs Allowed: The Rise of the Mexican American Civil Rights Movement* (Austin: University of Texas Press, 2009).

There is a historiographical argument between Chicano historians and whiteness studies scholars as to the motivations for LULAC to assert Mexican Americans' citizenship and their whiteness, as a legal strategy in civil rights cases in the mid-twentieth century. Whiteness studies scholars like Neil Foley and Michael Phillips study the construction of whiteness, which groups were considered white and when, and how race worked to divide the working class against itself. They maintain that "a tiny number of Mexican Americans, if they were wealthy, light skinned, and sufficiently fluent in English, might have occupied the margins of whiteness, but most found their working-class and poor backgrounds consigned them to a status at times indistinguishable from that of African Americans."<sup>971</sup> Whiteness studies scholars claim that some Mexican Americans "entered into a 'Faustian Pact' by embracing racism toward African Americans in the course of trying to avoid de jure discrimination."<sup>972</sup>

Chicano scholars like Carlos Blanton are critical of whiteness scholars and argue that they emphasize racism against blacks within LULAC and the Mexican American

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<sup>971</sup> Michael Phillips, "Why is Big Tex Still a White Cowboy?: Race, Gender, and the 'Other Texans,'" in *Beyond Texas Through Time*, 135; For whiteness studies scholarship see: David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991, 1999); Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge: Harvard University Press, 1998); George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998, 2006); Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997).

<sup>972</sup> Carlos Blanton, "George I Sánchez, Ideology, and Whiteness in the Making of the Mexican American Civil Rights Movements, 1930-1960," *The Journal of Southern History*, Volume LXXII, No. 3, (August 2006), 573.

community to an unreasonable and unrepresentative degree.<sup>973</sup> Blanton maintains, “whiteness [was] branded upon [Mexican Americans] by law and [they therefore] fought different kinds of civil rights battles from what African Americans fought.”<sup>974</sup> He concludes that although “Mexican American leaders like [George I.] Sánchez pursued whiteness in the courts, they still believed in common cause with African Americans.”<sup>975</sup> In regards to Mexican immigrants, Blanton argues that Mexican American civil rights leaders faced a “nettlesome citizenship dilemma,” in which their “strategic emphasis on American citizenship rhetorically placed them shoulder-to-shoulder with other U.S. minority groups. It also marginalized immigrant Mexicans.”<sup>976</sup> Blanton argues that Mexican American activists “emphasized citizenship over culture and citizenship over race.”<sup>977</sup> The longer history presented here, of Texas disfranchising legal resident aliens and attempting to categorize Mexicans as “non-white,” which would have prevented both their naturalization and immigration, supports Blanton’s assertions regarding LULAC’s legal arguments based on citizenship and whiteness as a strategy.

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<sup>973</sup> Phillips, “Why is Big Tex Still a White Cowboy?” 135.

<sup>974</sup> Carlos Blanton, “Deconstructing Texas: The Diversity of People, Place, and Historical Imagination in Recent Texas History,” in *Beyond Texas Through Time*, 191-192. See also: Benjamin H. Johnson, “The Cosmic Race in Texas: Racial Fusion, White Supremacy, and Civil Rights Politics,” *Journal of American History*, 98 (Sept. 2011), 404-19; and Benjamin Johnson, *Revolution in Texas: How a Forgotten Rebellion and its Bloody Suppression Turned Mexicans into Americans* (New Haven: Yale University Press, 2005).

<sup>975</sup> Carlos Blanton, “George I Sánchez, Ideology, and Whiteness in the Making of the Mexican American Civil Rights Movements, 1930-1960,” *The Journal of Southern History*, Volume LXXII, No. 3, (August 2006), 592.

<sup>976</sup> Blanton, “George I Sánchez, Ideology, and Whiteness,” 571.

<sup>977</sup> Blanton, “George I Sánchez, Ideology, and Whiteness,” 571.

After gaining the right to vote, white women continued to work for reform. Women in groups like the Petticoat Lobby worked for strict enforcement of prohibition laws, surveys of Texas schools and prisons, for the right for women to serve on juries and be police officers, and for the funding of mother-infant health programs and public schools.<sup>978</sup> White women also increasingly worked in interracial alliances or in white organizations meant to be allies to the black community. Jessie Daniel Ames became the director of the Texas Council of the Commission on Interracial Cooperation (CIC) in 1924, and became the national director of the CIC Woman's Committee in 1929. In 1930, she founded the Association of Southern Women for the Prevention of Lynching, an all white organization that fought racial and vigilante violence.<sup>979</sup>

Enfranchised women affected the outcome of elections as well. Walter Buenger argues that northeast Texas women supported more moderate and less conservative candidates in the 1920 gubernatorial race.<sup>980</sup> This trend was not isolated to northeast Texas, or to the 1920 election. It is unlikely Miriam Ferguson could have successfully run for governor before the Susan B. Anthony Amendment was ratified, and many of her supporters were former suffragists and moderate women voting against the Klan-backed candidate Felix Robertson. Suffragists continued to work for reform and for the betterment of women after 1920. In 1926, Jane McCallum led the Petticoat Lobby in its

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<sup>978</sup> Handbook of Texas Online, Sherilyn Brandenstein, "Joint Legislative Council," accessed March 21, 2017, <http://www.tshaonline.org/handbook/online/articles/wejfg>.

<sup>979</sup> Handbook of Texas Online, Jon D. Swartz, "Ames, Jessie Harriet Daniel," accessed March 21, 2017, <http://www.tshaonline.org/handbook/online/articles/fam06>.

<sup>980</sup> Buenger, *The Path to a Modern South*, 200.

support of Daniel J. Moody's candidacy for Governor in his race against Miriam A. Ferguson. When he won, Moody appointed her secretary of state, a post she retained under Governor Ross Sterling as well. She is remembered for having discovered an original copy of the Texas Declaration of Independence and having it restored during her tenure. She continued to be active in service and politics for the rest of her life.<sup>981</sup>

Women's continued activism and the incredibly important changes to voting rights after 1920 reiterate the point that the suffrage movement did not end in 1920. The Anthony Amendment removed one impediment between women and the ballot box. However, for women of color; poor women; and women the Amendment did not apply to, like those in Puerto Rico, other obstacles remained.<sup>982</sup> Even the Anthony Amendment itself was not settled in 1920.

When two Maryland women registered to vote in Baltimore City, Judge Oscar Leser filed suit to have their names removed as the Maryland constitution restricted suffrage to men. The Supreme Court accepted the case against the Amendment in which Leser and other claimants who joined him argued that the power to amend the Constitution did not extend to an amendment of this kind; that states like Texas, whose constitutions prohibited women from voting, could not legally ratify a federal

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<sup>981</sup> Handbook of Texas Online, Roberta S. Duncan, "McCallum, Jane Legette Yelvington," accessed March 08, 2017, <http://www.tshaonline.org/handbook/online/articles/fmc07>.

<sup>982</sup> Allison Sneider, "The New Suffrage History: Voting Rights in International Perspective," in *History Compass* 8/7 (2010), 692; Wilkerson-Freeman, "The second battle for woman suffrage," *Journal of Southern History*, 333-335; see also Minnie Louise Steckel, *The Alabama Business Woman as Citizen* (Montevallo: Alabama College, 1937).

amendment in dispute with their own state constitutions; and that the ratifications of Tennessee and West Virginia were invalid because they did not follow the laws concerning the ratification of federal amendments in those states. In 1922, the Supreme Court ruled unanimously in *Leser v. Garnett*, that the Amendment was indeed valid, and that the Fifteenth Amendment established the precedent for it being so. They further ruled that states could ratify an amendment which was in contention with their own state constitutions, and that the ratifications of Connecticut and Vermont made the ratifications of Tennessee and West Virginia moot points.<sup>983</sup> Historians of the long civil rights movement have encouraged scholars to consider that the suffrage movement did not truly end in 1920. Indeed, historians would benefit from considering the ongoing challenges to women's voting rights as well as the multitude of legal changes concerning citizenship, immigration and voting rights in the early 1920s. The addition of white women to the franchise made the exclusion of racial minorities more explicit, which when conflated with new measures intended to strengthen existing restrictions on minority suffrage led to renewed efforts from black and brown Texans to gain access to the ballot. Many of these laws set the stage for the civil rights movements of the mid-twentieth century.

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<sup>983</sup> *Leser v. Garnett*, 258 U.S. 130 (1922).



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