

THE NEVADA BLOOMER CASE

An Obedient Wife Played a Key Role in Delaying Women's Suffrage in Washington

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It was a 19th-century saloon owner's wife, Nevada Bloomer, not the least interested in public controversy, who agreed at her husband's urging to become the pawn in an involved plot to deny her sex the right to vote, just as Washington was about to become a state nearly a century ago.

Like many married women of her time, she felt that men alone should handle public affairs—or if she did not, at least her convictions were not strong enough to cause her to decline when her spouse, Edward Montague Bloomer, said he wanted to use her in a balloting test case.

As a result her name became firmly connected with the cause of women's suffrage and eventually appeared on the calendar of the United States Supreme Court, taken there by an eccentric lawyer who lit his cigars with five-dollar bills.

In the 1880s Washington's territorial legislature took a progressive step and passed a law allowing female citizens to take part in elections. The act was promptly challenged by its opponents before the territorial supreme court, where Associate Justice George Turner, a firm opponent of the idea that women were capable of voting properly on public matters, and who was in his last months in office, ruled that the act's title was defective. That decision in effect snatched away the voting franchise from Washington women before they had a chance to exercise it. This decision was offensive to many male citizens, who regarded his reasoning as shabby hair-splitting.

Turner's reputation, then and later, as a master of political intrigue (he would never quiet rumors that he bought his seat in the United States Senate) simply added to the suspicion that he had pulled a fast one on the legislature. But the legislature reversed him. In its last session before statehood, on January 18, 1888, it passed the suffrage bill again, this time with a clearer title.

The politicians then meeting to frame a constitution for the new state, Turner among them, argued a good deal about women's suffrage, particularly about the words in the organic act specifying that "white male inhabitants over twenty-one" were to be the new state's voters.

To a cabal of Spokane saloon owners the possibility of women voting was threatening because women would surely vote for Prohibition. Women's suffrage and temperance had been linked in the campaigns of Susan B. Anthony, when she toured Washington in 1871, and Amelia Bloomer (no close relation to Nevada), whose trousers gave their name to a liberated woman's costume—those frilly pantaloons called "bloomers."

One of the saloon owners in Spokane was Edward Bloomer, 47, once a Civil War captain in the 89th New York Volunteers, a railroad man and a Mason who did not hesitate to take part in political arguments. Bloomer learned that one of his suppliers, John A. Todd, a bottler of Bohemian beer, was to be an election judge in the fourth ward, where the Bloomers and their three sons lived.

A plot then was hatched. Bloomer would march his compliant wife, Nevada, to the polling place in a municipal election. Todd and the other election judges would turn her away and then a suit could be filed in her behalf, challenging the denial of her right to vote. This would occur before Washington's admission as a state and the legal complications could delay suffrage indefinitely.

After nearly a century, it is still uncertain how many conspirators there were or how many others knew about the scheme. One attorney who did know shouldered himself into Nevada's case and called it "rotten at the core—a put-up job."

Serious men, however, believed that suffrage should be fairly considered as a provision in the new state constitution. A leading Seattle attorney and former justice of the territorial court—who had dissented from Turner's ruling denying women the vote—was Roger S. Greene. He favored "getting at the bottom of this vexed question of woman suffrage under the organic act." Greene didn't think Nevada Bloomer cared about suffrage but he was willing to accept her case as a test to settle the issue, even though he heard that her suit was "being pushed, at this time, merely for public political effect."

As a territorial justice, Greene had admitted to practice the first female attorney in Washington, Josephine Leila Robinson, who came out from Boston in 1884. When she could not attract any clients, Greene had her appointed to defend a Chinese accused of smuggling. (When she won the man's acquittal, women in the courtroom applauded.) Discouraged by lack of business, Robinson soon returned to Boston, where she worked to advance women lawyers in Massachusetts, and apparently she bombarded Greene with suffragist propaganda during the Bloomer affair.

On April 3, 1888, Nevada Bloomer showed up at the polls as her husband told her to, marked her ballot, and handed it to the three election judges who, as agreed, refused to accept it. A few days later, Nevada Bloomer sued John Todd and the others for \$5,000 for "wrongfully depriving her of the privilege of voting." Her attorney, William M. Murray, moved fast. Haste was important because of the approaching constitutional vote. Todd hired as attorneys the Spokane firm of Kinnaird, Forster and Turner. The latter was former judge George Turner, by then retired from the territorial bench.

Turner would write the briefs for Todd's defense in the Bloomer case. His first was three lines long, a demurrer stating that Mrs. Bloomer had no case. On May 24, as intended, a judge sustained Turner's demurrer and Murray, as planned, appealed his client's suit to the state supreme court.

The supreme court was familiar turf for Turner. An erect, Solemn, imperious warrior, graceless as a public speaker, aloof, longwinded, his arguments suffocated with technical interpretations of the law, but he was formidable, self-educated and a political opportunist.

Murray and Turner both stipulated that they would not unnecessarily delay the Bloomer suit. Roger Greene wrote the chief justice, Richard A. Jones, that with this stipulation "it is possible to

get a decision at least two weeks before the November elections; it is certain that to get such a decision so early would be eminently satisfactory to all good citizens of the territory and particularly to those who favor woman suffrage." Greene himself expected to prepare an argument, as a friend of the court, because he believed the Bloomer case "demands the broadest and most searching examination of liberties and prerogatives of citizens, male as well as female."

Several other attorneys planned to write their views on suffrage as friends of the court—but none had foreseen the entry of Arthur S. Austin, who literally appointed himself Nevada Bloomer's attorney, and sped between Olympia, Spokane and Portland. Murray found out about Austin from an article in the *Oregonian* describing Austin's meeting with the prominent Oregon suffragist, Abigail Scott Duniway, to seek her endorsement. Thereupon, Murray wrote an angry note to the clerk of the supreme court saying, "Mr. Austin has not and never did have authority to represent Mrs. Bloomer."

Austin was not so easily suppressed. He had gone to Olympia a few months earlier from New York where the *Times*, reporting his odd behavior, called him "the queer Vermonter." Austin, outraged by the newspaper, threatened to shoot reporters who followed him as he handed out free cigars to strangers in hotel corridors and lit his own with five-dollar bills. He had made his fortune in real-estate speculation in Birmingham, Alabama, and spent his money so recklessly that his wife, sister, mother and father asked a court to commit him as insane.

They had him locked up in Bellevue hospital in New York but Austin's attorney, ignoring professional opinions that Austin was indeed demented, talked the court into letting him out because Bellevue didn't afford the light, air and space his client needed. Free, Austin bundled up his wife and three children and moved to Olympia. There he found another crusade. He had gone to New York only to defend an alderman accused of stealing public monies and now, at 36, Austin found Nevada Bloomer and women's suffrage.

Austin succeeded Murray as Bloomer's lawyer simply by raising the money Bloomer needed for an appeal bond required by law. But his flamboyant approach to her suit was too vigorous for Nevada. She was virtually submerged by the antic Austin, who gave newspaper interviews declaring, "These saloon keepers and liquor dealers are afraid that if women vote, they'll put in some cranky reform" such as Prohibition. Meanwhile, the earnest Greene had gotten himself into hot water with old friends on the territorial court by sending them suffragist circulars (doubtless from Josephine Robinson) as examples of propaganda. Greene was horrified to read in the *Post-Intelligencer* that the justices received "annoying and even threatening circulars" from "a prominent attorney of Seattle."

Greene apologized to the justices and told them he was too ill to write the friendly brief he had intended. Chief Justice Jones was ill, too—dying, in fact— but he dragged himself to the bench to hear the case. Presumably he even read through George Turner's convoluted argument, which reviewed the history of citizenship in the nation, the U.S. Supreme Court's decisions on suffrage (the court had ruled in 1874 that women's votes were up to the states), and the precedential elements of the Bloomer case. Turner's main argument ran that "the United States is a government of men" and the word "citizen" in the organic act was clearly intended to mean "male."

The territorial court ruled as might have been expected, and even adopted some of Turner's language, that "citizen" in the organic act "meant and still signifies male citizenship and must be so construed." In shaky handwriting, Jones inserted the word "male" in this sentence.

The Bloomer case closed the issue as far as the state constitution went. Women would not vote. Nevada was done, and doubtless relieved.

But Arthur Austin was not through. Roger Greene had expected the Bloomer case to go to the United States Supreme Court and that is where Austin carried it. In a new salvo of newspaper interviews, he raised more money for an appeal, and even a promise from Abigail Duniway that she would collect Oregon contributions. Austin chatted with Governor Elisha P. Ferry, who opposed women's suffrage, and wrote Robert G. Ingersoll, the noted lecturer, freethinker and attorney, trying to enlist him in Bloomer's cause. (Ingersoll apparently didn't reply.)

The Bloomer case was thus scheduled for the October 1891 session of the Court. When that time came, Washington had been a state for nearly two years (and under its constitution, women might vote in school elections), Jones had died, Arthur Austin (after a term as Olympia justice of the peace) had moved to another state, and the Bloomers were in Denver where Edward worked as a passenger conductor for the Union Pacific and dreamed of someday retiring to a chicken farm. But the case never reached the Supreme Court. The lawyers who were to have pled Nevada Bloomer's contested vote agreed to dismissal of the case without an opinion.

Women finally won the franchise in Washington in 1910, when the state's male voters approved it by a margin of two to one. Bloomer's name did not even come up in the campaign. More than half a century had gone by since Seattle's Arthur A. Denny first tried to sneak suffrage through the territorial legislature.

By 1910 Edward Bloomer had his chicken ranch on Curlew Lake in Ferry County, Washington. He died there in 1917, survived by his widow, Nevada. His obituary did not mention the saloon keepers' plot to deny women the vote. Nevada moved to Seattle where she died, unheralded, in 1923.

Talk to Bloomers in Ferry County today, and they will tell you they never heard of Nevada Bloomer, but the Bloomers are a numerous and proud clan. Every Labor Day weekend they gather for a reunion at Ava, Missouri, where, among other activities, they "boil a pickup-load of roasting ears."

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