

**An Introduction to
Phoebe Wilson Couzins**

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[W]oman should hasten to repair her ignorance of [the country's] laws and needs, by a thorough knowledge and acquaintance of those which govern her and affect humanity. Her moral and political irresponsibility seems one; she can no longer retain the lily's passive state in the world's field of action; henceforth, she must be a helper, not an idler; and, believing this, I am glad to welcome any and all movements which tend to lift woman out of her narrow, traditional life, and place her upon her feet, where she may think and act for herself. Hitherto, the doctrine of self-reliance, self-culture, personal responsibility, has never been taught to woman; she has been regarded as created for man's self-love, alone; with no soul to feel, no mind to expand, no brain to weigh argument, no individual accountability to render her Maker, and thus the race has slowly, painfully climbed the heights of progress, dragging a dead weight, securely manacled at feet and wrists, which its own hands have forged. This inert mass now threatens death and destruction unless released from bondage. Woman's irresponsibility and man's culpable negligence is working ruin to our social and political fabric; and, unless some power can galvanize the slumbering virtue of this people into new life, we, as nation, are doomed to irresistible disaster.

*Phoebe Wilson Couzins, 1871
"A Speech by the Lady Bachelor at Law"*

INTRODUCTION

In 1884, an eloquent and “pretty” woman in her mid-forties named Phoebe Wilson Couzins sat before the House Judiciary Committee and plainly asked the stern looking men before her what they were going to do about women’s enfranchisement. “America,” she stated with her usual mix of patriotism and challenge, “is the vantage ground for the solution of all great and grave problems of the race.”¹ Couzins loved the United States, but she felt great disdain for a country that denied her the right to vote and treated her as a second-class citizen with narrowly defined gender roles. In Couzins’ view it was the Committee’s duty to change women’s choices and responsibilities by passing a bill granting woman suffrage, and so she asked them: “[W]e now are face to face with the greatest and gravest of them all—the sphinx of the ages—which has propounded the solemn question from out its inquiring eyes to every nation passing by—‘what of the woman?’”²

Forcing America to answer her own question—“what of the woma
 the focus of Couzins’ work for most of her life. In fact, Couzins’ testimony before Congress in 1884 came towards the end of her career as one of America’s most foremost and popular women’s rights activists in the late nineteenth century. Couzins modeled her early commitment to civic causes after her parents’ public service during the Civil War. In her late twenties, she attended Washington University School of Law and became actively involved in the woman suffrage movement. By the early 1870s, Couzins had established for herself a place as one of the country’s most well-known lecturers and orators on women’s enfranchisement and other rights. She lectured with Susan B. Anthony and Elizabeth Cady Stanton, among other suffragists, and

¹ NAT’L WOMAN SUFFRAGE ASS’N, REPORT OF THE SIXTEENTH ANNUAL WASHINGTON CONVENTION, MARCH 4TH, 5TH, 6TH, AND 7TH, 1884, WITH REPORTS OF THE FORTY-EIGHTH CONGRESS 37-39, 37 (Elizabeth Cady Stanton & Susan B. Anthony eds., 1884) [hereinafter SIXTEENTH ANNUAL WASHINGTON CONVENTION].

² *Id.*

often conducted tours of her own which won her accolades throughout the nation. Her arguments were consistently eloquent and lucid, ensuring that by the early 1880s, Couzins had become as active and well-respected, even if not as well known, a player in the fight for woman suffrage as her contemporaries Anthony and Stanton. Couzins enjoyed such prominence in the late 1870s and early 1880s, in fact, that the third volume of Elizabeth Cady Stanton's *History of Woman Suffrage*, which covers 1876-1885, proudly bears her photograph on the inside cover.³ Couzins was also active in the temperance movement throughout most of the late nineteenth century.

Besides her illustrious career as a woman suffragist, Couzins had the honor of being the first woman law graduate in the state of Missouri and the third in the country; one of the first women to be admitted to the bar in Missouri, Utah, Arkansas, the Dakota Territory, and the federal courts; the first woman to speak at a national political convention; and the first woman to be a United States Marshal.

Yet in spite of her accomplishments, Couzins has been all but written out of the historical record of women in law and of woman suffrage. Most of the biographies of Couzins are one or two pages long, and many discuss her childhood, legal education, and career as a suffragist, but focus upon Couzins' renunciation of woman suffrage and temperance in her later years.⁴ It is true that by the late 1890s, an overwhelming sense of being unappreciated and a combination of personal and ideological differences with newer suffragists and women's rights activists motivated Couzins to renounce woman suffrage and temperance, and even actively

³ See 3 HISTORY OF WOMAN SUFFRAGE (Elizabeth Cady Stanton et al., eds. 1881) (inside front cover).

⁴ Almost all of the biographies cited in this paper are very short, and many follow Lucile Wiley Ring's example, whose biography of Couzins is entitled *The Fall of Phoebe*. See LUCILE WILEY RING, BREAKING THE BARRIERS: THE ST. LOUIS LEGACY OF WOMEN IN LAW (1996). See generally this paper's footnotes for other examples.

campaign against them. Couzins' repudiation of her former causes cannot be taken lightly—in fact, this paper explores fully the potential causes and consequences of her “defection.”

This paper, however, seeks to emphasize Couzins' contribution to the fight for woman suffrage, and women's rights generally, in the 1870s and 1880s by piecing together and carefully developing her life. This paper asserts that her renunciation of her former causes must be incorporated into her historical record but cannot dominate it. Rather, history must remember Couzins as a complex and sometimes contradictory woman who fought with great passion for women's enfranchisement and other rights. To the extent possible, this paper will also give special attention to the role that Couzins' legal background played in her activism, both because this paper has been written for a legal history class, and because Couzins' legal education was a springboard for her career as a suffragist.

COUZINS' BACKGROUND, LEGAL EDUCATION, AND EARLY ACTIVISM

Phoebe Wilson Couzins was well situated to become a prominent player in the growing struggle for women's rights across the nation in the late nineteenth century. Couzins, born in 1842,⁵ was the third of four children born to John Edward Decker and Adaline Weston Couzins. By the time Couzins was in her early twenties, her parents were active in the public affairs of St. Louis. John E.D. Couzins was Chief of Police of St. Louis during the Civil War. He was also acting provost marshal of Missouri throughout the war, a role Couzins later described as heading the “Committee of Safety,” a group of six men whose task was to ensure that Missouri

⁵ Sources disagree about the year of Couzins' birth, citing either 1839 or 1842. Her tombstone says she was born on September 8, 1842. See 2 STATE HISTORICAL SOCIETY OF MISSOURI, MISSOURI, DAY BY DAY 163 (1943) [hereinafter MISSOURI, DAY BY DAY].

remained in the Union.⁶ Couzins would later spend much of her time researching and documenting her father's patriotism, both for historical and pecuniary purposes.⁷

Just as active as her father, Couzins' mother volunteered for the Union Aid Society during the Civil War and later was a nurse for the Western Sanitary Commission.⁸ The Western Commission was part of the national Sanitary Commission, established in 1861, and was headed by men but staffed entirely by women. "The Sanitary," as it was known, raised funds for the Union's war efforts, provided clothing and other equipment, and cared for soldiers injured during battle who could not be accommodated by overcrowded local hospitals.⁹ Adaline Couzins' service during the Civil War would later serve as a springboard for Couzins' arguments that women sustained America through their patriotism and should be rewarded with the right to vote.¹⁰

Besides later helping Couzins to develop her arguments for woman suffrage, her parents' public involvement inspired Couzins' early civic activism. As Carla Waal and Barbara Korner note, "[s]haring a home with a father who held responsible civic positions and a courageous mother who faced the dangers of battle to nurse soldiers...helped [Couzins] to develop confidence in her intellect and a zest for service in the public arena."¹¹ After graduating

⁶ See DICTIONARY OF MISSOURI BIOGRAPHY 211 (1999); FROM HARDSHIP AND HOPE: MISSOURI WOMEN WRITING ABOUT THEIR LIVES, 1820-1920, at 110 (Carla Waal & Barbara Oliver Korner eds., 1997); Letter from Phoebe Couzins to Herbert Hadley, Governor of Missouri 2 (Feb. 21, 1909) (J.E.D. Couzins Collection available at Missouri Historical Society).

⁷ See discussion *infra*, pp. 26-27.

⁸ See 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 596-97; Letter from James Yeatman to Phoebe Couzins 1-2 (May 7, 1884) (J.E.D. Couzins Collection available at Missouri Historical Society). The third volume of the History of Woman Suffrage series contains a reprinted letter addressed "Mrs. Couzins" and other members of "Committee of the Ladies' Suffrage Association." Because Couzins in this series is *Miss Couzins*," this letter might indicate that Couzins' mother may have also been involved in suffrage activities herself. This may, however, have been the author's error or a reprinting error. See 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 600 (emphasis added).

⁹ See 1 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 14-17.

¹⁰ See discussion *infra*, at p. 20.

¹¹ FROM HARDSHIP AND HOPE, *supra* note 6, at 110.

from public high school at age fifteen, Couzins taught Sunday school at the Second Baptist Church and later joined her mother on the Western Sanitary Commission.¹²

The combination of her parents' activism, their relationships with high-profile members of St. Louis society, and her own commitment to public causes led Couzins to move beyond simple volunteer work by the time she was in her late twenties. Believing legal education to be "an essential part of woman's education,"¹³ in December, 1868, Couzins applied for admission to the Washington University School of Law (then called the St. Louis School of Law). Her application was accepted with great enthusiasm by the law school faculty and the Board of Directors of Washington University.¹⁴

Two factors contributed to Couzins' successful petition: her family connections and the genuine sentiment held by the law school faculty and university Board of Directors that the law school should be open to women. Couzins' parents were not wealthy, but their public profiles helped them establish lasting connections with many elite citizens of St. Louis. James Yeatman,

¹² See UTAH STATE BAR ASS'N, HONORING UTAH'S FIRST 100 WOMEN LAWYERS (1997) (no page number available); DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 6, at 211; 5 AMERICAN NATIONAL BIOGRAPHY 599 (1999). Many secondary sources claim that Couzins' involvement in the Western Sanitary Commission convinced her that women could prevent war if given political representation, and/or that it spurred her discovery of the philosophy of women's rights. See, e.g., MISSOURI, DAY BY DAY, *supra* note 5, at 163; 2 BOB PRIDDY, ACROSS THE WIDE MISSOURI 302 (1984); State Historical Society of Missouri, *Missouri Miniatures: Phoebe Couzins*, 37 MISSOURI HISTORICAL REVIEW 450, 450 (1943) [hereinafter *Missouri Miniatures*]; UTAH STATE BAR ASS'N, *supra* note 12 (no page number available); FROM HARDSHIP AND HOPE, *supra* note 6, at 110; DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 6, at 211. This makes sense given her beliefs about the complementary relationship between men and women. See discussion *infra*, at p. 23. However, there is no direct proof for this assertion.

¹³ Phoebe Couzins, *A Speech By the Lady Bachelor at Law* (unidentified newspaper clipping, J.E.D. Couzins Collection available at Missouri Historical Society) [hereinafter *Couzins, A Speech*].

¹⁴ In her obituary, *The New York Times* stated that Couzins "had considerable difficulty in obtaining *Phoebe Couzins Dies at 72: First Woman Lawyer in United States Succumbs in Poverty*, N.Y. TIMES, Dec. 7, 1913, at 19 [hereinafter *Phoebe Couzins Dies at 72*]. However, the correspondence between her and Dean Hitchcock suggest exactly the opposite. See Letter from Henry Hitchcock, Dean of Washington University School of Law, to Phoebe Couzins (Dec. 3, 1868) (J.E.D Couzins Collection available at Missouri Historical Society) [hereinafter *Dec. 3, 1868 Letter*]. The obituary may have been referring to Couzins' own decision to defer her entrance from January, 1868, to fall, 1869 because she feared she could not read all the necessary books by January. See Letter from Phoebe Couzins to Henry Hitchcock, Dean of

for example, was president of the Western Sanitary Commission during the Civil War and a member of the Board of Directors of Washington University. Also helpful to Couzins were Chester H. Krum, a family friend who was a law professor at the university and who directly encouraged Couzins to apply for admission, and John Krum, another law professor who was also a powerful judge. There is little doubt that John and Adaline's friendships with these and other influential men eased the application of, as law school Dean Henry Hitchcock stated in a letter to Couzins, "the daughter of a very respectable citizen of St. Louis."¹⁵

While Couzins' application for admission to law school was certainly favored because of her family name, the men who reviewed her application genuinely felt that the law school should be open to women generally. Although Dean Hitchcock determined that the Directors of the University, rather than the law school faculty, were best equipped to decide whether to grant Couzins' petition, he stated that "the law faculty see no reason why any young woman who in respect to character and acquirements fulfilled the Conditions applicable to male Students, and who chose to attend the law lectures in good faith for the purpose of becoming acquainted with the laws of her Country, should be denied that privilege."¹⁶ The faculty went on to add that "the only questions in the Case would be Such as would concern the applicant

¹⁷ Then, six days after Couzins' application was sent to Hitchcock, the sixteen-member Board of Directors unanimously accepted James Yeatman's motion that "no application for admission to the Law Department, as a pupil, made by a person otherwise qualified under the regulations prescribed by the Law Faculty, should be refused because of the sex of the

Washington University School of Law (Dec. 8, 1868) (J.E.D Couzins Collection available at Missouri Historical Society).

¹⁵ Dec. 3, 1868 Letter, *supra* note 14, at 1; *see also* FROM HARDSHIP AND HOPE, *supra* note 6, at 110. These and other men from St. Louis figured prominently as women's rights supporters throughout Couzins' career as suffragist.

¹⁶ Dec. 3, 1868 Letter, *supra* note 14, at 1.

¹⁷ *Id.*

applicant.”¹⁸ This policy made the Washington University School of Law, two years after it opened, the first law school in the nation to admit applicants regardless of sex.¹⁹

The sentiment that women should not be barred from admission to the law school no doubt had much to do with the “liberal” notions attributed to “Western” cities like St. Louis. Lelia Robinson, another early woman lawyer, wrote in 1890 that Washington University’s law school admitted women because it “is located as much West as South, and it is undoubtedly owing to the Western spirit of liberality that women have ever been recognized at the bar in the country at all.”²⁰ In her book on woman lawyers throughout American history, Karen B. Morello explains that it may have been genuine liberal recognition of women’s scholastic abilities or economic self-interest (due to the lack of men) that led universities to admit men, or both. Whatever the reason, throughout the 1800s “women were better able to obtain university and professional training in the Midwest and West than anywhere else in the country.”²¹

Having been admitted to the Washington University School of Law, Couzins, described then as a ‘rather thin young lady with large, deep eyes, a rather prominent straight nose, and

²² entered in the fall of 1869 at age twenty-seven or twenty-eight. She

quickly earned the friendship of her twenty-one classmates. She was elected secretary and treasurer of the Lyceum, the law school’s first student organization, and later served as vice-

¹⁸ Letter from W.S.C., Chancellor of Washington University, to Phoebe Couzins (Nov. 17, 1902) (J.E.D. Couzins Collection available at Missouri Historical Society).

¹⁹ See FROM HARDSHIP AND HOPE, *supra* note 6, at 111; Karen L. Tokarz, *Commemoration: A Tribute to the Nation’s First Women Law Students*, 68 WASH. U. L.Q. 89, 94 (1990).

²⁰ Lelia J. Robinson, *Women Lawyers in the United States*, 2 GREEN BAG 10, 13 (1890).

²¹ Karen B. Morello, *THE INVISIBLE BAR: THE WOMAN LAWYER IN AMERICA, 1638 TO THE PRESENT* 43 (1986). In 1879, Couzins herself spoke of St. Louis and Missouri as being places “not far behind the radicalism of the age” in her address of welcome to the National Woman Suffrage Association annual convention, HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 143.

²² Marshall D. Hier, *Springtime of Promise: Lemma Barkaloo and Phoebe Couzins*, ST. LOUIS BAR JOURNAL 43, 43 (Winter, 1999).

president of the school's first alumni association.²³ Although academically she ranked last in the group of twelve students who graduated in 1871,²⁴ her graduation was celebrated as a remarkable achievement: she was not only the first woman to graduate from the Washington University School of Law and the first woman law graduate in Missouri,²⁵ but the third woman to graduate from any law school in the United States.²⁶ Many of the most prominent lawyers, judges, and politicians in Missouri attended the banquet held in Couzins' honor following her graduation. Washington University Chancellor William G. Eliot, Missouri Lieutenant Governor E.O. Stanard, and former U.S. Senator John Henderson were among the many who offered toasts to Couzins' accomplishment.²⁷

Couzins reportedly established a law office in downtown St. Louis²⁸ and was admitted to the Bar in Missouri and Arkansas in 1871, in Utah in 1872, and subsequently in Kansas, the Dakota territories, and the federal courts,²⁹ but she handled very few, if any, cases in her

²³ See FROM HARDSHIP AND HOPE, *supra* note 6, at 111; Tokarz, *supra* note 19, at 95.

²⁴ See Report of the Examining Committee of the Law Department of Washington University of their Examinations of the Class of 1871 (May 4, 1871) (on file at Washington University archives).

²⁵ See MORELLO, *supra* note 21, at 46. Couzins was not the only female student at the Washington University School of Law, however. She was joined in 1869 by Lemma Barkeloo, who left the law school in March, 1870 without graduating to take the bar exam and become Missouri's first practicing female lawyer. Barkeloo died less than 6 months later from typhoid fever. See Hier, *supra* note 22, at 44-45.

²⁶ See Tokarz, *supra* note 19, at 95. Ada Kepley graduated from the University of Chicago Law School in 1870. Sara Kilgore Wertman graduated from the Michigan University Law School in March, 1871, two months before Couzins. *Id.* Several sources incorrectly identify Couzins as the nation's first woman law school graduate. See, e.g., SHOW ME MISSOURI WOMEN: SELECTED BIOGRAPHIES 173 (Mary K. Dains ed., 1989); *Phoebe Couzins: First Woman U.S. Marshal*, in FORGOTTEN MISSOURIANS WHO MADE HISTORY 46-47, 47 (1996).

²⁷ See Tokarz, *supra* note 19, at 96; 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 610.

²⁸ See Tokarz, *supra* note 19, at 96 (*citing* Irving Union, June 1, 1871 (on file with the WASHINGTON UNIVERSITY LAW QUARTERLY)).

²⁹ See UTAH STATE BAR ASS'N, *supra* note 12 (no page number available); Certificate of Admission to the Bar of Arkansas (Dec. 8, 1871) (J.E.D. Couzins Collection available at Missouri Historical Society); *Miss Phoebe Couzins*, MISSOURI REPUBLICAN (Mar. 29, 1873) (no page number available) (on file with Missouri Historical Society); FROM HARDSHIP AND HOPE, *supra* note 6, at 111. The American Bar Association did not allow female members until 1918, five years after Couzins' death. See SHOW ME MISSOURI WOMEN, *supra* note 26, at 174.

lifetime.³⁰ As Couzins' life unfolded, it became apparent that her true passion was women's rights.³¹ Rather than being an end in itself, Couzins deemed legal education to be crucial to the advancement of women's suffrage and political rights generally.³² In a speech she gave at her graduation banquet, Couzins informed the audience that her decision to enter law school was marked by "many forebodings...and doubts as to its expediency." But, she added, her decision was "actuated solely by a desire to open new paths for woman, enlarge her usefulness, widen her responsibilities and to plead her cause in a struggle which I believed was surely coming." The study of laws, she continued, was "an essential part of woman's education" because those laws "govern her and affect humanity." She closed by saying, "...I trust the day is not far distant, when men and women shall be recognized as equal administrators of that great bulwork [*sic*] of civilization, law."³³

Given that Couzins' motivation for studying law was women's rights, it was no coincidence that Couzins first became actively involved in the suffrage movement immediately prior to and during law school. In late 1868 or early 1869, Couzins joined the Woman Suffrage

³⁰ Some sources suggest that Couzins handled only a "few" cases. See, e.g., FROM HARDSHIP AND HOPE, *supra* note 6, at 111; UTAH STATE BAR ASS'N, *supra* note 12 (no page number available); MORELLO, *supra* note 21, at 47. Others say she never handled any cases. See, e.g., 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 611; Thomas, *Phoebe Wilson Couzins* 390 (short biography of Couzins from unidentified book on file with the Missouri Historical Society). The *Dictionary of Missouri Biography* states that Couzins practiced law only during a two-month period in 1884. See DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 6, at 211. One pamphlet opines that "[a]s a woman of working class origins, [Couzins] had neither the money nor contacts to develop a law practice." UTAH STATE BAR ASS'N, *supra* note 12 (no page number available). But, as discussed *supra*, at pp. 5-6, Couzins had contacts with many elite citizens of St. Louis, including several judges, and it seems likely that she would have been able to sustain a law practice had she desired to do so.

³¹ See UTAH STATE BAR ASS'N, *supra* note 12 (no page number available); MORELLO, *supra* note 21, at 47. Interestingly, D. Kelly Weisberg notes that, unlike Couzins, the "majority" of women law graduates in the late nineteenth century were not radical feminists, but "individualists who were content to earn their law degrees and then to disappear from public life." D. Kelly Weisberg, *Barred From the Bar: Women and Legal Education in The United States 1870-1890*, 28 J. LEGAL EDUC. 485, 502 (1977).

³² Couzins' legal education often served as a background to her arguments, and sometimes figured prominently in her speeches. See discussion *infra*, pp. 17-19.

³³ Couzins, *A Speech*, *supra* note 13 (no page number available).

Association of Missouri (WSAM), which had been formed in May, 1867.³⁴ In February, 1869, she testified before a joint meeting of the Missouri state legislature on behalf of women's suffrage. By October, 1869, Couzins had become an officer and a well known speaker for WSAM.³⁵ Couzins later resigned from WSAM, along with prominent Missouri suffragist Virginia L. Minor, when it aligned itself with the conservative American Woman Suffrage Association.³⁶

Also in 1869, Couzins also became a "special contributor" to *The Revolution*, a weekly journal edited by Elizabeth Cady Stanton and published by Susan B. Anthony.³⁷ Stanton wrote that *The Revolution*, which was first published on January 8, 1868, "shall be the mouthpiece of women, that they may give the world the feminine thought in politics, religion and social life."³⁸ Inspired by the "idea" of the enfranchisement of women, its motto was "Men, their rights and nothing more: Women, their rights and nothing less."³⁹ Although it was transferred to two different owners after Stanton and Anthony encountered financing difficulties, and eventually died after its last issue in February, 1872, *The Revolution* was an important battleground for controversies over how best to achieve suffrage and the "public display of a strong women's

⁴⁰ Couzins wrote about various topics while the journal was controlled by Stanton and Anthony, including her opposition to the Fifteenth Amendment to the U.S. Constitution, which granted to black men the right to vote. "I regard it as neither just nor generous," she wrote in the July 8, 1869 issue, "to eternally compel women to yield on all questions...simply

³⁴ See 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 599.

³⁵ See *id.* at 601-02; Tokarz, *supra* note 19, at 97.

³⁶ See 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 603; see also discussion *infra*, pp. 11-12.

³⁷ See THE REVOLUTION IN WORDS: RIGHTING WOMEN, 1868-1871 14-39 (Lana Rakow & Cheri Kramarae eds., 1990) [hereinafter REVOLUTION IN WORDS].

³⁸ Elizabeth Cady Stanton & Susan B. Anthony, *Prospectus of the Revolution for 1870*, THE REVOLUTION (Nov. 18, 1869), *reprinted in* REVOLUTION IN WORDS, *supra* note 37, at 39.

³⁹ Elizabeth Cady Stanton & Susan B. Anthony, *Salutatory*, THE REVOLUTION (Jan. 8, 1868), *reprinted in* REVOLUTION IN WORDS, *supra* note 37, at 22-23; REVOLUTION IN WORDS, *supra* note 37, at 18.

⁴⁰ REVOLUTION IN WORDS, *supra* note 37, at 17.

because they are *women*...”⁴¹ Sometimes Couzins substituted her direct style for a more sardonic one; in the May 9, 1870 issue, she argued that because the Bible said “I will wipe Jerusalem as a (man) wipeth a dish” and “*he* wipeth a dish and turneth it up on the face thereof,” men rather than women were meant to be relegated to domestic chores.⁴² Besides providing a public forum for Couzins to develop her ideas about woman suffrage, *The Revolution* probably helped Couzins strengthen her relationships with Stanton and Anthony.⁴³

COUZINS’ RISE TO PROMINENCE AS A NATIONAL WOMAN SUFFRAGIST

In fact, it was Couzins’ relationship with these two women—Elizabeth Cady Stanton and Susan B. Anthony, who together spearheaded the suffrage movement in the late nineteenth century—that launched her career as one of the nation’s most prominent advocates for women’s rights. Like Stanton and Anthony, Couzins was a member of the Equal Rights Association (ERA), a national group of suffragists formed in 1866. The ERA’s members were sharply divided over a number of issues, including political affiliations and larger strategy questions. But the most polarizing issue was whether to support the Fifteenth Amendment to the U.S. Constitution, which was before Congress in January, 1869, and was adopted in February.⁴⁴ The Amendment directly prohibited states from depriving black men of the right to vote.⁴⁵ The

⁴¹ Phoebe Couzins, *Half a Loaf*, THE REVOLUTION (July 8, 1869), reprinted in REVOLUTION IN WORDS, *supra* note 37, at 55 (emphasis in original).

⁴² Phoebe Couzins, *Scripture: Dishwashing is Man’s Work*, THE REVOLUTION (May 19, 1870), reprinted in REVOLUTION IN WORDS, *supra* note 37, at 216 (emphasis in original).

⁴³ It is unclear how, exactly, Couzins met and developed a relationship with Elizabeth Cady Stanton and Susan B. Anthony. The most likely explanation is that Couzins’ early involvement in WSAM brought her in touch with Stanton and Anthony in 1868 or 1869, and that Stanton and Anthony took an immediate liking to her such that by May, 1869, Couzins was given a prominent place at the Equal Rights Convention in New York. Alternatively, Couzins may have been asked to join the ERA Convention by someone else, where she then met Stanton and Anthony.

⁴⁴ The 15th Amendment was ratified by the states in 1870.

⁴⁵ See JUDITH PAPACHRISTOU, WOMEN TOGETHER: A HISTORY IN DOCUMENTS OF THE WOMEN’S MOVEMENT IN THE UNITED STATES 55-65 (1976).

Stanton-Anthony camp argued that women should oppose the Amendment because it created “an aristocracy of sex,” granting to former male slaves the right to vote but denying it to all women, black or white.⁴⁶ Women, they felt, should come “first.”⁴⁷ In contrast, Lucy Stone, Julia Ward, and Mary Livermore, among others, thought the amendment was a step in the right direction and could be used to press patiently for women’s right to vote. At the ERA’s annual meeting in New York in May, 1869, at which Couzins spoke against the Fifteenth Amendment,⁴⁸ the majority of the ERA’s members voted to support it. Immediately thereafter, Stanton, Anthony, and their supporters, including Couzins, left the ERA and formed the National Woman Suffrage Association (NWSA). In November of that same year, the opposing faction formed the American Woman Suffrage Association (AWSA).⁴⁹

The differences between the groups were stark in the 1870s and the first half of the 1880s. AWSA was considered the more moderate of the two, focusing exclusively on suffrage and refusing to become “sidetracked” by other issues. Although it was well organized at the national level, AWSA pressed patiently but consistently for piecemeal reform in the states. The AWSA leadership disagreed sharply with the more belligerent and impatient NWSA.⁵⁰ Judith Papachristou writes, “[T]he National insisted on defining women’s rights broadly and sought sweeping federal changes. It attacked and demanded change in all aspects of American life that concerned women and refused to limit its agitation to the vote, although the National agreed with the American that suffrage was the fundamental reform women needed.”⁵¹ Unlike AWSA,

⁴⁶ See 2 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 378.

⁴⁷ See PAPACHRISTOU, *supra* note 45, at 67.

⁴⁸ See discussion *infra*, p. 13.

⁴⁹ See PAPACHRISTOU, *supra* note 45, at 55-66. As a consequence of the debate over the 15th Amendment, NWSA members rejected ties with male abolitionists such as William Lloyd Garrison, Wendell Phillips, and Frederick Douglass, of whom they were suspicious. The AWSA retained connections with these individuals throughout its history. See *id.* at 56, 67.

⁵⁰ See *id.* at 66-67.

⁵¹ *Id.* at 67.

battl[ed] for over thirty years for a fraction of a principle.”⁵⁷ Couzins called for women to protest the Amendment and their inability to vote, rather than “stand quietly back and obsequiously say they are willing that the floodgates shall be opened and a still greater mass of ignorance, vice and degradation let in to overpower their little army, and set this question back

⁵² See *id.* Papachristou writes at length about the history of AWSA and NWSA on pp. 66-85; see also SHOW ME MISSOURI WOMEN, *supra* note 26, at 174.

⁵³ Couzins left the ERA with Stanton and Anthony to form NWSA. Further, when the Woman Suffrage Association of Missouri aligned itself with AWSA in 1871, Couzins resigned. See 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 603.

⁵⁴ 2 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 387.

⁵⁵ *Id.* at 388.

⁵⁶ *Id.* at 387.

⁵⁷ *Id.* at 387-88.

for a century....”⁵⁸ Perhaps predicting her own future career, Couzins concluded: “Their solemn duty to future generations forbids such a compromise.”⁵⁹

After the ERA convention, Couzins’ activism took her to meetings in Missouri and speeches in San Francisco.⁶⁰ By 1874, when she addressed the NWSA annual convention in Washington, D.C., Couzins had become a figure of national prominence. Over the next ten years, Couzins entrenched her role as one the nation’s most preeminent suffragists: she traveled with Elizabeth Cady Stanton and Susan B. Anthony to meet with women’s groups around the country; she took up the cause of temperance; she addressed the delegates at annual NWSA conventions four times; she stood with Susan B. Anthony to present the Declaration of Women’s Rights at the nation’s Centennial Celebration; she became the first woman to speak at a national political convention; she lectured extensively in the Midwest and West for more than a year; and she testified at least three times before the House Judiciary Committee on woman suffrage bills.⁶¹ These activities elevated Couzins’ prominence as a women’s rights activist to such an extent that, by 1884, she “was as much a part of the suffragist scene as were her friends and contemporaries Susan B. Anthony and Elizabeth Cady Stanton.”⁶²

Couzins’ success as an orator and activist was due in large part to her ability to captivate audiences. This unusual skill was best documented in a series of newspaper articles written during her lecture tour in the Midwest between late 1877 and early 1879. On this tour, she enchanted large audiences with lectures about women’s rights. After speaking in Missouri on “The Education of Woman,” in May, 1878 Couzins gave a speech to 3,000 people in Whitewater,

⁵⁸ *Id.* at 387.

⁵⁹ *Id.*

⁶⁰ See 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 602; State Historical Society of Missouri, *Missouri Women in History: Phoebe Couzins*, 61 MISSOURI HISTORICAL REVIEW (July, 1967) (back cover) [hereinafter *Missouri Women in History*].

⁶¹ See *infra*, generally, for citation information.

⁶² MORELLO, *supra* note 21, at 47.

Wisconsin, only to be asked to return the following June after she spoke at a county fair in Michigan.⁶³ A speech in Augusta, Illinois in November of the same year drew 500 people—a remarkable figure considering there were only 1,000 residents.⁶⁴ Another speech entitled “Woman Without a Country” earned Couzins accolades throughout the Midwest.⁶⁵

But attendance figures fail to capture how venerated Couzins had become in the 1870s, and why. The *Missouri Republican* called Couzins “one of the most attractive of lecturers” who could command the “deepest attention.”⁶⁶ One letter to the editor of the *Republican* stated that Couzins’ November, 1878 speech in Augusta, Illinois was “elevated and pure—far above drivelling [*sic*] sentimentalities, and an eloquent plea for the broader, fuller intellectual physical development of her sex.” The letter concluded, “To the reasoner of the day, her sentiments have become almost axioms...God bless the girl from St. Louis.”⁶⁷ The *Republican* said of the same speech, “[I]t was a fresh and logical dissertation upon the evils that afflict society in its compass of the woman problem, and every idea was presented with a bristling point that stuck fast to the mark.”⁶⁸ The secretary of the Milwaukee Lecture Society told the *Republican* in December, 1878:

No one can sit under [Couzins’] magnetic eloquence, hear her beautiful, rhythmic sentences flowing as pure at times as the blank verse of the older poets,

⁶³ See Frank T. Baldwin, *Letter to the Editor, Miss Couzins Lecturing in Illinois*, MISSOURI REPUBLICAN, Nov. 25, 1878 (no page number available) (on file with the Missouri Historical Society).

⁶⁴ See *id.*; see also MISSOURI REPUBLICAN, Dec. 12, 1878 (no page number available) (untitled, undated newspaper clipping on file with the Missouri Historical Society) (stating that Couzins left on December 12, 1878 for an extended lecture tour in Illinois and Missouri).

⁶⁵ See, e.g., MISSOURI REPUBLICAN, Nov. 30, 1877 (no page number available) (untitled, undated newspaper clipping on file with the Missouri Historical Society).

⁶⁶ *Miss Phoebe Couzins*, MISSOURI REPUBLICAN, Mar. 24, 1878, at 8 (on file with the Missouri Historical Society). See also *A St. Louis Lady Abroad*, MISSOURI REPUBLICAN, May 10, 1878 (no page number available) (on file with the Missouri Historical Society).

⁶⁷ Baldwin, *supra* note 63 (no page number available).

⁶⁸ *Account of her lecture at Augusta, Illinois, Nov. 21, 1878*, MISSOURI REPUBLICAN, Nov. 25, 1878, at 5 (on file with the Missouri Historical Society).

or ponder over her grand thoughts without being a better man or woman. Her style is easy, graceful, and natural—devoid of all tricks of oratory.⁶⁹

Much of Couzins' popularity was due to her engaging demeanor and style. Elizabeth Cady Stanton once remarked that Couzins "appealed to the heart"⁷⁰ and spoke with "a deep, rich voice" in a "calm, dignified" manner.⁷¹ Stanton also wrote that Couzins once gave a lecture at a NWSA convention about "Woman as Lawyer," a "subject which, in most hands, would have put the audience to sleep, but in hers, kept them wide awake with laughter and applause at her brilliant sallies."⁷² Couzins was widely regarded as having a "pretty face and feminine mien," and often sang to audiences after her speeches with a "great deal of sweetness and

⁷³ When an old woman stood ranting at the 1874 NWSA Convention in Washington, D.C., "Miss Couzins descended from the platform, and accomplished with her winning ways

⁷⁴ In 1882, the *Hornet* seemed to echo the prevailing sentiment around the nation by calling Couzins "Missouri's brilliant female lawyer," and praised her for "ladylike manner and her bright talents." The paper concluded, "Miss Cozzins [*sic*] is one of the 'woman's rights' women we feel proud of."⁷⁵ In short, Couzins' abilities as an eloquent lecturer and stirring orator were a crucial reason for her rapid rise and enduring career as a late nineteenth-century woman suffragist.

If Couzins' lecture tour provides insight into her personal skills and way with people, her speeches at national NWSA conventions and testimony before Congress reveal the complex

⁶⁹ MISSOURI REPUBLICAN, Dec. 12, 1878, *supra* note 64 (no page number available).

⁷⁰ 2 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 543.

⁷¹ *Editorial*, MISSOURI REPUBLICAN, Oct. 26, 1873, at 7. Stanton went on to say that Couzins moved "her audience alike to laughter and tears. Fine-looking, well-dressed, straight as an Indian girl, head erect, her whole appearance was pleasing." *Id.*

⁷² 2 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 542.

⁷³ *A St. Louis Lady Abroad*, *supra* note 66 (no page number available).

⁷⁴ 2 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 543.

arguments, recurring themes, and persistent eloquence she used to argue for women’s enfranchisement. Contributing greatly to Couzins’ arguments—and her success as a women’s rights activist—was her legal background. In *The History of Woman Suffrage*, fellow suffragist Elizabeth Cady Stanton remarked generally that while Couzins never really practiced law,⁷⁶ “the knowledge and discipline acquired in the study of our American system of jurisprudence and constitutional law have been of essential service to her in the prolonged arguments on the enfranchisement of woman.”⁷⁷

Stanton’s observation about the critical role that Couzins’ legal education played in her arguments for woman suffrage rings especially true in Couzins’ speeches. For example, in October, 1873, and again at the 1874 NWSA annual convention, Couzins gave a speech entitled “Woman as Lawyer.”⁷⁸ But it is in Couzins’ multiple reviews of the 1874 U.S. Supreme Court case *Minor v. Happersett*⁷⁹ that we see most clearly what Stanton was referring to. In that case, suffragist Virginia L. Minor sued the St. Louis registrar for refusing to permit her to register as a Missouri voter.⁸⁰ After the case found its way to the U.S. Supreme Court, the Court unanimously rejected the contention that the federal Constitution necessarily granted to citizens the right to vote, holding that the framers would have explicitly included women if that was their intention.⁸¹ Moreover, the Fourteenth and Fifteenth Amendments did not add to the

⁷⁵ THE HORNET (Missouri), Feb. 11, 1882 (no page number available) (untitled newspaper clipping on file with the Missouri Historical Society). For secondary sources concerning Couzins’ popularity during this time period, see MORELLO, *supra* note 21, at 47; FROM HARDSHIP AND HOPE, *supra* note 6, at 111-12.

⁷⁶ See discussion *supra*, p. 8.

⁷⁷ 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 611; see also AMERICAN NATIONAL BIOGRAPHY, *supra* note 12, at 599 (stating that Couzins “cleverly used the skills, discipline and knowledge she gained” in law school “to undergird her arguments in favor of suffrage for women”).

⁷⁸ See MISSOURI REPUBLICAN, Oct. 26, 1873, at 7 (untitled newspaper clipping on file with the Missouri Historical Society); 2 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 542. Unfortunately the text of this speech is unavailable.

⁷⁹ 88 U.S. (21 Wallace) 162; 21 L. Ed. 627.

⁸⁰ For background on *Minor v. Happersett*, see PAPACHRISTOU, *supra* note 45, at 104-05.

⁸¹ See *Minor*, 88 U.S. at 173.

privileges and immunities of black citizens—it only protected them, and so could only protect the “existing” rights of women, not add “new” ones. As for conferring the right of suffrage to black men, “No new voters were necessarily made.... Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage...but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen.”⁸² Thus, “[t]he United States has no voters in the States of its own creation”⁸³ and “the Constitution of the United States does not confer the right of suffrage upon any one....”⁸⁴ *Minor*, then, left woman suffragists to fight for the right to vote on a state-by-state basis.

Couzens first discussed *Minor* at the NWSA annual convention in Washington, D.C. in 1876.⁸⁵ Then, in 1880 Couzens reviewed the case before the House Judiciary Committee.⁸⁶ Couzens condemned the case as a decision in which “the rights of one-half of the people were deliberately abrogated without a dissenting voice.”⁸⁷ But the bulk of Couzens’ criticism pertained to the implications of *Minor* on the relationship between federal and state authority. The Supreme Court’s decision, Couzens argued, eviscerated federal authority over the states: “It remands woman to the States for her protection, thus giving to the state the supreme authority and overthrowing the entire results of the war, which was fought to maintain national supremacy over any and all subjects in which the rights and privileges of the citizens of the United States are involved.”⁸⁸ Hence, the “supreme law-givers...make our constitutional law to

⁸² *Id.* at 171.

⁸³ *Id.* at 170.

⁸⁴ *Id.* at 179.

⁸⁵ The text of Couzens’ speech at the 1876 convention is unavailable. Elizabeth Cady Stanton wrote simply, “Miss Phoebe Couzens of St. Louis reviewed in an able manner the decision of the Supreme Court
 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 7.

⁸⁶ Couzens made very similar arguments in a letter to the *Missouri Republican* two years earlier. See “*Our Phoebe*” to the *Front*, MISSOURI REPUBLICAN, Dec. 19, 1878 (no page number available) (on file with the Missouri Historical Society).

⁸⁷ 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 170.

⁸⁸ *Id.* at 171.

mean anything or nothing as the case may be.” “[I]f the United States has no citizens, it cannot legislate upon the rights of citizens, and the recent amendments are devoid of authority.”⁸⁹

Noting her audience, Couzins went on to elaborate on the implications of *Minor* for state authority: “[I]f the members of the House of Representatives are elected by State voters, as the Supreme Court has declared, there is no reason why States may not refuse to elect them as in 1860, and thus deprive congress of its power.... [I]f federal suffrage does not exist..., it follows that the South has the right to regulate and control all the questions arising upon suffrage in the several States without any interference on the part of an authority which declares it has no jurisdiction.”⁹⁰ Couzins concluded her speech, as she usually did, with an eloquent metaphor:

Crowning the dome of this great building there stands the majestic figure of a woman representing Liberty. It was no idealistic thought or accident of vision which gave us Liberty prefigured by a woman. It is the great soul of the universe pointing to the final revelation yet to come to humanity, the prophecy of the ages—the last to be the first.⁹¹

Four years before her Congressional testimony in 1880, the decision in *Minor*, coupled with the passage of the Fifteenth Amendment, inspired the criticisms Couzins leveled against America’s treatment of women in her 1876 Centennial Celebration speech in Philadelphia. Couzins appeared alongside Susan B. Anthony to present the Woman’s Declaration of Rights at the Celebration, which sought to celebrate America’s one hundred years of democracy and freedom.⁹² In a poignant speech, Couzins told the large crowd about America’s “ingratitude” to

⁸⁹ *Id.*

⁹⁰ *Id.* at 171-72.

⁹¹ *Id.* at 173. Couzins also reveals her sarcasm during this speech, referring to language in the court’s opinion that “[b]eing born in the United States, a woman is a person and therefore a citizen,” and responding: “[W]e are much obliged to them for that definition of our identity as persons.” *Id.* at 170. Couzins seems to be referring to the Court’s language, “They are persons...,” and, “Women and children
See Minor, 88 U.S. 166 at 174.

⁹² *See* 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 36; MORELLO, *supra* note 21, at 47. Women had been any official position in the ceremony, so Anthony, Couzins, and a few others interrupted it to present the Declaration, and then marched outside to support it. *See* PAPACHRISTOU, *supra* note 45, at 83.

its women, who remained “sojourners in the land of their fathers.”⁹³ She wondered why slaves and immigrants could vote, but not the women “who had tenderly nursed the republic to life

⁹⁴ She pointed out the irony of using the figure of a woman to represent liberty and freedom and yet paying no tribute to her in “these grand centennial celebrations.”⁹⁵ And she lauded the women activists at the Celebration who, in the face of being denied any recognition or role, were “actuated by the same high principles as our fathers, stirred by the same desire for freedom, moved by the same impulse for liberty, [and] were again to proclaim the right of self-government.”⁹⁶ Most importantly, Couzins made clear in a subsequent speech that the vote and recognition of women’s service to the United States were synonymous. By not granting women the right to vote, America “divest[ed] the mother of all the race of all the attributes of a responsible soul,” leaving her “signally ignored, most amazingly unrecognized.”⁹⁷

Couzins’ ERA speech highlights her persistent resentment towards black and immigrant men—specifically, their being granted the right to vote without the concomitant, or even preceding, enfranchisement of women. Couzins’ felt the enfranchisement of black men, but not women, would subjugate black women to an unprecedented extent: “[W]ith this sudden elevation to citizenship, which the mass of stupid, ignorant negroes look upon as entitling them to great honor, I regard the future state of the negro woman...as deplorable.”⁹⁸ Other references contribute to the impression that Couzins, at the very least, strongly resented black men. For

⁹³ 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 38. See also *A Champion of Her Sex: Miss Phoebe Couzins on a Lecturing Tour—“Woman Without a Country,”* MISSOURI REPUBLICAN, Nov. 30, 1877 (no page number available) (on file with the Missouri Historical Society).

⁹⁴ 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 38. Couzins’ discussion of women’s service during the war was no doubt, in part, a tribute to her mother.

⁹⁵ *Id.* at 37.

⁹⁶ *Id.* at 36.

⁹⁷ *A Champion of Her Sex*, *supra* note 93 (no page number available).

⁹⁸ 2 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 387. This quote may indicate that Couzins was generally racist towards black men, but there is not enough information to confirm or deny that interpretation.

example, in her 1876 Centennial Celebration speech, Couzins rebuked America for the fact that “upon this historic soil, stood now the freeman, once a slave, whose liberty and life were given him at the hands of woman” while women were denied the same rights.⁹⁹ “Again,” she continued, “came the colored man in rank and file—and in thought I saw the fifteenth-amendment jubilee, which proclaimed his emancipation. As banner after banner passed me, with the name of Garrison, of Phillips, of Douglass, I looked in vain for the name of Harriet Beecher Stowe...[who] did more to arouse the whole world to the horrors of slavery, than did the words or works of any ten men.”¹⁰⁰ In a subsequent speech in 1877, Couzins suggested that the disparity between women and black (and immigrant) men was especially unfair when “just as great a wrong was perpetrated upon the woman as upon the black race.”¹⁰¹

Couzins’ disdain for the disparity between women and black men was great, but her disdain for the disparity between women and immigrant men was even stronger. This sentiment first appeared in Couzins’ Centennial Celebration speech in 1876.¹⁰² Couzins wondered how “the inhabitants of the far off isles of the sea, India, Asia, Africa, Europe, were gladly welcomed as free citizens, while woman, a suppliant beggar, pleaded...for the simple boon of presenting a protest in silence, against her degradation, and was *denied!*”¹⁰³ But it was in her testimony before the House Judiciary Committee in 1884 that Couzins most fully revealed her resentment towards immigrant men. She told the Committee about a group of immigrants who “hurled” insults at her and other women outside a bar in Nebraska, “men who came to this country to find freedom for themselves and then refusing it to others, assailing the carriage of

⁹⁹ 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 37.

¹⁰⁰ *Id.* at 38.

¹⁰¹ *A Champion of Her Sex*, *supra* note 93 (no page number available).

¹⁰² *See* 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 37.

¹⁰³ *Id.* (emphasis in original).

native-born refined American women!”¹⁰⁴ She argued that these men had been “brutalized with their false estimate of the position of woman” and yet were “endowed with the right to define our happiness and our status before the law.”¹⁰⁵ She admonished the Committee to approve a woman suffrage bill to teach immigrant men, “to whom reason and principles of eternal justice are as dead letters,” that “here woman is revered, her opinions counted, and her personality recognized in a manner such as they have never realized or comprehended under centuries of degradation.”¹⁰⁶ By the last few years of her life, Couzins’ frustration towards male immigrants and their ability to vote developed into a general distaste for “the pauper nobleman of Europe,” monarchies, and anything that was not squarely “Americanism.”¹⁰⁷

It is possible that Couzins’ sentiments against black and immigrant men were signs of a more fundamental dislike of, or resentment towards, men in general. Consider, for example, Couzins speech at the NWSA annual convention in 1882, in which she suggested that men were a hindrance to progress. In that speech, Couzins advocated a resolution that opposed an Alabama senator’s bill, which was aimed at depriving Utah women of the right to vote, and declared: “Retire to your sylvan groves and academic shades, gentleman, as Mrs. Stanton suggests, and let the Deborahs, the Huldahs, and the Vashtis come to the front, and let us see what we can do toward the remedy of your legislation.”¹⁰⁸

¹⁰⁴ SIXTEENTH ANNUAL WASHINGTON CONVENTION, *supra* note 1, at 37-38.

¹⁰⁵ *Id.* at 38-39.

¹⁰⁶ *Id.* at 39. In the same speech, Couzins related how it was “unsafe” for women in Europe to go outside alone during the day without fear of insult, in contrast to the “privileges and freedom of American women.” She attributed the difference to the “spirit of liberty” inspired in America by the Revolutionary War. *See id.* at 37.

¹⁰⁷ *See Phoebe Couzins Wants to Help Anti-Dry Fight: Former Woman Suffrage Leader Tells Post Dispatch Why She Was Wrong*, ST. LOUIS POST DISPATCH, May 9, 1909 (no page number available) (J.E.D. Couzins Collection available at Missouri Historical Society) [hereinafter *Phoebe Couzins Wants to Help Anti-Dry Fight*]. In 1900, Couzins underscored what might be called her patriotism in an extensive pamphlet entitled *Is America Again a Vassal of England?: A Contribution for Patriots* (unidentified pamphlet on file with Missouri Historical Society).

¹⁰⁸ 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 224.

Yet the bulk of Couzins' speeches suggest that, despite her frustration with men and the privileges they enjoyed but denied to women, she believed men and women complemented each other in important, even crucial, ways. In her 1884 testimony before the House Judiciary Committee, for example, Couzins likened the relationship between men and women to a sphinx, a mythical creature that had the head of a woman and the body of a "lion or man." "The woman, the head," she suggested, "to guide and counsel, with the clear calm eyes of wisdom, the man, strength, with the bodily form [sic] of a lion, to subdue and enforce that direction. Every nation that has inverted this divide order or union... 'Thou art already overthrown.'" ¹⁰⁹ Woman, she went on, helped quell man's immorality, warning that "every nation refusing the rightful place of equality to woman has passed into oblivion, overthrown eventually by its train of vices."¹¹⁰ One of those vices was, of course, alcohol.¹¹¹ Couzins' point was that women must be given the right to vote to play their proper role. In 1893, Couzins personalized this theme by writing to President Grover Cleveland and suggesting that his "phlegmatic, masculine behavior" needed her "feminine advice." If he were to get married and have children, then her advice would be unnecessary; until then, however, she told him to "follow my advice throughout your Administration and you will be a complete success."¹¹²

Couzins also revealed much about her thoughts on religion in some of her speeches.

Although it is uncertain how Couzins felt about religion in her life—she herself taught Sunday

¹⁰⁹ SIXTEENTH ANNUAL WASHINGTON CONVENTION, *supra* note 1, at 37.

¹¹⁰ *Id.*

¹¹¹ Almost no information is available on Couzins' temperance activities. She discusses the vice of drinking in a few of her speeches, and she traveled in 1875 with Elizabeth Cady Stanton and Susan B. Anthony to visit Missouri chapters of the Women's Christian Temperance Union (WCTU). *See, e.g.*, 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 221 (discussing how voting women in Utah had "banished" drinking); *id.* at 609 (discussing Couzins' WCTU activities); SIXTEENTH ANNUAL WASHINGTON CONVENTION, *supra* note 1, at 38-39 (discussing the "brutal faces of intoxicated men"). For more information about the WCTU, see PAPACHRISTOU, *supra* note 45, at 85.

¹¹² *Miss Couzins' Comment*, Mar. 18, 1893 (unidentified newspaper clipping from J.E.D. Couzins Collection available at Missouri Historical Society).

school at the Second Baptist Church as a young woman, and later lectured in churches¹¹³—it is clear that she felt religion was one of the means by which men subjugated women.¹¹⁴ In 1882, when Couzins turned her attention to attempts to take away woman’s right to vote in the Utah Territory,¹¹⁵ she addressed the issue of religion broadly. “From time immemorial,” she asserted, “[man] has played upon her religious faith to exalt his own attributes and degrade hers; that through this teaching her abiding belief in his superior capacity to interpret scriptural truths for her has been the means of sacrificing her power of mind, her tender affections, her delicate sensibilities, on the altar of his base selfishness through the ages.”¹¹⁶ She felt particular disdain for the Mormon religion, which she labeled “the absolute faith manifested by the women of Utah in this *ipse dixit* of man’s religious doctrine.”¹¹⁷ She concluded of Mormon women, “[t]heir emancipation must necessarily be slow.”¹¹⁸

Through these speeches, Congressional testimony, lecturing tours, letters and positions, Couzins reveals much about her personality and ideology. She was a stirring and well-liked orator, a determined activist, a critical thinker, a legal resource for the suffrage movement, a serious but at times sarcastic advocate. Moreover, it was through these speeches, testimony, and

¹¹³ See UTAH STATE BAR ASS’N, *supra* note 12 (no page number available); MISSOURI REPUBLICAN, Mar. 24, 1878, *supra* note 66, at 8.

¹¹⁴ Couzins’ views about religion may have been influenced by Elizabeth Cady Stanton, who believed it was a primary means of women’s subjugation by men and therefore should not be a part of the suffrage movement. See PAPACHRISTOU, *supra* note 45, at 86-87.

¹¹⁵ Couzins’ interest in Utah had apparently started much earlier. She was admitted to the bar there in 1872. Professor Carol Madsen indicates that Couzins’ name appears periodically in Utah documents and in the diary of Utah suffragist Emmeline B. Wells. See e-mail communication with Carol Madsen, Professor, Brigham Young University, Dec. 1, 2000 (on file with author).

¹¹⁶ 3 HISTORY OF WOMAN SUFFRAGE, *supra* note 3, at 224.

¹¹⁷ *Id.*

¹¹⁸ *Id.* Yet Couzins admitted that “suffrage for women in Utah has accomplished great good:” “Outside their religious convictions, the women are emphatic in condemnation of wrong. Their votes banished the liquor saloon.... [I]t was as safe for women [at night] as at mid-day.... [N]o sound awoke the stillness but the purling of the mountain brooks which washed the streets in cleanliness and beauty.” *Id.* at 224-25.

letters that Couzins secured her place as one of the nation's foremost suffragists and women's rights activists.

COUZINS' CAREER SHIFT AND DECLINE

Beginning in the early to mid-1880s, Couzins sought to supplement her focus on suffrage with other activities. In 1882, Couzins' name was submitted to President Chester Arthur as a candidate for the commission that was regulating the affairs of the Utah Territory. Karen B. Morello suggests that Couzins was suggested because of her "respected reputation," and because "she was the first woman lawyer in Utah."¹¹⁹ Morello is probably right to suggest that Couzins' legal background played a large role in her nomination; the *St. Louis Spectator*, which disliked both the women's rights movement and Couzins, responded with the following article:

The *Spectator* has a very high respect for Miss Phoebe Cozzens [*sic*], a lady who has earned a wide reputation as a strenuous advocate of a doctrine that is as absurd and impractical in sociology as it is in politics....There has been a vast amount said about the capabilities of women as lawyers, and it is unquestionably true that they may become very learned in the theory of the law, as they may become learned in any science, but they are totally unfit to enter into the courts and practice law; and the very fact Miss Cozzens [*sic*] and the others of her sex who have attempted it do not meet with an encouragement or success is the best proof that can be afforded. They have the privilege but they make no use of it for the very simple and plain reasons that the general public does not want them in any such capacity and because such work is repugnant to their own habits and tastes.¹²⁰

The *Spectator's* response reveals much about the attitudes Couzins had sought to eradicate for the thirteen years before its publishing; the fact that Couzins failed to get the position on the

¹¹⁹ MORELLO, *supra* note 21, at 48. It is unclear whether Georgiana Snow Carleton or Couzins was admitted first to the Utah bar, as both were admitted in 1872. UTAH STATE BAR ASS'N, *supra* note 12 (no page number available).

¹²⁰ MORELLO, *supra* note 21, at 48.

Utah commission may reveal just as much about the degree to which those views were entrenched.¹²¹

But a break came for Couzins in 1884 when she began working as chief clerk for her father, who was the U.S. Marshal for the Eastern District of Missouri. Couzins' father was appointed U.S. Marshal on July 5, 1884 and retained his position until his death in late 1887.¹²² After her father's death, President Grover Cleveland appointed Couzins to serve as U.S. Marshal from September 28, 1887 to November 9, 1887.¹²³ With this *ad interim* appointment, Couzins became the first woman U.S. Marshal in the United States. While in that position, she reportedly "engaged actively in apprehending counterfeiters and other law violators."¹²⁴ Whether it was serving as U.S. Marshal, serving as the first woman U.S. Marshal, or assuming a position held by her esteemed father, Couzins apparently considered the post to be one of her greatest achievements: she asked, before her death, that she be buried with the U.S. Marshal's badge pinned to her chest.¹²⁵

Working alongside her father, and later assuming his position, seemed to inspire Couzins' interest in her family history and, in particular, in her father's service during the Civil War. As early as 1882, and continuing through at least 1905, Couzins corresponded with various people about the origins of her family name. At least two correspondents opined that Couzins was a direct descendant of Jean Cousin, a French Huguenot who discovered the Cape

¹²¹ See *id.* (stating that Couzins was not offered a position on the Commission).

¹²² See e-mail communication with David Turk, U.S. Marshal Office historian, Dec. 5, 2000 (on file with author). It is unclear for how much of this period Couzins served as her father's chief clerk.

¹²³ See *id.* Department of Justice records at the National Archives show that Couzins was sworn in as U.S. Marshal on September 28, 1887, but the records of the federal court of the Eastern District of Missouri show she took the oath of office one day earlier. See *id.*

¹²⁴ *Missouri Miniatures*, *supra* note 12, at 451.

¹²⁵ See *Missouri Women in History*, *supra* note 60 (back cover). Couzins' wish was granted.

of South Africa before fleeing France for Britain around the time of William’s invasion.¹²⁶ As time passed, however, Couzins’ attention focused primarily on establishing the historical record

¹²⁷ During the last fifteen years of her life, her interest in her father’s memory intensified into an obsession. Requests in 1889 to the War Department, for example, to determine whether her father’s public deeds were recorded turned by 1909 into outright assertions that Missouri Governor Hubert Hadley owed his position to her father’s patriotism.¹²⁸

After Couzins left her position as U.S. Marshal in 1887, she reportedly dabbled in a number of other pursuits, including writing and serving as an administrator for the U.S. Census Corps. Neither one materialized into a new career, however.¹²⁹ Despite devoting most of her attention throughout the 1880s to her work for the U.S. Marshal’s office and other potential

¹²⁶ See Letter from E.H. Carmick to Phoebe Couzins 1-3, Mar. 3, 1882 (J.E.D. Couzins Collection available at Missouri Historical Society); Letter from John E. Shipley to Phoebe Couzins 1-5, Dec. 31, 1890 (J.E.D. Couzins Collection available at Missouri Historical Society); unidentified letter (J.E.D. Couzins Collection available at Missouri Historical Society). Couzins later referred to herself as having the blood “of those grand martyrs to human liberty—the French Huguenots.” Couzins, *Is America Once Again a Vassal of England?*, *supra* note 107, at 1-2.

¹²⁷ Couzins’ interest seemed to be motivated by both historical and pecuniary gain. See, e.g., Letter from Phoebe Couzins to Herbert Hadley, *supra* note 6, at 5 (referring to papers she submitted regarding her father for a Congressional bill to provide “relief of the Enrolled Militia, who have never been paid”).

¹²⁸ See Letter from Captain, U.S. Army War Department to Phoebe Couzins 1-2, Nov. 19, 1889 (J.E.D. Couzins Collection available at Missouri Historical Society) (asking whether her father was recorded as an officer in the “late war”); Letter from C.S. Broadhead to Phoebe Couzins 1-3, Jan. 12, 1905 (J.E.D. Couzins Collection available at Missouri Historical Society) (same). For her assertions regarding Hadley, see, e.g., Letter from Phoebe Couzins to Herbert Hadley, *supra* note 6, at 1-6 (“[Y]ou are the inheritor of this precious legacy of an undivided Union, which makes it possible for you to sit in the gubernatorial chair of Missouri, by and through the matchless patriotism of this little band of Spartan heroes,” of which her father was one. Couzins added: “When I review all the versatile marvellous [*sic*] things which were done by this versatile and indomitable loyalist[,] my father, I am moved to tears that he has been so little recognized at his true worth.”).

¹²⁹ See FROM HARDSHIP AND HOPE, *supra* note 6, at 112; MORELLO, *supra* note 21, at 48. The State Historical Society of Missouri asserts that, “[w]ell-posted on politics, Miss Couzins was the author of several standard works” but provides no references for support. See MISSOURI DAY BY DAY, *supra* note 5, at 164.

careers, Couzins continued to lecture on behalf of women’s suffrage and remained a prominent figure in the national women’s rights movement.¹³⁰

Couzins’ prominence as a woman suffragist, however, was not to last. The turning point came in 1890, when she was appointed secretary of the Board of Lady Managers for the World’s Columbian Exposition, also called the Chicago World’s Fair.¹³¹ The Fair, which occurred in 1893, was designed to celebrate Columbus’ discovery of the American continent and America’s “emergence from the carnage and bitterness of the [Civil] [W]ar as a reunified nation of unrivaled power and wealth.”¹³² A week-long Congress of Women, attended by roughly 150,000 women from twenty-seven countries, opened the Fair. The Congress was organized by the Board of Lady Managers, whose chair was wealthy Chicago socialite Bertha Potter Palmer.

Palmer exemplified the compromising approach to woman suffrage that had taken center stage by 1890. NWSA and AWSA had merged in 1890 into a single organization, the National American Woman Suffrage Association (NAWSA). Members of NWSA and AWSA realized that their strategies needed review, given how little progress either group had made. NAWSA, then, sought to emphasize the common ground between AWSA and NWSA—namely, that the ballot was the key to larger social reform and that suffrage efforts were needed at both state and national levels.¹³³ Some viewed the merger as NWSA’s capitulation to members of the former AWSA, and imputed this to the Board of Lady Managers.¹³⁴ This may be why Susan B. Anthony played only a small part in the World’s Fair, and Elizabeth Cady Stanton did not even

¹³⁰ See OSCAR LEWIS, *SILVER KINGS: THE LIVES AND TIMES OF MACKAY, FAIR, FLOOD, AND O’BRIEN, LORDS OF THE NEVADA COMSTOCK LODE* 202, 205 (1947).

¹³¹ See Certificate appointing Phoebe Couzins to be a member of the Board of Lady Managers of the Chicago World’s Fair, Oct. 23, 1890 (J.E.D. Couzins Collection available at Missouri Historical Society).

¹³² DONALD L. MILLER, *CITY OF THE CENTURY: THE EPIC OF CHICAGO AND THE MAKING OF AMERICA* 488 (1996).

¹³³ See PAPANICHAIOU, *supra* note 45, at 82-86.

¹³⁴ See SHOW ME MISSOURI WOMEN, *supra* note 26, at 174.

attend.¹³⁵ Writing about the World’s Fair, Donald L. Miller adds: “The fair did give strong impetus to the women’s movement, whose leaders played a critical role in pressuring Congress to create a Board of Lady Managers and to commission a separate Woman’s Building designed by a woman architect. But the exhibits on display in Sophia G. Hayden’s classically proportioned building emphasized woman’s traditional roles as education, housekeeper, and

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It is likely that Couzins, like many of her contemporaries, identified the Board of Lady Managers with the former AWSA leadership. In keeping with her lifelong rejection of AWSA’s goals and strategy,¹³⁷ Couzins disagreed strongly with her fellow Lady Managers.¹³⁸ Her differences were so acute, in fact, that she was dismissed from the Board in 1891 after attempting to appropriate control from Palmer.¹³⁹ Couzins sued unsuccessfully for reinstatement in *Couzins v. Palmer et al.* (1891).¹⁴⁰ Most authors suggest that Couzins resented the attention being paid to newer, wealthy suffragists because she felt that older pioneers like

¹³⁵ See *id.* at 174. Judith Papachristou points out that Anthony’s absence and Stanton’s minimal involvement may not have reflected any ideological or personal misgivings, but rather the simple fact by 1890, the women’s rights movement had progressed to such a point that both Anthony and Stanton were deemed respectable and more or less mainstream. See PAPACHRISTOU, *supra* note 45, at 85-86. Stanton’s relationship with the movement nevertheless remained sensitive after 1886, when NWSA rejected Stanton’s anti-religious views. See *id.* at 86-87.

¹³⁶ MILLER, *supra* note 132, at 504.

¹³⁷ Couzins had followed Susan B. Anthony and Elizabeth Cady Stanton to found NWSA when the Equal Rights Association split into NWSA and AWSA, and resigned from the Missouri Woman Suffrage Association when it aligned itself with the more conservative AWSA. See discussion *supra*, p. 13 n.53.

¹³⁸ For more information on Couzins’ disputes with the Lady Managers, see JEANNE MADELINE WEIMANN, *THE FAIR WOMEN* (1981).

¹³⁹ See *AMERICAN NATIONAL BIOGRAPHY*, *supra* note 12, at 600. The Utah State Bar Association is incorrect to suggest that Couzins’ “feminist career soured when a more conservative leadership took over the UTAH STATE BAR ASS’N, *supra* note 12 (no page number available).

Couzins’ career soured when conservatives took over the *national* movement; Couzins had resigned from the Missouri group long before, in 1871. See discussion *supra*, p. 13 n.53.

¹⁴⁰ See *Miss Couzin’s [sic] Case*, *MILWAUKEE JOURNAL*, Apr. 29, 1891, at 1; *AMERICAN NATIONAL BIOGRAPHY*, *supra* note 12, at 600; KATHARINE T. CORBETT, *IN HER PLACE: A GUIDE TO ST. LOUIS WOMEN’S HISTORY* 199 (1999). Seven days earlier the *Milwaukee Journal* reported that Couzins had falsely stated that at least two of the Board members endorsed her. See *May Not Serve On Board*, *MILWAUKEE JOURNAL*, Apr. 4, 1891, at 2. Unfortunately little other information about the case is available.

herself were being ignored. Disappointed in both the direction of the women's rights movement and in her fading role in it, by 1893 Couzins had become a bitter critic of these suffragists.¹⁴¹ Karen B. Morello writes that Couzins, who was "once the most powerful speaker in a room, began to snipe from the back of lecture halls, bringing up previous slights and generally refusing to cooperate with the new order."¹⁴²

It is difficult to believe that disagreement with the trajectory of the suffrage movement and personal distaste for newer, wealthy suffragists could cause Couzins, a nationally-renowned and pioneer woman suffragist, to renounce her beliefs. Yet that is apparently what happened. From around 1897 to at least 1909, four years before her death, Couzins lectured and wrote in opposition to women's enfranchisement.¹⁴³ Karen B. Morello writes that "[n]ewspapers loved the irony of the situation, but those who knew Phoebe Couzins were saddened by this turn of events."¹⁴⁴

¹⁴¹ See FROM HARDSHIP AND HOPE, *supra* note 6, at 112; MORELLO, *supra* note 21, at 48-49.

¹⁴² MORELLO, *supra* note 21, at 49. The tension between Couzins and Palmer, Anna Shaw, and other AWSA suffragists continued after the World's Fair. For example, one woman wrote in a letter in January, 1898, that "[j]ust now we are busy getting up a benefit for Miss Cousins [*sic*], whom Anna Shaw said from the platform in Iowa was crazy and had been for the past six years." But apparently Couzins remained well-respected by many, as the woman added: "All her old friends are rallying to her support....She has many friends in the city of St. Louis of the highest position and moreover she had what Anna Shaw has not ie, birth, breeding, and brains." Letter from V.C. Whitney to Mrs. Blare 1, Jan. 18, 1898 (J.E.D. Couzins Collection available at Missouri Historical Society).

¹⁴³ See FROM HARDSHIP AND HOPE, *supra* note 6, at 112; AMERICAN NATIONAL BIOGRAPHY, *supra* note 12, at 599. It is not clear exactly when Couzins reversed her views, but AMERICAN NATIONAL BIOGRAPHY, *supra* note 12, at 599, cites 1897, which comports with the available evidence. The Dictionary of Missouri Biography is incorrect to suggest that Couzins only "briefly renounced" her commitments to suffrage and temperance. See DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 6, at 211 (stating that "Couzins retracted her renunciation of women's rights activities at the Church of the West in Kansas City in 1902"). As late as 1909 Couzins continued to lecture that women should not be granted the right to vote. See, e.g., *Miss Couzins in Town: Reiterates Change of Views Relative to Suffragette Movement—Against Prohibition*, THE STAR (St. Louis), May 9, 1909 (no page number available) (J.E.D. Couzins Collection available at Missouri Historical Society) [hereinafter *Miss Couzins in Town*]; unidentified newspaper clipping, May 12, 1909 (no page number available) (J.E.D. Couzins Collection available at Missouri Historical Society) [hereinafter Unidentified newspaper clipping]; *Phoebe Couzins Wants to Help Anti-Dry Fight*, *supra* note 107 (no page number available).

¹⁴⁴ MORELLO, *supra* note 21, at 49.

¹⁴⁹ This implies that Couzins thought women's role at home, without the vote, was temporary; that is, women's lack of intellectual development and education, not their inherent nature, precluded the value of their vote. Second, Couzins admitted that society's

¹⁴⁵ *Phoebe Couzins Wants to Help Anti-Dry Fight*, *supra* note 107 (no page number available); *Miss Couzins in Town*, *supra* note 143 (no page number available).

¹⁴⁶ *Phoebe Couzins Wants to Help Anti-Dry Fight*, *supra* note 107 (no page number available).

¹⁴⁷ *Id.* On a more sour note, Couzins added: "I did not think so in my younger days, when I was hanging around committee rooms, humbly pleading and begging the men for a hearing." *Id.*

¹⁴⁸ Unidentified newspaper clipping, *supra* note 143 (no page number available).

treatment of women were largely responsible for their oppression: “As for a woman’s virtue, it is in no greater peril than man’s when she is influenced by intoxicants, and, as for her reformation, it is the stigma of disgrace placed upon her by society which she is not able to overcome when she had a bad habit.”¹⁵⁰ Third, Couzins took a surprisingly modern view of divorce, asserting that “[i]f a woman is not satisfied with her first husband, she should try

¹⁵¹ Finally, even if Couzins did truly renounce her support of woman suffrage, she may not have been perceived as having done so: the *St. Louis Post Dispatch* reported this 1909 speech and yet simultaneously labeled Couzins “the Susan B. Anthony of the West in the fight for woman suffrage.”¹⁵² Of course, despite any nuances that may have made Couzins’ renunciation of woman suffrage slightly weaker than it might otherwise have been, available documents clearly demonstrate that Couzins did withdraw her support for women’s enfranchisement, probably due to her frustration at being unappreciated and her personal and ideological differences with newer suffragists.

Whatever nuances existed in Phoebe’s change of heart regarding woman suffrage, her repudiation of temperance was unequivocal. In the late 1890s, Couzins began work for the United Brewers’ Association as an anti-prohibition lobbyist and lecturer.¹⁵³ She argued that prohibition was a “commercial disaster” for farmers and the government, and that by making liquor a “forbidden fruit” it corrupted the morals of the younger generation.¹⁵⁴ Couzins’ anti-prohibition activities, like her anti-suffrage efforts, continued as late as 1909, only four years

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Phoebe Couzins Wants to Help Anti-Dry Fight*, *supra* note 107 (no page number available).

¹⁵³ See FROM HARDSHIP AND HOPE, *supra* note 6, at 112. The exact year the Brewers’ Association hired Couzins is uncertain.

¹⁵⁴ Unidentified newspaper clipping, *supra* note 143 (no page number available); *Miss Couzins in Town*, *supra* note 143 (no page number available).

before her death, when she returned to Missouri from Washington, D.C. to “know the result of the fight between the wet and the dry factions of her native State.”¹⁵⁵

The late 1890s and early twentieth century brought not only monumental changes in Couzins’ politics, but great financial misfortune, as well. Couzins’ father left no pension for his family, although Couzins successfully helped her mother petition the War Department for a service pension,¹⁵⁶ and eased her own financial burdens by living in the family home in St. Louis throughout most of the 1880s. By 1889, however, Couzins was living primarily in Washington, D.C., supporting herself by writing articles for newspapers and periodicals.¹⁵⁷ The paid position of secretary to the Board of Lady Managers helped to mitigate her financial problems until she was removed from that position in 1891.¹⁵⁸ In addition, in 1895, newspapers, in particular the *San Francisco Call*, reported that Couzins said she had been engaged to silver millionaire and former U.S. Senator James G. Fair. However, there is little, if any, indication that Couzins sought pecuniary gain from this announcement.¹⁵⁹

Couzins’ financial troubles were compounded by other factors. She suffered from chronic arthritis from the mid-1890s until her death in 1913. Finding that, even with crutches or

¹⁵⁵ Unidentified newspaper clipping, *supra* note 143 (no page number available).

¹⁵⁶ See CORBETT, *supra* note 140, at 199; Letter from Captain, U.S. Army War Department to Phoebe Couzins, *supra* note 128, at 1.

¹⁵⁷ See CORBETT, *supra* note 140, at 199. Couzins was, however, still active as a lecturer until at least 1895. See LEWIS, *supra* note 130, at 202.

¹⁵⁸ See AMERICAN NATIONAL BIOGRAPHY, *supra* note 12, at 600.

¹⁵⁹ See LEWIS, *supra* note 130, at 202-05. Couzins told the *Call* that she had developed a friendship with Fair in Washington D.C. while he was in office, which would have been between March, 1881 and March, 1887, when he lost his bid for re-election. See U.S. Senate history at <http://bioguide.congress.gov> (visited 2/20/01). Couzins spent much of this period in Washington. While Couzins did suggest that Fair’s children sought to preclude Fair from honoring his promise to marry Couzins, there is no indication she sought financial gain through disclosure of her relationship. Not only was Couzins reticent to discuss her relationship with Fair, the *Call* reporter who wrote the story added: “She is altogether different from other women who once were passion-flames around the dead millionaire....She will offer no petition of any sort for a share of the millions that were once pledged to her use.” LEWIS, *supra* note 130, at 205. Lewis’ account of the facts, however, may contain mistakes. He indicates, for example, that the two spent time together in Chicago in 1893 while Couzins served on the Board of Lady Managers. Couzins had been

Id. A newspaper clipping in from 1909 stated that “Miss Couzins is in rather feeble health, rheumatism having made inroads upon her once robust health. Her mind, however, is vigorous.” *Miss Couzins in Town*, *supra* note 143 (no page available).

¹⁶¹ See CORBETT, *supra* note 140, at 200.

¹⁶² See *id.*; AMERICAN NATIONAL BIOGRAPHY, *supra* note 12, at 600.

¹⁶³ CORBETT, *supra* note 140, at 200. Corbett explains that the Charless Home was “founded as a private refuge for elderly middle-class women without family or funds,” and that it “might have accepted [Couzins] despite her difficult personality and physical disabilities. The specter of institutional living may have been such an anathema to Couzins that she chose independence at any price.” *Id.* Corbett also suggests that after 1908, Couzins returned permanently to St. Louis from Washington, D.C., but Missouri newspaper articles and letters Couzins wrote to Missouri governor Herbert Hadley suggest she was in Washington until at least 1911. See, e.g., *Miss Couzins in Town*, *supra* note 143 (no page number available); unidentified newspaper clipping, *supra* note 143 (no page number available); *Phoebe Couzins Wants to Help Anti-Dry Fight*, *supra* note 107 (no page number available). Couzins did write one letter in April, 1911, on Terminal Hotel St. Louis stationery. See Letter from Phoebe Couzins to W.K. Bixby, *supra* note 160, at 1.

¹⁶⁴ See DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 6, at 211.

¹⁶⁵ Letter from Phoebe Couzins to Herbert Hadley, Governor of Missouri 1, Nov. 2, 1910, *microformed on Papers of Herbert S. Hadley, 1830-1943* (State Historical Society of Missouri).

¹⁶⁶ See, e.g., Letter from Phoebe Couzins to W.K. Bixby, *supra* note 160, at 1-5; DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 6, at 211 (stating that Couzins began to solicit financial assistance from “St. Louis friends such as I.H. Lionberger and William Bixby”).

¹⁶⁷ See Letter from Couzins to Bixby, *supra* note 160, at 2.

Couzins wrote at least seven letters to Missouri Governor Herbert Hadley and President William Taft, asking them to intervene in the “robbery of myself” by the son-in-law of Adolphus Busch, President of the Anheiser Busch Company. Busch’s son-in-law, she asserted, had swindled her out of the annuity promised to her by Busch for her services to the United Brewers Association.¹⁶⁸

The convergence of political changes in the suffrage movement, personal disputes, financial troubles, and deteriorating health led Couzins to be overcome by bitterness and egotism in the last years of her life. In one of her letters to Herbert Hadley, accusing Adolphus Busch’s son of stealing her pension, Couzins wrote in 1910:

I will know if there is no punishment for men who will take a woman of National reputation and standing (who has been their brilliant friend and defender in Congress and elsewhere...) by the throat and throw her to the dogs—with as much nonchalance as they would toss a dead cat onto an ash heap.¹⁶⁹

By 1911, Couzins seemed to look with great sadness upon her life. Asking family friend William Bixby for financial assistance to “ride out of this...horrible complication,” Couzins scrawled at the end of her letter, “If you care to see me, I shall be glad to explain further, but, I hate to ask busy men to stop and hear this tale of misfortune.”¹⁷⁰

¹⁶⁸ See, e.g., Letter from Phoebe Couzins to Herbert Hadley, Governor of Missouri 1-4, Sept. 25, 1910, *microformed on Papers of Herbert S. Hadley, 1830-1943* (State Historical Society of Missouri). In this and other letters, Couzins went so far as to accuse Theodore Roosevelt of being part of the plan to deprive her of her annuity, and opposed the U.S. Supreme Court nomination of Charles Nagel, Taft’s Secretary of Commerce and Labor, on the same grounds. See Letter from Phoebe Couzins to Herbert Hadley, Governor of Missouri 1, Oct. 2, 1910, *microformed on Papers of Herbert S. Hadley, 1830-1943* (State Historical Society of Missouri); Letter from Couzins to Hadley, Sept. 25, 1910, at 1. To Hadley, she wrote that he should “give attention to one whose parents made it possible for...you to stand on free soil.” Phoebe Couzins to Herbert Hadley, Governor of Missouri 1, Oct. 12, 1910, *microformed on Papers of Herbert S. Hadley, 1830-1943* (State Historical Society of Missouri).

¹⁶⁹ Letter from Couzins to Hadley, Oct. 2, 1910, *supra* note 168, at 4. In countless other letters, Couzins referred to herself in such terms. See, e.g., Letter from Couzins to Hadley, Sept. 25, 1910, *supra* note 168, at 1; Letter from Couzins to Hadley, *supra* note 6, at 5.

¹⁷⁰ Letter from Couzins to Bixby, *supra* note 160, at 3.

The last mention of Couzins was probably a small note in the *Women Lawyers' Journal* of 1913, stating that Couzins was destitute and “desperately looking for business.”¹⁷¹ Couzins died in St. Louis on December 6, 1913, survived by only her brother John.¹⁷² A childhood friend reportedly paid for her funeral and burial in Bellefontaine Cemetery in St. Louis, which was attended by only six people.¹⁷³ *The New York Times* devoted a small column on page nineteen of the December 7, 1913 edition to her obituary, which was entitled “Phoebe Couzins Dies at 72: First Woman Lawyer in United States Succumbs in Poverty.”¹⁷⁴ It was not until 1950, when a group of Missouri women lawyers sought to recognize Couzins’ accomplishments, that a stone monument was erected on her previously unmarked grave.¹⁷⁵

CONCLUSION

Phoebe Couzins’ repudiation of her former causes demands caution in granting to her an unqualified place in women’s rights history. Her bitterness, arrogance, and renunciation of her commitment to women’s rights in the last two decades of her life gave credence to those who argued that women should not be granted the right to vote, and yielded profound consequences for her historical memory. Karen Corbett is right to suggest that Couzins “was unable to use her many advantages to create a lasting place for herself,”¹⁷⁶ although not because Couzins was unimportant. Rather, Couzins’ renunciation of her support for temperance and woman suffrage seems to have ensured her almost complete alienation from both her

¹⁷¹ MORELLO, *supra* note 21, at 49. The *Women Lawyers' Journal* published a follow-up article, by Raye Smith, entitled *A Light that Failed*. 2 W.L.J. 45 (1914).

¹⁷² See *Phoebe dies at 72*, *supra* note 14, at 19; CORBETT, *supra* note 140, at 200.

¹⁷³ See FROM HARDSHIP AND HOPE, *supra* note 6, at 113; UTAH STATE BAR ASS’N, *supra* note 12 (no page available); CORBETT, *supra* note 140, at 200.

¹⁷⁴ *Phoebe dies at 72*, *supra* note 14, at 19.

¹⁷⁵ See DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 6, at 212. Katharine T. Corbett adds that “[t]he circumstances in which [Couzins] died underscored the perils of old age for single women without money or family before the advent of the welfare state.” CORBETT, *supra* note 140, at 199.

contemporaries and from the historical record of the women's rights movement in the late nineteenth century.

This consequence, however, is too severe. Though her life may have ended in “a tale of misfortune,” it was dominated by a striking career as one the nation's most able and popular women's rights activists. Phoebe Wilson Couzins established early in her life her commitment to public service, which was no doubt inspired by her parents' civic involvement. Motivated by a “desire to open new paths for woman,” Couzins attended law school and concurrently became active in the woman suffrage movement. By the early 1880s, Couzins was as active, even if not as prominent, a player in the fight for woman suffrage as were her contemporaries Susan B. Anthony and Elizabeth Cady Stanton. In the height of her career, Couzins traveled with Elizabeth Cady Stanton and Susan B. Anthony to meet with women's groups around the country; she was a regular speaker before Congress and at NWSA annual conventions; she campaigned actively for temperance; she toured on her own and established her reputation as a stirring lecturer; and she stood alongside Susan B. Anthony and Elizabeth Cady Stanton at some of the most momentous events in the history of woman suffrage. Moreover, what Couzins accomplished in her own life reflected what she sought to accomplish for women generally—the freedom to realize their intellectual potential. She was the first woman law graduate in the state of Missouri and the third in the country; she was one of the first women to be admitted to the bar in Missouri, Utah, Arkansas, the Dakota Territory, and the federal courts; she was the first woman ever to address a national political convention; and she was the first woman to be a United States Marshal. It is no wonder that Couzins' photograph graced the inside cover of the third volume, covering 1876-1885, of Elizabeth Cady Stanton's *History of Woman Suffrage*.

¹⁷⁶ CORBETT, *supra* note 140, at 199.

Throughout her life, Couzins remained a forceful, popular lecturer who brought critical thinking, eloquence and vivacity to her work. Perhaps most of all, she brought her diligence. After her funeral in December, 1916, her brother John told a newspaper reporter that her last words were, “If I can get back to Washington, John, and get to work again, things will be all

¹⁷⁷ And indeed things were all right—for with all the qualities, idiosyncrasies and passion that made her a complex and sometimes contradictory woman, Phoebe Wilson Couzins certainly earned for herself a prominent and lasting place in women’s legal and suffrage history.

¹⁷⁷ *Id.* at 200.

FOR FURTHER RESEARCH

Phoebe Wilson Couzins unfortunately left few documents behind to chronicle her life. Her writing career never materialized; she kept no diary or other private writings; and she fell into relative obscurity in the last two decades of her life. To the best of my knowledge, the sources included in this paper's bibliography comprise most of what is available throughout the United States.

Nonetheless, certain avenues for further research do exist, and they point towards available primary, rather than secondary, sources. Most of the secondary sources that discuss Phoebe's life are short biographies that cite other biographies, if they document their sources at all. Consequently, the details in many of these biographies are incorrect. I have tried to point out these inaccuracies throughout my paper. The more reliable biographies are those I cited more frequently in my paper.

The majority of primary documents concerning Phoebe are held in the John E.D. Couzins collection at the Missouri Historical Society. These documents are comprised primarily of Phoebe's letters to family friends, letters regarding her admission to the Washington University law school, and newspaper clippings pertaining to her speeches and activities throughout the nation, especially those in Missouri, the upper Midwest, and Washington, D.C. The documents cover Phoebe's life from roughly 1868 to 1909. A researcher would have to visit the collection in Missouri to determine if there is any more useful information contained in the documents. The U.S. Marshal's Office in Washington, D.C. has no information on Phoebe's brief tenure (in fact, their records indicate the first woman U.S. Marshal was appointed in the mid-twentieth century), but there may be additional information in the National Archives, Civil

Reference Division. The Bar Associations of Utah and Missouri have no additional information beyond that contained in this paper.

The most promising avenues for further research include a survey of the National Woman Suffrage Association documents held by the Library of Congress, including the personal files of Susan B. Anthony and Elizabeth Cady Stanton, and a thorough review of the microfilm editions of the *Missouri Republican*, the *St. Louis Spectator*, the *St. Louis Post Dispatch*, and the *San Francisco Call*. However, this research would probably involve non-indexed references to Phoebe's suffrage activities, making it very time intensive. In addition, Professor of Law Carol C. Madsen at Brigham Young University is currently researching Utah suffragist Emmeline B. Wells, in whose diary Phoebe is mentioned on occasion. Professor Madsen believes that Phoebe may have had some interest in the Mormons of Utah. Karen Tokarz, in her article *Commemoration: A Tribute to the Nation's First Women Law Students*, 68 WASH. U. L.Q. 89 (1990), also refers to a number of promising documents held by the Washington University archives and the *Washington University Law Quarterly*, but these can be viewed only in person.